

in a few sentences and takes painstaking time to address, the remaining sections provide of this case while also supporting the motion for use of the Injunctive powers of this court also further provides background facts to the depth of the assets at stake, the depth of the fraud and claims and part of the basis upon which I will respectfully seek further Leave of this Court to amend my counter-cross complaints filed herein September 22, 2013 and further leave to Add parties but due to the continuing nearly daily distractions by the sharp, abuse of process practices in the Probate Court my proposed Amendments to my Cross-counterclaims are presently only in draft form and I respectfully seek leave of this Court to file and submit a proposed Amended Counter-cross complaint which not only seeks to add claims such as claims under 42 USC Sec. 1983 but also parties as well.

10. I ask this Court to note, however, that even in the process of submitting this Motion-Petition-Complaint herein, I have experienced significant “downtime” at my website where the host Service provider that always responded timely in the past now does not respond sometimes for days and where the basic internet services into my home have been “down” at critical times where deadlines are in play and thus even this submission has been significantly delayed.
11. I further point out that Ted Bernstein who is the one that suggested at the hospital that our father Simon Bernstein may have been poisoned and murdered also said he would be handling things with the authorities and had friend attorneys to do so and was on calls with a lawyer both from Greenberg Traurig and Robert Spallina and where Ted’s “storyline” of how and why he is “in charge” as “Trustee” has changed from day one while the delay denial of operative documents began day one in a case where my father’s body goes “missing” for a week allegedly out for autopsy at one location and where Simon Bernstein’s home computer containing years of valuable business records alone is found “wiped clean” on the night of his passing and where

the Coroner's Report comes back on a 113 yr old male while certainly Simon Bernstein was not that age at the time of passing. See, Email of Ted's Calls Sept 14, 2012¹.

12. As referenced later in this complaint herein, Greenberg Traurig has been publicly identified as being in the middle of major lawsuits for involvement in the multi-Billion Stanford Ponzi scheme where Stanford monies and accounts exceeding a Million dollars for my parents is just one of many items Unaccounted for where Discovery abuse has further occurred.
13. I have attempted to organize this complex set of facts in the most logical and orderly manner under these emergency circumstances where my family grows in increasing imminent danger as described herein.
14. I have read the Local Rules and believe I have complied in good faith and provided advance Notice of this Emergency Application to the involved parties Electronically by Email on Friday, Feb. 19, 2016 as follows:

Service Case #13-cv-03643 - Notice per Local Rule of Application on Emergency Motion / Injunction US District Court Hon. John Robert Blakey
CONFIDENTIAL:

Parties, Attorneys and To Whom It May Concern:

I am writing to give you all as current parties and / or attorneys and representatives for current parties in the Illinois federal court litigation and other parties to be added to the federal court litigation as much advance reasonable notice as possible that I intend to contact Judge Blakey's Courtroom Deputy, Gloria Lewis, at (312) 818-6699, to make a request to set a hearing on an emergency motion which will seek Injunctive relief against all parties currently under jurisdiction of the District Court of Illinois with a further request to enjoin at least temporarily all proceedings in the Court of Probate Judge John Phillips and also add other parties to the action and other relief.

I will be requesting that this application be heard no later than this Tuesday, Feb. 23, 2016 Motion Calendar in Judge Blakey's Court and since my actual filings may not be electronically uploaded until later today and over the weekend that such request be deemed an Emergency and thus appropriate to hear as soon as practical.

¹September 14, 2012 Emails Ted Tescher Spallina and Greenberg Traurig's Jon Swergold
www.iviewit.tv/20120914SpallinaTescherTedGreenbergTraurigSwergoldDayAfterSimonDies.pdf

Please advise of your availability to hear this motion for this coming Tuesday, Feb. 23, 2016.

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15. I assert in good faith that hearing this Motion on an Emergency basis is proper due to a series of extortive, abusive, orchestrated actions of continued abuse of process in the Florida Probate Courts and by the Florida Probate Courts in conspiracy and or acting in concert with fiduciaries, counsel and others that are interfering and threaten to further interfere with this Court's jurisdiction and the ability to orderly decide the claims before it as there is a real and serious imminent threat and danger that critical evidence, documents, records, Discovery and real and personal properties will be permanently lost imminently preventing this Court from properly adjudicating claims before it while these parties are simultaneously hiding millions of dollars of assets as shown later herein wholly Unaccounted for and retaliating against and threatening myself with the Baker Act, Jail, Contempt and now a Guardianship on my children simply for seeking my inheritance, seeking the truth, reporting crimes as discovered against the fiduciaries and counsel primarily and now the Florida Courts are in high gear retaliating against the exercise of my First Amendment rights to suppress my whistleblowing that has uncovered and proven massive frauds against me committed on and by the Florida courts and its officers, fiduciaries and others.

16. I respectfully remind this Court and Your Honor that it is my original fingerprint on the February 2009 Petition to the White House, White House Counsel's Office². USAG, FBI and a other investigative agencies and further that I have been interviewed with federal agents including but not limited to now "missing" FBI Agent Stephen Luchessi originally out of West Palm Beach FBI in Florida who went missing with the Iviewit case files causing my case to be elevated to the former Inspector General of the Department of Justice Glenn A. Fine who assigned a Miami field agent to my case, Harry I, Moatz the former Director of the Office of Enrollment of the US Patent Office who had me file charges of Fraud on the US Patent Office committed by my IP counsel that were members of the Federal Patent Bar that have led to a multi year suspension of my Intellectual Properties while investigations continue) and other federal agents like Ron Gardella out of the US Attorney's Office in the SDNY (now retired, I believe), others in the SDNY US Attorney's offices and other investigative bodies as well.
17. The purpose for reminding Your Honor of these matters is to demonstrate that I have never been charged by any of these federal authorities for making a false frivolous statement or received adverse treatment yet in the Palm Beach County Probate proceedings I am being vilified and retaliated against just for pursuing my rights and those of my children of our inheritance herein and Technology rights while certain parties under this Court's jurisdiction have attempted to have CPS take my children on a false report that came back unfounded which was initiated on the same day I notified this Court last May 2015 of threats against my life and this Court referred me to 9/11 services, attempted through threat to Baker Act me for reporting/discussing fraud and crime to a "Mediator" out of Judge Phillips Court, and now are seeking to jail me and impose Guardianship against me this Thursday for topics like the Car bombing of my Mini-Van

² February 13, 2009 Letter to Honorable President Barack Obama
<http://www.scribd.com/doc/255176532/February-13-2009-Iviewit-Letter-to-Barrack-Obama-to-Join-US-Attorney-Eric-Holder-in-Iviewit-Federal-RICO-Shira-Scheindlin#scribd>

in 2005 which was reported to the FBI and other authorities and other matters that have been reported to federal authorities thus retaliating against me being a Whistleblower of the Fraud on the Court and Fraud by the Court and its officers et al. and exercising First Amendment rights.

18. There have also been threats to take the home that my parents provided for my wife and children under a specific agreement to relocate to Boca Raton, Fl from California to be close to my parents and thus it is not unreasonable to suggest if I am falsey Baker acted or jailed the likely next moves are to take the home while I am cast away leaving my wife and children alone while I somehow have lost my “standing” at a 5 Minute UMC hearing in the State Court where no Construction Hearing has ever occurred on any of the operative documents and has elevated to even being blocked from filing responses to the motions in the Florida Probate Court, meanwhile literally years of no Accountings and Abusive discovery and “lost” items from sophisticated parties continues.

**Emergency: Imminent Permanent Loss of Critical Evidence. Documents, Discovery
Necessary in Aid of this Court’s Jurisdiction:
Status in the District Court, New and Recent Discovery of Undisclosed Conflicts of
Interest, Feb. 18, 2016 Discovery of Fraudulent “Shell” Company to Hide Assets-Owner
etc.**

19. While the parties are awaiting determination from this Court on the Summary Judgement motions filed by Plaintiffs, at least 2 scheduled Court Conferences with this Court have been re-scheduled, yet still remaining before this Court even aside from the Summary Judgment motions are Petitioner Eliot Bernstein’s Answer and Counterclaims filed September 22, 2013 asserting causes of action in Fraud, Fraud upon the Beneficiaries and Court, Abuse of Legal Process, Civil Conspiracy and Breach of Fiduciary Duties amongst others.
20. On Jan. 13, 2014 in Docket Entry 71, prior Judge St. Eve issued a Minute Entry Order which provided in part as follows, “Discovery is hereby stayed until the proper Trustee is determined” thus acknowledging that determination of a “proper Trustee” is an issue in the case, which

remains disputed. The Trustee/Trust/Beneficiaries/Policy issues remains undetermined presently and this Court's jurisdiction is imminently threatened by the permanent loss of evidence, documents and discovery by the parties orchestrating proceedings in Florida where this evidence and the parties in possession of such evidence should be enjoined herein.

21. This Court itself, Hon. John G. Blakey, presiding, issued a Minute Entry Order on May 22, 2015 under Docket Entry 185 that further provided in part as follows, "Bernstein's representations to the contrary notwithstanding, at this time the Court is unable to say that anyone has a clear right to the proceeds deposited by Heritage Union Life Insurance Company, let alone what each interested party's share should be."
22. The same core parties and nucleus of operative facts are present in this US District Court litigation as the Probate matters in Florida and I further seek leave to file for Declaratory relief herein on the Trusts and Operating companies which are non-probate, and suggest judicial economy in this complex case with parties from multiple jurisdictions will ultimately be served by this Court taking jurisdiction over the Construction and validity of all the Trusts herein which are non-probate anyway and for Construction and Validity of the operative Wills as will be shown if I am granted leave to Amend my cross-counter complaint.
23. As will be shown, just on Discovery abuses alone where Discovery and the Denial of Discovery has been used as a "weapon" by the Plaintiffs and other parties in the related proceedings in the State Probate Court of Florida, there is a real and imminent danger that the Integrity of this Court's judgment and path to judgment will be fundamentally impaired by the permanent loss of evidence and discovery materials justifying the exercise of the extra-ordinary relief under the All Writs Act and Anti-Injunction Act.

24. This evidence and documents and Discovery which “should answer” the outstanding questions before this Court of where the Original Trusts are, where the Original Policies are, where the Original records and where business records are that go along with Simon Bernstein’s life who made millions per year in the Insurance industry for decades and all items are directly relevant to the Life Insurance claim and my counter-crossclaims.
25. Instead, in the Florida Probate Court Simon Bernstein is falsely being portrayed as nearly a “pauper” with virtually no assets left and “Missing” and “losing” all (or substantially all) Business documents and dispositive documents meticulously kept for Decades, at least according to Plaintiffs and the counsels working with Plaintiffs.
26. Yet proper Discovery and Depositions would and should prove the contrary which is why this Court must act to preserve this evidence in the hands of multiple parties and some unknown parties where Discovery is necessary to specify the appropriate party and entity.
27. Further, that sufficient evidence will be shown to justify this Court exercising its inherent powers to make inquiry of the parties and respective counsels about “side agreements” and other “agreements” outside the record of any proceedings impairing the integrity of proceedings in this Court similar to the inquiry discussed in *Winkler v. Eli Lilly & Co.*, 101 F.3d 1196, 1202 (7th Cir. 1996).
28. This Court should be well aware of the “missing” and “lost” Trusts and Policies and business records which surround the original claim filed in this Court by the core party Plaintiffs and attorneys acting on their behalf which itself cut out Eliot Bernstein and his children as named, necessary parties tortiously attempting to deprive and deny rights of inheritance and expectancy to Eliot Bernstein and his children without their knowledge, which will be established as a pattern and practice that started the minute Simon Bernstein passed.

29. The need for proper Discovery and production and depositions should be plain and obvious to further aid this Court in it's own exercise of jurisdiction rendering a properly tailored Injunction under the All Writs Act and Anti-Injunction Act proper at this time.

Florida Probate Proceedings Scheduled for Thursday, Feb. 25, 2016, Judge Phillips at 3:15 PM EST on Guardianship, Gag Orders, Jail-Contempt against Eliot etc Should be Temporarily Enjoined under All Writs Act, Anti-Injunction Act

30. While I respectfully assert to this Court that ultimately the entirety and or virtual entirety of proceedings in the Florida Probate Courts are part of an orchestrated series of abusive and Constitutionally defective set of actions including continuing and ongoing Discovery abuse, this immediate appearance before Judge John L. Phillips in the North Branch of Palm Beach County should now be at least temporarily enjoined for all the reasons set forth herein until further Order of this Court.
31. As will be shown herein, the entirety of these parallel proceedings in the Florida State Probate Court has been ripe with Discovery Abuse each step of the way, where documents, discovery and evidence are either completely denied and ignored, substantially delayed for years, fraudulently altered and forged and entered into the record and turned over in a "piece-meal" orchestrated fashion thwarting and frustrating any fair justice where, like in this District Court with the same core parties where "magical" draft trust documents appear at critical times yet No Originals turned over for inspection or comparison and no law firms can be identified to have produced them.
32. It is further noted that the original Curator attorney Ben Brown of the Simon Bernstein Estate never received Original productions from resigning attorneys Tescher & Spallina except for documents on Eliot Bernstein's home and Ben Brown specifically complained about the piece-

meal fashion records were turned over such as records from JP Morgan etc. and unsigned tax returns. See, Ben Brown emails on Production and missing TPP.³

33. Tescher & Spallina did turn over 7,000+ (seven-thousand) plus pages Bate Stamped copies of alleged documents but these were copies on a Zip drive turned over to the Curator at least according to Spallina after Judge Colin orchestrated for them to have at least 10 months to create / fabricate/ forge, redact records and evidence after my original May 6, 2013 Emergency Motion⁴ to seize all Records was filed after a series of fraudulent documents were discovered in the Estate of my mother Shirley Bernstein. The Emergency Motion of May 2013 was incorporated by reference in my September 2013 Answer and Cross-Counter claims in this District Court where I specifically pleaded for Discovery⁵.
34. Many of these documents were “fluff” pages where the actual Account Statements were missing, not in sequential order etc and where several instances of irregularities in the Bates Stamps numbers themselves exist.
35. Further, that Ben Brown had claimed to have obtained IRS Certified Returns he ordered months earlier for Simon Bernstein as Curator in 2014 and then suddenly died at a young age of 50 after resigning as Curator and to this day, successor PR Brian O’Connell’s office has Never obtained or Disclosed such IRS records from Ben Brown or independently obtained these from the IRS despite claiming they had ordered them months ago upon his getting his Letters as these records are critical as shown herein, just another example of Discovery Abuse throughout this case justifying use of the All Writs Act, Anti-Injunction Act at this time.

³Ben Brown Emails Re TPP, JP Morgan and Production
www.iviewit.tv/BenBrownEmailsForFedInjunctionBlakey.pdf

⁴May 06, 2013 Emergency Petition
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20130506%20FINAL%20SIGNED%20Petition%20Freeze%20Estates%20Orginal%20LOW.pdf>

⁵September 22, 2013
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20130922%20Eliot%20Answer%20and%20Cross%20Claim%20Northern%20District%20Illinois%20Simon%20v%20Heritage%20Jackson%20Insurance.pdf>

36. Such records are critical for a variety of reasons and it is asserted such Discovery will help show the manipulation and frauds upon even this District Court by the core parties herein under this Court's jurisdiction.

New Conflicts of Interest emerge showing prior Judge Colin with substantial business interests with La Salle Bank-Trust who should be added to the District Court action and further Undisclosed Conflicts with PR Brian O'Connell for the Simon Bernstein Estate who is already under this Court's Jurisdiction

37. New evidence has only recently been discovered in these last weeks January-February 2016 as a result of investigations by the Palm Beach Post and Investigative Reporter John Pacenti⁶ into conflicts of interest and improper seizing of persons and property under Guardianship / Probate programs run by Palm Beach Judges Martin Colin and David French⁷ in other cases also involving Brian O'Connell and a former attorney for Ted named John Pankauski alleging a host of criminal and civil misconduct, which have revealed Judicial Financial Disclosures of Judge Martin Colin demonstrating a long term financial business relationship during all relevant years herein and involving several hundred thousand dollars of Loans with LaSalle Bank / LaSalle Trust which were never Disclosed in the underlying Probate cases related herein.
38. La Salle Bank -Trust and-or whoever is the proper "successor" is directly implicated in the actions presently before this federal Court where I have raised in Summary Judgement that La Salle should be added as a party and Discovery is needed with respect to the original Life Insurance policy on the breach of contract action as La Salle is named as the Primary

⁶ January 14, 2016 "Judge's finances show history of unpaid debt, IRS liens, foreclosures" By John Pacenti - Palm Beach Post Staff Writer
<http://www.mypalmbeachpost.com/news/news/judges-finances-show-history-of-unpaid-debt-irs-li/np4rH/>

⁷ Guardianship Series - Guardianship a Broken Trust <http://www.mypalmbeachpost.com/guardianships-colin-savitt/>
and Guardianship Probate Series Palm Beach Post Compiled PDF
<http://www.iviewit.tv/Pacenti%20Articles%20Compiled%20as%20of%20Feb%2002%202016L.pdf> (Large and Sun Sentinel re Colin and wife Savitt
<http://www.sun-sentinel.com/opinion/editorials/fl-editorial-guardianship-law-20160129-story.html#ifrndnlocgoogle>

Beneficiary of the alleged “lost” Life Insurance Policy owned by deceased Simon Bernstein brought to this Court by the same operative parties who have conveniently left LaSalle out of these federal proceedings in the same manner I and my minor children were left out as necessary parties in the action before this federal court. See, Summary Judgement Eliot Bernstein⁸.

39. I note that the carrier Jackson in this Court suggested that Bank of America was the proper “successor” in interest in this case and information shows Bank of America is the entity that acquired LaSalle Bank where Judge Colin is shown by his own Financial Disclosures to have hundreds of thousands in Loans with La Salle at least for years 2008 to the end of 2014 thus during all relevant times herein.
40. In the recent weeks leading up to the present, a series of Investigative Journal articles have been published by the Palm Beach Post showing a widespread abuse in the Palm Beach Court system specifically involving Judge Martin Colin where allegations of Double-billing by “inside” law firms, the “taking” of Guardian’s Assets “prior to Court approval”, and Undisclosed conflicts of interest are alleged.
41. The allegations by the Palm Beach Post are remarkably similar to claims I have made for years while orchestrated Discovery abuses have occurred from the first days after my father Simon Bernstein’s passing.

“The savings of incapacitated seniors flow into the household of Palm Beach County Circuit Judge Martin Colin. This occurs courtesy of Colin’s wife — Elizabeth “Betsy” Savitt. She serves as a professional guardian, appointed by judges to make decisions for adults who no longer can take care of themselves. Savitt has **taken money** from the elderly people whose lives she controls without first getting a judge’s approval as well as **double-billed** their accounts, a Palm Beach Post investigation has uncovered in court records.

⁸20150608 Amended Redo Summary Judgement
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150608%20FINAL%20AMENDED%20REDO%20Response%20to%20Summary%20Judgement%20ECF%20STAMPED%20COPY.pdf>

Families of some of the seniors say the judge's wife and her attorneys drum up **unnecessary litigation** that runs up fees, benefiting herself, the judge and her lawyers. Savitt doesn't appear before her husband, but Judge Colin does oversee other guardianship cases where he is responsible for safeguarding the finances and well-being of these "wards" of the court. Colin's colleague, Circuit Judge **David French** who lunches with him regularly, has overseen almost two-thirds of Savitt's cases. Some lawyers who have opposed Savitt in Judge French's courtroom say he didn't disclose that Savitt is the wife of a fellow judge or his social connections to the couple. The lawyers Savitt has hired to represent her also practiced before her husband in other cases, where he had the power to approve their fees. A former Florida Supreme Court chief justice and a law professor say this constitutes, at minimum, an appearance of impropriety and should be investigated.

"This conflict puts the whole courthouse under a cloud because it raises so many questions and there are no answers forthcoming. And that is why we have a judicial canon on the appearance of impropriety, so there are no questions like this," Nova Southeastern law Professor Robert Jarvis said." See,

"His wife's job as a professional guardian leaves Judge Colin compromised, handcuffing him from fully doing his job, The Post found. He's recused himself from 115 cases that involve his wife's lawyers in the last six months of 2015 after The Post started asking questions in its investigation.

"When you have a judge suddenly recuse himself of so many cases, it certainly sends up a red flag," Jarvis said. "How did a judge allow himself to be put in such a position? I have never heard of a judge doing such a thing."

"Savitt often hires attorneys Hazeltine, **Ellen Morris** and **John Pankauski** prolific practitioners in elder law. They or members of their firms practiced in front of Colin before he began recusing himself from their cases last year. From 2009 to 2014, Colin's recusals totaled 30. Since the beginning of July, he's taken himself off 133 cases — 115 involving his wife's lawyers.

Hazeltine, Morris and Pankauski **or their firms** — as well as the guardians they represent — have had fees in non-Savitt cases repeatedly approved by Judge Colin, The Post found."

"Judge Colin and his wife have socialized with one of the judges she appears in front of regularly, The Post has learned.

Colin and Circuit Judge David French eat lunch together nearly every day. Colin and French co-hosted a **trivia night**⁹ in May for the South Palm Beach Bar Association. The event was co-sponsored by Pankauski's firm. French did not return repeated attempts for comment.^{10,}

⁹ Trivia Night Invatation <https://www.documentcloud.org/documents/2623271-trivia-night.html> and <http://www.bellersmith.com/blog/4th-annual-trivia-night>

¹⁰ February 02, 2016 Palm Beach Post Series "Guardianship a Broken Trust" by Reporter John Pacenti <http://www.mypalmbeachpost.com/guardianships-martin-colin/>

<http://www.mypalmbeachpost.com/guardianships-martin-colin>

42. In this case, BOTH Judges Colin and French were involved in the underlying Estates with Judge Colin “assigned” to the Shirley Bernstein case and Judge French originally “assigned” to the Estate of Simon Bernstein case and where later the French case was improperly assigned to Colin by Colin with no necessary hearing to transfer had by French, as it was scheduled on the day before Christmas when the court was closed, leaving Eliot and Candice at an empty court building and then when rescheduled Colin appeared in French’s stead and ruled for French to transfer the case to himself.
43. In another blatant conflict, I consulted extensively with attorney Pankauski also mentioned in the Post articles as involved in cases with Judge Colin’s wife Savitt and her attorney Hazeltine regarding the estate and trust cases and was in the process of trying to raise a Retainer when Pankauski turned around and showed up at a Hearing with Ted Bernstein and continued to represent Ted Bernstein in front of Judge Colin for several months. Judge Colin had denied a motion to Disqualify attorney Pankauski written by attorney Peter Feaman, Pankauski being prominently mentioned above in the Palm Beach articles¹¹.
44. Even more important is that when I first filed my original May 6, 2015 “Emergency Motion” after first learning of the extensive Fraudulent documents being used in the Shirley Bernstein Estate case involving attorneys Tescher & Spallina and their paralegal Kimberly Moran, Judge Colin who was only “assigned” to Shirley Bernstein’s case simultaneously came in and Denied the Motion as an Emergency in *both* the Shirley Bernstein case and then “stepped over” to

¹¹ June 23, 2014 Motion Remove Pankauski

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140623%20FINAL%20SINGED%20PRINTED%20MOTION%20to%20REMOVE%20Rose%20Theodore%20and%20Pankauski%20Low.pdf>

and

June 30, 2014 Motion to Remove Pankauski

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140630%20FINAL%20SIGNED%20PRINTED%20MOTION%20TO%20REMOVE%20JOHN%20PANKAUSKI%20ESQ.pdf>

Judge French's case for Simon Bernstein and issued the Order denying this Motion¹² as an Emergency in the Simon Bernstein case.

45. Despite filing this Emergency Motion in May of 2013 in the State Probate Court in Florida to in part seize and obtain the DISCOVERY and DOCUMENTS in the case to be secured for forensic review, over 3.5 years later the Documents and Records and evidence have not been fully produced or seized or disclosed and to this day there are named Trusts in existing Trusts that I have never seen before and Trusts for my children created on the day my father died that I am being sued as Trustee of in the Shirley Trust case under which I have never seen nor have they ever been produced.
46. This Emergency Motion of May 2013 was incorporated by reference into my Answer and Counterclaims¹³ filed with this US District Court in September of 2013 and the evidence and documents therein are necessary in aid of this Court's jurisdiction and my counter-cross claims expressly plead for Discovery in this Court which is in jeopardy of being permanently lost from the actions of the State actors and courts.
47. This relationship between Judge Colin and French and Judge Colin "stepping over" into Judge French's case to Deny my Emergency is directly relevant to proceedings herein as it relates to when Judge Colin had "knowledge" that Simon Bernstein was Deceased which relates to the Fraud exposed in his court committed by Tescher & Spallina and their legal assistant and notary public Kimberly Moran with Ted Bernstein involved with Tescher & Spallina at all times relevant therein and Spallina and Tescher acting as his counsel in his alleged roles as fiduciary

¹²May 08, 2013 Order Denying Emergency in Simon Estate signed by wrong Judge Colin instead of French and Order Denying Emergency in Shirley Estate
<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20130508%20Order%20Denying%20Petition%20and%20Amended%20Order%20Denying%20Petit.pdf>

¹³September 21, 2013 Answer and Cross Claim Illinois Federal Court Judge Amy St, Eve
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20130921%20FINAL%20Eliot%20Answer%20Jackson%20Natl%20Simon%20Estate%20Heritage%20Spallina188287%20HIGH.pdf>

in Shirley's estate and trust and also being big clients of each other, where Ted brought Spallina and Tescher to Simon Bernstein in order to secure life insurance clients in return from Tescher and Spallina.

Undisclosed Conflicts of PR Brian O'Connell, Joielle Foglietta involved in cases with Judge Colin's wife Elizabeth Savitt and Savitt's attorney Hazeltine at same time O'Connell is Recommended as Successor PR by Creditor Attorney Peter Feaman

48. Recent records obtained as a result of the Palm Beach Post Investigation show that attorneys Brian O'Connell and Joielle Foglietta where Brian O'Connell became appointed in the Simon Bernstein Estate as the new PR upon recommendation of Creditor William Stansbury's attorney Peter Feaman on or around June of 2014 now show that Brian O'Connell and Joielle Foglietta were involved in that same time frame with at least one case involving Judge Martin Colin's wife Elizabeth Savitt and her attorney Hazeltine in the Probate Case of Albert Vasallo¹⁴, CASE NO.:502014MH001432XXXXSB .
49. Said conflicts of interest were never Disclosed by Judge Martin Colin, Brian O'Connell, Joielle Foglietta nor Creditor attorney Peter Feaman, Esq., IF Mr. Feaman knew of this which is presently unknown.
50. As this District Court is or should be aware, attorney Brian O'Connell is under this Court's jurisdiction having been granted Intervenor status in the Illinois Life Insurance Litigation on behalf of the Estate of Simon Bernstein.
51. Yet instead of taking diligent action to secure and obtain Original records, documents, evidence and Discovery by Brian O'Connell which was Ordered by Judge Colin Feb. 18, 2014, and despite the issues in the Illinois litigation involving the "Missing" Trusts, "Missing" Insurance policies, and "Missing" business records that would or should show or lead to the truth of

¹⁴ Palm Beach Post Articles and Court Filings Posted re Vassallo case.
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/Vassallo%20Case%20Palm%20Beach%20Post%20O'Connell%20Savitt%20Pankauski.pdf>

matters, the O'Connell office has sat silent obtaining virtually no Discovery and records while acting as PR, denying Eliot production requests and opposing motions for discovery and all the while stating he has been working on a voluminous production request to send from the day he was commissioned and which remains incomplete as of this day and never sent out to the parties.

52. O'Connell also failed to do a court ordered inventorying of Simon's office possessions at his office location and it was later learned that Ted had been evicted and was found loading trucks in the night by the landlord and nothing remains at that site and the items of Personal Property are now missing with Alan Rose turning over to O'Connell two boxes of plaques of Simon's claiming that was all there was after 3 years that no one had ever inventoried his businesses, his computer files, records and personal properties for multiple companies. I am aware of several items of personal property that are missing and were not inventoried that were in Simon's office, including but not limited to, gifts from me and William Stansbury to Simon.
53. Meanwhile, as shown in the Summary Judgment process before this Court, LaSalle Bank where it is now newly Discovered that Judge Colin has hundreds of thousands of dollars in business-mortgage loans, was allegedly never contacted in the Life Insurance process despite being named as Primary Beneficiary all the while Judge Martin Colin "controlled" actions in the Probate Court somehow forcing Creditor William Stansbury to pay for the costs of Illinois litigation on behalf of the Estate, which could or should be a Conflict situation from the start, while simultaneously playing some "sham" of a game that Stansbury otherwise has no "Standing" to be in the Florida Probate cases and file petitions to remove Ted as an unqualified not validly serving trustee based on alleged criminal misconduct, major breaches of fiduciary duties and more.

54. A flurry of motions were filed in the State Court to discontinue William Stansbury's obligation to pay for the Estate's federal Illinois counsel and enter into a new "top-loaded" retainer by the Estate for the federal Illinois litigation right around the times this Court's was about to hold a Scheduled conference reflective of some form of undisclosed "agreement" between the O'Connell firm, Peter Feaman, the Illinois counsel and likely Alan Rose-Ted Bernstein (again wholly excluding Eliot on any proposed settlements or other agreements) while the same attorneys were orchestrating other State Court proceedings so that a "Validity" Trial would proceed with no licensed attorney to challenge Alan Rose and Ted Bernstein despite the fact that Peter Feaman had written to O'Connell in Aug. 2014¹⁵ advising him of his "absolute duty" to move the court to Remove Ted Bernstein as trustee for waste of assets, unaccounted for assets and other. See Feaman and O'Connell Motions on Payment of Illinois Litigation.
55. Yet, attorney Feaman never took any follow-up with O'Connell to this date some 19 Months later and O'Connell failed to participate in an orchestrated "one-day" "Validity" trial on Simon's Estate documents leaving the Estate without representation and failing to prosecute the already filed Answer to the Trust Construction/Validity Complaint stating Ted Bernstein. was not a validly serving Trustee under the Simon Trust, as stated,

"AFFIRMATIVE DEFENSE"

1. First Affirmative Defense- Lack of Standing- Ted Bernstein lacks the requisite standing as he is not validly serving as Trustee of the Simon Trust, is not a beneficiary of the Simon Trust, and is not representing any minor child that is a beneficiary of the Simon Trust.¹⁶

¹⁵ August 29, 2014, Feaman Letter to O'Connell Regarding Ted
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140829%20Feaman%20Stansbury%20Letter%20to%20Brian%20O'Connell.pdf>

¹⁶ February 17, 2015 O'Connell Answer Affirmative Defense Ted is not a validly serving Trustee
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150217%20Answer%20%20Affirmative%20Defenses%20O'Connell%20States%20Ted%20is%20NOT%20VALID%20TRUSTEE.pdf>

56. Ted was allegedly appointed Successor Trustee by Spallina and Tescher after they resigned after admitting fraudulently altering a Shirley Trust that benefited Ted directly and while acting as Ted's counsel and where the Shirley Trust Successor provision Tescher and Spallina drafted states that the Successor can not be related to the issuer Simon and where further the Trust states that TED IS PREDECEASED FOR ALL PURPOSES OF DISPOSITION OF THE TRUST.
57. These facts alone fundamentally compromise and call into question the actions of the parties and attorneys before this US District Court justifying use of the All Writs Act and Anti-Injunction Act injunctive powers and the Inherent Powers doctrine to at minimum Enjoin the parties and Florida case until Orderly proceedings and Conference and Inquiry made be made by this District Court.

Discovery Abuse - Tescher & Spallina Records never properly turned over in excess of 2 years with no action taken by O'Connell, Foglietta

58. Despite Judge Colin having actual knowledge of Fraud upon his Court involving Spallina and Tescher in the Shirley Bernstein case and having to have Actual knowledge that Simon Bernstein was Deceased at least as of May 2013 when Judge Colin "steps into" Judge French's shoes to Deny my Emergency Motion in the Simon Bernstein case where Judge French was the assigned Judge, Judge Colin **fails to Order for several months any Inquiry** of the Attorneys and parties before his Court and denies further motions by Eliot Bernstein until finally it becomes known that Tescher & Spallina paralegal and employee Kimberly Moran is under investigation and has made admissions about the forgery and fraud¹⁷ and finally Orders a hearing for Sept. 13, 2013.

¹⁷September 04, 2013 Motion to Freeze et al.

59. Yet the bulk of the Hearing is a sham where Judge Colin “dances” around the issue of when it becomes known that Simon Bernstein had been Deceased at the time the fraudulent filings were made, dances around who filed what and why and proceeds to let Robert Spallina off the hook from answering virtually any direct questions of his involvement in the fraud of using Deceased Simon Bernstein to act in the present to Close the Estate of Shirley Bernstein while simultaneously permitting Ted Bernstein to appear as a “Trustee” for Shirley Bernstein on this date.
60. Yet Judge Colin had to have knowledge that Ted Bernstein knew of the Fraud or learned of the fraud since Ted Bernstein had not signed ANY Waiver prior to the April 9, 2012 date when Robert Spallina fraudulently creates a Petition for Discharge allegedly signed by Simon Bernstein on that date which could not have been possible or true since the Petition references Waivers being obtained as Signed Waivers that clearly that had not yet been signed (one not until after Simon passed) and Ted also knew that he had never notarized the Waiver that Kimberly Moran had fraudulently notarized and forged in his name and yet Judge Colin took no action to even inquire of Ted Bernstein and permits him to continue to act as “Trustee” and even after stating he had enough evidence of fraud to read Ted and his counsel Tescher and Spallina their Miranda Warnings at the first hearing, and then promotes Ted after to Personal Representative in the Shirley Estate which was reopened by Colin due to the fraud committed by Ted’s counsel and which fraud benefited Ted and his family directly. Ted had been acting without Letters from the Court as PR at the time his mother’s estate was closed by his deceased father illegally and acting without letters from September 12, 2012 until October 2013 when Letters of Administration were issued and when he found out what his attorneys did in forging

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20130904%20FINAL%20SIGNED%20PRINT%20ED%20FILED%20Motion%20to%20Freeze%20Estates%20of%20Shirley%20Due%20to%20Admitted%20Notary%20Fraud.pdf>

and fraudulently notarizing documents and submitting them to the Court as part of a Fraud on the Court, Ted took no actions to report the matters or seize all pertinent and relevant documents for analysis and to this day claims never to have the original trusts and wills he operates under and that he did nothing to validate the authenticity of them. See Dec. 15, 2015 Transcript¹⁸.

61. Ted is close personal friends and business associates with Tescher and Spallina who brought his counsel Tescher and Spallina into the Bernstein family in order to get insurance business clients from them.
62. Yet all of this *begs the question and should have forced Judge Colin to question* that IF Ted Bernstein was in Fact the Trustee and PR of Shirley's Estate after Simon Bernstein passed shown by some proper Original operative document, then Why wasn't Ted Bernstein acting after Simon passed with the Tescher Spallina firm to "close" the Estate or take whatever action was necessary instead of fraudulently using Deceased Simon Bernstein on documents to do so?
63. It is noted for this US District Court that on or about Nov. 5, 2012, the same day an Ex Parte communication from Judge Colin is memorialized to attorney Robert Spallina's office regarding filings in the Shirley Bernstein Estate, my attorney Christine Yates was attempting to get Documents from Robert Spallina's Office relating to the Trusts, Wills, standard documents that Beneficiaries are entitled to¹⁹ yet Christine Yates is told by Spallina's Office that there was no Bernstein case or client?

¹⁸ December 15, 2015 PHILLIPS VALIDITY HEARING TRANSCRIPT
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151215%20Hearing%20Transcript%20Phillips%20Validity%20Hearing.pdf>

¹⁹ November 06, 2012 Christine Yates Letter Stating Spallina claimed he did not know Bernstein despite several months of meetings with Bernstein family.
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20121106%20Yates%20letter%20re%20Spallina%20claiming%20he%20does%20not%20know%20Bernstein.pdf>

64. It is noted for this US District Court that this is an ongoing pattern and practice to deny me Eliot Bernstein and my children Counsel of our choice as each time I have had an attorney such as Yates there is Discovery Abuse in getting documents to review and handle the case with Yates being so bullied by the Spallina office that she later resigned or where such as Pankauski I end up consulting with an attorney that ends up working for and with Ted Bernstein or as with Branden Pratt who attends an evidentiary hearing regarding the fraudulent documents of Moran and states he and others do not want to put Moran on the stand despite her being present as they did not want to throw her under the bus, the exact opposite strategy Pratt had recommended immediately prior to and in preparation for the hearing.
65. A similar event happened with Steven Lessne himself who is now pursuing a Guardianship against me with Alan Rose before Judge Phillips on February 25, 2016 at 3:15pm where Lessne obtained confidential valuable information from myself when we first spoke without fully disclosing who he was really working for and in fact concealing and lying about his representation of my family and ended up being counsel to Janet Craig, Manager of BFR for Oppenheimer and Trustee for the children's trusts, all of these attorneys whom should be added to the District Court case on an amended complaint for good and just cause.
66. That part of the improper basis for Guardianship itself is the fact that I have refused for myself and children to take funds which are Part of a Fraud such as funds from the sale of the Shirley Condo when Ted Bernstein had not been approved as any Trustee at the time of sale and not only had Original documents never been turned over but no proper Validity hearing had ever occurred and still has never occurred and thus imposed reasonable conditions on any funds that I would accept that neither I nor my children would be immersed in nor further fraud nor would we be liable as a result for accepting such funds. Yet for this type of action the parties are now

trying to take further control and block me off from Any ability to file and get Discovery by seeking a Guardianship and denying me standing and attempting to now claim I am not a beneficiary with no hearings to determine such and where I am clearly a beneficiary in the Shirley IRREVOCABLE Trust.

67. This Ex Parte Communication of Nov. 5, 2012 was somehow not Docketed with Judge Colin's Court until Nov. 6, 2012 as prominently noted in my May 2015 Motion for Mandatory Disqualification of Judge Colin²⁰ and voiding of his Orders in part due to Fraud On and Fraud By his court, which was denied as legally insufficient by Colin but then leading to the sua sponte "Recusal" within 24 hours that further entails Judge Colin "steering" the Transfer and Re-Assignment of the case to the North Branch of Palm Beach County after his recusal.
68. As shown in the mandatory Disqualification Motion against Judge Colin, Colin had proceeded for 2 years since my original May 2013 Emergency Motion, never holding Validity hearings, never requiring Accountings which to this day have never occurred in the Shirley Bernstein case and are incomplete missing years of accounting in Simon, never addressing Ted Bernstein's involvement and knowledge in the Tescher Spallina frauds while meanwhile using what now appears as the Standard Modus Operandi by attempting to "Force" me to take Distributions from the improper Sale of Shirley's Condo sold by Ted Bernstein even before the Sept. 2013 hearing, thus the standard M.O. of "taking" and "disposing" of the assets first, then trying to retroactively "approve" by Court order. This occurred even where what is claimed as the Shirley Bernstein Trust specifically states that Ted is considered PREDECEASED FOR ALL PURPOSES OF DISPOSITIONS of the trust.

²⁰ May 14, 2015 Mandatory Disqualification Motion Judge Martin Colin
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150514%20FINAL%20Motion%20for%20Disqualification%20Colin%20ECF%20STAMPED%20COPY.pdf>

69. I thereafter filed a Petition for All Writs in the nature of Prohibition and Mandamus²¹ about these actions of Judge Colin in improperly “steering” the case as a Material Fact Witness and Potential Counter Defendant which ultimately lead to the case going to one Judge Coates who not only happened to be a former Proskauer Rose partner but later file review shows that as a Proskauer Partner Coates himself had “Billed²²” as part of the original Iviewit - Proskauer “Billing case before Judge Labarga” whereby Coates billed to Eliot’s companies for time relating to SEC work after learning the Iviewit technologies had been deemed the “Holy Grail” and “Priceless” worth billions upon billions of dollars, claimed by by leading engineers at a company, Real 3D, Inc. (Intel, Lockheed and Silicon Graphics owned) that Proskauer introduced Iviewit to for a technology review.
70. Before this, however, several more months passed by after Colin held the sham Sept. 2013 hearings knowing of serious fraud in his court where six counts of forgery occur where Tescher & Spallina are allowed by Colin to remain in Custody and Control of all of the Documents, Originals, Evidence of Simon and Shirley Bernstein after Spallina claimed in the September 13, 2013 hearing that he knew of no other frauds in the estates and trusts than the forgeries and fraudulent notarizations that Moran did.

²¹ ORIGINAL ALL WRITS

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150609%20FINAL%20All%20Writs%20Mandamus%20Prohibition%20and%20Restraining%20Order%20Stay%20re%20Martin%20Colin%20DisqualificationECF%20STAMPED%20COPY.pdf>

REDO OF ALL WRITS

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150630%20FINAL%20REDO%20All%20Writs%20Mandamus%20Prohibition%20and%20Restraining%20Order%20Stay%20re%20Martin%20Colin%20Disqualification%20ECF%20STAMPED%20COPY.pdf>

²² Judge Coates Billing Iviewit as Proskauer Rose Partner for Securities Work and Estate Planning of Stock

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/Coates%20Billing%20Iviewit%20Holdings%20as%20Proskauer%20Partner%20on%20Iviewit%20Clean.pdf>

and

Proskauer notes referring to Coates involvement with Iviewit

www.iviewit.tv/ProskauerCoatesTriggs.pdf

71. Yet Spallina concealed from the Hearing Record on Sept. 13, 2013 other frauds he had done and that were later admitted to by Spallina to the Palm Beach Sheriff's²³ where he admits having fraudulently altered Shirley's Trust to benefit Ted's family and for months moved the court and retaliated against Eliot in pleading after pleading and finally under PBSO investigation admitted his felony alteration and creation of a Fraudulent Shirley Trust.
72. Despite having admitted to fraudulently altering a Trust document and being directly involved with fraudulent documents filed in the Estate of Shirley Bernstein before Judge Colin through his law firm, ultimately in January of 2014 Judge Colin simply lets Tescher & Spallina "resign" after they admitted to the Bernstein family that they had fraudulently altered the Shirley Trust document and mailed it to Eliot's minor children's counsel²⁴ (making fraudulent changes to include Ted's children as beneficiaries despite Ted and his lineal descendants being considered Predeceased for all purposes of the Shirley Trust) .
73. On February 18, 2014 Judge Colin issues an Order for Tescher & Spallina as follows: "**By March 4, 2014 the resigning co-Personal Representatives shall deliver to the successor fiduciary all property of the Estate, real, personal, tangible or intangible, all of the documents and records of the Estate and all records associated with any property of the Estate.**"

²³ PBSO Sheriff Report Page 1-8

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140912%20Sheriff%20and%20Coroner%20Reports.pdf>

²⁴ Attorney Christine Yates, Esq. of Tripp Scott had to be hired by Eliot to get Estate and Trust Documents from Tescher and Spallina due to their refusal to give such documents to Beneficiaries or Interested Parties from day one and when they were finally forced months later by Yates to turn over records they sent documents that have been proven and admitted to be forged and fraudulently notarized by their offices and some of those submitted to the Florida probate court as part of an elaborate fraud on the court to seize Dominion and Control of the Estates and Trusts of Simon and Shirley, fraudulently alter documents and begin to loot the estates of millions upon millions of dollars, in complex legal frauds and all the while refusing documents, losing documents, stealing documents from the estate, no transparency and no accountings. .

regardless of whether such property has been previously distributed, transferred, abandoned, or otherwise disposed of." (emphasis added) See, Feb. 18, 2014 Order of Judge Colin²⁵.

74. It is clear from the Vasallo records herein²⁶ that Brian O'Connell was already working closely with Judge Colin's wife Elizabeth Savitt and attorney Hazeltine by the time Brian O'Connell was appointed successor PR by Judge Colin over Simon Bernstein's Estate in July of 2014 or at least on or about the same time.

O'Connell, Foglietta Disqualified as Material Fact Witnesses intertwined with Alan Rose and Steven Lessne, also Disqualified as Material Fact Witnesses; Intertwined with Spallina, Colin fraud and the Stanford Ponzi fraud; Orchestration to avoid Discovery and Original Documents before Judge Phillips

75. It is clear that compliance with the Feb. 2014 Order against Tescher & Spallina was never determined by the time O'Connell was appointed as PR and to this very day there still has been no Compliance hearing on this Discovery tantamount to continuing Discovery Abuse and Discovery as a Weapon justifying exercise of powers under the All Writs Act and Anti-Injunction Act.

76. I have made and filed multiple requests for Discovery²⁷ and production throughout the Florida State Court litigation which has been denied to such an extent as to be Abuse of Discovery.

²⁵February 18, 2014 Order Judge Colin Tescher and Spallina to turn over ALL records.

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140218%20ORDER%20ON%20PETITION%20FOR%20DISCHARGE%20TESCHER%20SPALLINA%20Case%20502012CP004391XXXXSB%20SIMON.pdf>

²⁶ Palm Beach Post Articles and Court Filings Posted re Vassallo case.

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/Vassallo%20Case%20Palm%20Beach%20Post%20O'Connell%20Savitt%20Pankauski.pdf>

²⁷November 01, 2013 Production Request

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20131101%20ELIOT%20BERNSTEIN%20FIRST%20REQUEST%20FOR%20PRODUCTION%20OF%20DOCUMENTS%20AND%20THINGS%20PROPOSED%20ON%20THEODORE%20S%20%20BERNSTEIN.pdf>

and

November 01, 2013 Interrogatories Request

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20131101%20ELIOT%20BERNSTEIN%20FIRST%20SET%20OF%20INTERROGATORIES%20PROPOSED%20ON%20THEODORE%20BERNSTEIN.pdf>

and

May 12, 2014 Production Request Benjamin Brown Curator

While the proceedings before this US District Court were in essentially a hold pattern with the submissions of the Summary Judgement motions and while my Petition for All Writs at the Florida Supreme Court was pending regarding Judge Colin as a Necessary and Material Fact witness which further sought a Stay by the Florida Supreme Court and preservation of evidence, documents and discovery, after Judge Coates who worked at Proskauer and had billed Iviewit on SEC matters Recused from the Florida case after the improper Transfer from Colin whereby he gained confidential court records while initially denying he had conflicts or knew of Eliot or Iviewit, the case was then assigned to the current Probate Judge John Phillips.

77. The Petition for All Writs²⁸ at the Florida Supreme Court further brought up for review the very process by which Judge Colin “poisoned” the transfer and steered the case to the North Branch

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140512%20ELIOT%20BERNSTEIN'S%20FFIST%20REQUEST%20FOR%20PRODUCTION%20OF%20DOCUMENTS%20BENJAMIN%20BROWN.pdf>

and
January 20, 2015 Motion for Production from Brian O'Connell

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150120%20FINAL%20SIGNED%20PRINTED%20Request%20for%20Production%20Brian%20O'Connell%20ECF%20COPY.pdf>

and

February 27, 2015 Motion in Opposition to Production

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150227%20Motion%20in%20Opposition%20to%20PR%20Motion%20to%20Strike%20Production%20ECF%20Copy.pdf>

and

November 09, 2012 Christine Yates, Esq. request to Spallina and Tescher for Production

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20120909%20Letter%20Yates%20to%20Spallina%20re%20Information%20Request.pdf>

and

December 21, 2012 Christine Yates, Esq. to Spallina

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20121221%20Yates%20Letter%20to%20Spallina%20re%20Simon%20Shirley%20Estate%20info.pdf>

and

June 13, 2013 Letter Marc Garber, Esq. to Christine Yates re Spallina and Tescher

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20130613%20Marc%20Garber%20Letter%20re%20Christine%20Yates%20termination%20Spallina%20etc.pdf>

²⁸ June 10, 2015 All Writ Filed with the Florida Supreme Court @

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150609%20FINAL%20All%20Writs%20Mandamus%20Prohibition%20and%20Restraining%20Order%20Stay%20re%20Martin%20Colin%20DisqualificationECF%20STAMPED%20COPY.pdf>

and

July 01, 2015 Amended All Writ Filed with the Florida Supreme Court @

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150630%20FINAL%20REDO%20All%2>

in his Sua Sponte Recusal²⁹ just one day after denying a Mandatory Disqualification based in part on Fraud on the Court and Fraud by the Court.

78. Joielle Foglietta of the O'Connell firm then filed for a Status Conference³⁰ which was held on July 15, 2015 during which time I raised the pending Writ with Judge Phillips who indicated twice on the record I would "be heard" on this at the next appearance.
79. While I had written to Joielle Foglietta by email to ascertain the proposed Schedule of proceedings, none was forthcoming however the O'Connell and Joielle Foglietta team filed for a Case Management Conference in the SIMON Bernstein Case which was scheduled and held Sept. 15, 2015.
80. After close of business hours on the Eve of the Conference, attorney Alan Rose on behalf of Ted Bernstein submitted a filing seeking to co-opt the Conference and impose a Guardianship on me before Judge Phillips at that time without disclosing that hearings had already been held and even Judge Colin had denied this repeated demand for guardians, contempt hearings, requests for gag orders and arrest of Eliot.
81. As shown by the Transcript of Conference of Sept. 15, 2015 and my subsequent Motions for Mandatory Disqualification of Judge Phillips, Phillips fundamentally denied me a Due Process Opportunity to be heard on this day despite saying my Writ application would be addressed cutting me off at each attempt to be heard yet allowing Alan Rose to begin moving Judge Phillips to schedule a Trial in the Shirley Bernstein case which was NOT Noticed for the Conference that day and ultimately Judge Phillips Ordered a Pre-determined, prejudged "One-

[OWrits%20Mandamus%20Prohibition%20and%20Restraining%20Order%20Stay%20re%20Martin%20Colin%20Disqualification%20ECF%20STAMPED%20COPY.pdf](#)

²⁹May 19, 2015 Colin Sua Sponte Recusal and Steering of the Cases

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150519%20Colin%20Recusals%20Clerk%20Reassigns.pdf>

³⁰August 03, 2015 Case Management Conference Notice of Hearing in SIMON ESTATE ONLY

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150803%20Notice%20of%20Hearing%20for%20Sept%202015%202015%200930am%20Case%20Management.pdf>

day” Validity Trial for Dec. 15, 2015 in a case not even Noticed for Conference that day. See Sept. 15, 2015 Transcript³¹.

82. Licensed attorneys O’Connell acting as PR for Simon’s estate, Foglietta and Creditor attorney Peter Feaman sat by idly watching as this occurred without raising any questions on Discovery, production or standard pre-trial issues as the record reflects they barely said a word at a hearing both have vested interest in.
83. It should be noted that this occurred after Judge Phillips “pre-judged” any matters relating to Judge Colin expressing his “love” for Judge Colin on the Record and his friendships with all the attorneys and stating I was the only one he knew nothing of in an angry tone and indicating he would not find Colin had done anything wrong without even having the Due process Opportunity to make or state a case while falsely representing he had no powers to do so when Florida law allows for prior Orders to be vacated. See, Transcript of Case Management Conference Sept. 15, 2015³².
84. Florida Rules of Civil Procedure provide in part:

RULE 1.200. PRETRIAL PROCEDURE (a) Case Management Conference. At any time after responsive pleadings or motions are due, the court may order, or a party, by serving a notice, may convene, a case management conference. The matter to be considered shall be specified in the order or notice setting the conference. At such a conference the court may: (1) schedule or reschedule the service of motions, pleadings, and other papers; (2) set or reset the time of trials, subject to rule 1.440(c); (3) coordinate the progress of the action if the complex litigation factors contained in rule 1.201(a)(2)(A)–(a)(2)(H) are present; (4) limit, schedule, order, or expedite discovery; (5) consider the possibility of obtaining admissions of fact and voluntary exchange of documents and electronically stored information, and stipulations regarding authenticity of documents and electronically stored information; (6) consider the need for advance rulings from

³¹ September 15, 2015 Judge Phillips Status Conference Transcript
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150915%20Judge%20Phillips%20Hearing%20Transcript%20-%20Estate%20of%20%20Simon%20Bernstein.pdf>

³² September 15, 2015 Judge Phillips Status Conference Transcript
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150915%20Judge%20Phillips%20Hearing%20Transcript%20-%20Estate%20of%20%20Simon%20Bernstein.pdf>

the court on the admissibility of documents and electronically stored information; (7) discuss as to electronically stored information, the possibility of agreements from the parties regarding the extent to which such evidence should be preserved, the form in which such evidence should be produced, and whether discovery of such information should be conducted in phases or limited to particular individuals, time periods, or sources; (8) schedule disclosure of expert witnesses and the discovery of facts known and opinions held by such experts; (9) schedule or hear motions in limine; (10) pursue the possibilities of settlement; March 16, 2015 Florida Rules of Civil Procedure 36 (11) require filing of preliminary stipulations if issues can be narrowed; (12) consider referring issues to a magistrate for findings of fact; and (13) schedule other conferences or determine other matters that may aid in the disposition of the action.

85. Yet, despite knowing that this Rule provides, “**The matter to be considered shall be specified in the order or notice setting the conference**”, licensed attorneys O’Connell, Foglietta and Feaman took no action during or after to correct the pre-judged “one day” Validity Trial scheduled in the wrong case, Shirley Bernstein, which was Not noticed for Conference on this date.
86. Such attorneys further took No Action to raise DISCOVERY COMPLIANCE prior to to the Trial despite the outstanding Order of Judge Colin of Feb. 2014 nor was I allowed a Due Process opportunity to raise Discovery issues, the need for Experts due to the fraud already determined in dispositive documents nor the need for a longer trial period based upon multiple Witnesses needed nor the need for Pre-Trial Depositions and the record will reflect that as I tried to make claims I was rudely shut down repeatedly by rude and angry Judge Phillips.
87. To backtrack slightly which shows the continuing pattern of Discovery Abuse in the State Court, by the time of the Sept. 13, 2013 Hearing³³ after the fraud and forgeries in Judge Colin’s Court were Discovered, over 3 Years Ago now Judge Colin had been notified on the Record during that Sept. 2013 hearing that as of a Year After my father Simon Bernstein passed away I

³³ September 13, 2013 (one year to the date of Simon’s passing Colin Hearing
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20130913%20TRANSCRIPT%20Emergency%20Hearing%20Colin%20Spallina%20Tescher%20Ted%20Manceri.pdf>

still had NO proper Documents on the Trusts and Wills including the Oppenheimer Trusts yet attorney Steven Lessne is now seeking a Guardianship against me before Phillips even though Lessne represents Oppenheimer who is a "Resigned" Trustee with no standing. I notified Judge Colin on the Record as follows from the September 13, 2013 hearing footnoted herein:

Page 06

12 THE COURT: Okay. So the bills that they

13 were paying for you were what bills?

14 MR. ELIOT BERNSTEIN: All of them.

15 THE COURT: All the bills.

16 MR. ELIOT BERNSTEIN: Health insurance,

17 electricity, water, food, clothing, everything,

18 100 percent.

19 THE COURT: When did the emergency take

20 place?

21 MR. ELIOT BERNSTEIN: On August 28th.

22 They told me if I didn't sign releases that

23 Robert wanted me to sign and turn the money

24 over to my brother, the remaining corpus of the

25 trust, that they were going to shut the funds

Page 7

1 off as of that day.

2 THE COURT: And they did?

3 MR. ELIOT BERNSTEIN: I'm not 100 percent

4 sure, because then I asked them for their

5 operating documents that Mr. Spallina had sent

6 them, and once again we've got unnotarized

7 documents □ □

8 THE COURT: We'll talk about the notary

9 thing in a second.

10 **MR. ELIOT BERNSTEIN: Okay. Then we have**

11 **new improperly notarized documents authorizing**

12 **the trust to operate, and they sent me**

13 **incomplete documents which are unsigned on**

14 **every page of the trust agreement, so they're**

15 **telling me and I've asked them three times if**

16 **they have signed copies and three times they've**

17 **sent me unsigned copies.**

18 THE COURT: Okay, but what bills today □ □

19 MR. ELIOT BERNSTEIN: All of them.

88. Previously in this Hearing Judge Colin is further shown how Spallina was Not Notifying certain banks such as Legacy that Simon Bernstein had passed away and is “moving” funds around from different accounts as follows;

Page 05

13 THE COURT: Okay. So tell me how that □□
14 what evidence is there that this is an
15 emergency along those lines?

16 MR. ELIOT BERNSTEIN: Okay, the estate
17 representatives when my parents died told us
18 that they were understanding the special
19 circumstances me and my three children are in,
20 and that funds had been set aside and not to
21 worry, there would be no delay of paying their
22 living costs and everything that my father and
23 mother had been paying for years to take care
24 of them, and then they were paying that out of
25 a bank account at Legacy Bank.

1 THE COURT: Who is they?

2 MR. ELIOT BERNSTEIN: Mr. Spallina had
3 directed Rachel Walker to pay the expenses of a
4 Legacy bank account. It was being paid. And
5 then Mr. Spallina stated that I should or that
6 Rachel should □□ she was fired, she should now
7 turn the accounts over to my wife to start
8 writing checks out of an account we've never
9 seen.

10 So I said I didn't feel comfortable
11 writing checks out of an account, especially
12 where it appeared my dad was the signer, so I
13 called Legacy Bank with Rachel and they were
14 completely blown away that checks had been
15 being written out of a dead person's account.
16 Nobody had notified them that Simon had
17 deceased. And that no □□ by under no means
18 shall I write checks out of that account, and
19 so then Mr. Spallina told me to turn the
20 accounts over to Janet Craig of Oppenheimer,
21 and Oppenheimer was going to pay the bills as
22 it had been done by Rachel in the past. And so
23 we sent her the Legacy account. We thought all
24 that was how things were being done and, you
25 know, he doesn't give us any documents
1 whatsoever in the estate, so we don't know, you

2 know, what he's operating out of, but
3 Oppenheimer then started to pay the things
4 first they said, wait a minute, these are
5 school trust funds well, they actually said
6 that after they started paying, and they were a
Page 06
7 little hesitant that these funds were being
8 used for personal living expenses of everybody,
9 which the other Legacy account had been paying
10 for through an agreement between and my
11 parents. And then what happened was
12 Mr. Spallina directed them to continue, stating
13 he would replenish and replace the funds if he
14 didn't get these other trusts he was in the
15 process of creating for my children in place
16 and use that money he would replenish and
17 replace it.
18 So the other week or two weeks or a few
19 week ago Janet Craig said that funds are
20 running low and she contacted Mr. Spallina who
21 told her that he's not putting any money into
22 those trusts and that there's nothing there for
23 me, and that basically when that money runs out
24 the kids' insurance, school, their home
25 electricity and everything else I would
1 consider an emergency for three minor children
2 will be cut off, and that was not

STEVEN LESSNE DISQUALIFIED AS MATERIAL FACT WITNESS

89. Thus it is clear that the Oppenheimer Trusts are just another set of Trusts and Documents and evidence where Discovery Abuse has occurred and huge delays in getting Any proper Operative documents has occurred which continues to this day, yet Lessne is moving for Guardianship against me before Phillips for a second time after law of the case was established in virtually an identical filing whereby Guardianship was denied and it was determined that after Lessne finished an accounting, if the Successor Trustee wanted to bring such charges they could but that he had no standing.

90. Mr. Lessne becomes a Material Fact Witness in the Chain of Custody of documents and Originals involving various Trusts and what the Trusts should say or provide where he claims as an Attorney in a sworn Filing before Judge Colin filed June 20, 2014 as follows:

“Oppenheimer's Appointment, Service and Resignation As Trustee
5. Gerald R. Lewin was the initial trustee of the Trusts. 6. On September 5, 2007, Mr. Lewin resigned as trustee and appointed Stanford Trust Company as his successor pursuant to Section 5 .3 of the Trusts. “
Lessne filing June 20, 2014³⁴.

91. This sworn Statement, however, is contradicted by Multiple other documents and filings herein, however, demonstrating exactly why Injunctive relief for preservation and Orderly Production of Discovery is Necessary for this US District Court in furtherance of its jurisdiction.

92. In what was Allegedly Filed in the Palm Beach County Courthouse by Robert Spallina claimed to be filed on July 7, 2010 is an alleged Petition to Appoint Successor Trustee dated June 18, 2010³⁵ which claims one TRACI KRATISH *and not Gerry Lewin as Lessne claims* was the TRUSTEE of the Children’s Trusts who allegedly Resigned Sept. 12, 2007 whereupon it claims the STANFORD TRUST took over and then purports to be a Petition of me and my wife Candice authorizing OPPENHEIMER to take over as Trustee from Stanford yet this document appears to have Robert Spallina’s signature on it yet where my wife and Candice Bernstein have Reported this Document as Fraud and a Forgery to the Court and Palm Beach County Sheriff’s as not only had we never signed this document but had never even met Robert Spallina as of 2010 and this was Reported to Judge Colin during the June 2014 hearings with Oppenheimer

³⁴June 20, 2014 Oppenheimer Complaint

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140620%20Oppenheimer%20v.%20Eliot%20Candice%20Joshua%20Jacob%20and%20Daniel%20Case%20No%20502104cp00281xxxxsb%20Summons%20and%20Complaint%20Eliot%20Service%20Low.pdf>

³⁵June 19, 2010 Petition

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20100619AllegedForgedEliotCandicePetitiontoAppointSuccessorTrusteeJoshuaJacobandDaniel.pdf>

and Lessne, yet fell on deaf ears. See, Petition under Spallina's Signature in 2010 alleged as Fraud to Palm Beach Sheriff and Court by Eliot and Candice Bernstein.

93. Thus Lessne is a material fact witness as to who the Real Trustee is and what the operative documents actually say.
94. Further, there is a significant issue as to whether Trusts were Transferred from Oppenheimer to JP Morgan where Lessne, Oppenheimer and Janet Craig of Oppenheimer all should be witnesses thus making the Discovery Abuse as a Weapon even more harmful since there is never any clear, orderly picture of what is taking place when and by who.

ALAN ROSE AS MATERIAL FACT WITNESS

95. To further complicate the frauds in what should make Alan Rose a Material Fact Witness, in May of 2015 Alan Rose magically comes out with an alleged ORIGINAL of the Trusts which he allegedly "Finds" left at the 7020 Lions Head Lane Boca Raton, Fl St. Andrew's Home of Simon Bernstein after his passing yet by this point in time the ENTIRETY of the St. Andrews's Home had already been Seized and Inventoried by Brian O'Connell and Joielle Foglietta's Offices as of March 2015, several months before and before that by Benjamin Brown the Curator.
96. Alan Rose somehow amazingly tries to claim after allegedly finding and removing from the Estate without authorization from O'Connell who has custody over them, 3 "Originals" of my Children's Trusts that somehow these were Unimportant and Discounted and "Overlooked" by the O'Connell Foglietta team who are fully aware of the problems with the trusts in the Oppenheimer case and who Already had allegedly Fully Inventoried and seized Custody of all these items at the St. Andrews Home in March 2015 two months before in a case where

substantial Document fraud had already been demonstrated and Discovery abuses going on continually, Emailing on May, 20, 2015³⁶ as follows:

From: Alan Rose [mailto:ARose@mrachek-law.com]
Sent: Wednesday, May 20, 2015 2:14 PM
To: Lessne, Steven; Eliot Ivan Bernstein; Eliot Ivan Bernstein
Cc: Ted Bernstein; O'Connell, Brian M.; Foglietta, Joy A
Subject: Original signed "Oppenheimer" Trusts

Mr. Lessne and Mr. Eliot Bernstein:

I am writing to advise that we located some files in drawers in Simon's private office in his home at Lions Head, as we were trying to assess the complexity of things that must happen between now and the closing of Lions Head. My primary reason was to visually inspect the three chandeliers that have been the subject of PR emails in the past few days.

In any event, and although these files likely were examined and discounted as unimportant by the PRs after Simon's death and likely meant nothing if and when they were catalogued or viewed during the O'Connell as PR re-appraisal/re-inspection, I noticed a folder marked as the Jake Bernstein Trust. Looking more closely, there were three green folders labeled with Eliot's children's names and inside are what appear to be the original signed Irrevocable Trust Agreements for the Trusts which Oppenheimer formerly served. ***These may be relevant or important to the ongoing Oppenheimer case, so I bring them to your attention.*** There also are what appears to be some tax returns and Stanford Account Statements. Simply because I have attended some of the Oppenheimer hearings, I understand that Eliot claims at least one of the Trusts does not exist. As an officer of the court, and because these may be relevant, I have taken temporary custody of the documents. I will hold them pending joint instructions or a court order, but would prefer to deliver them to Steve Lessne as Oppenheimer's counsel. These have no economic value and have no bearing on the estate, so I doubt Brian O'Connell would want them, but I did not want to see them lost or discarded in the impending move. To facilitate your review, I have scanned the first and last page of each trust, and scanned the first page of the ancillary documents, and attach that in .pdf format.

I am sure that people have looked through these files before, and there did not appear to be anything else of significance. (I did notice a few folders with other grandchildren's names, not Eliot's kids, but left those papers in place because I understand that everyone except Eliot has fully cooperated with Oppenheimer in resolving these matters.)

³⁶May 20, 2015 Alan Rose, Esq. Letter re Finding New Documents and removing them illegally from Simon's Estate and whereby the records were in the custody of Brian O'Connell at that time and Rose took them from the Estate without authorization.
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150520%20Alan%20Rose%20Letter%20to%20Eliot%20et%20al%20Regarding%20Oppenheimer%20Trust%20documents%20and%20Tax%20Records%20found.pdf>

I also have had occasion to re-look through a small box of trust documents which I have been holding, which came from Simon's former work office. Inside file folders in a desk drawer, Simon retained duplicate originals of the trust agreements relevant to my cases. When I was looking to reexamine these documents – duplicate originals of the 2008 Trusts and the 2012 Trust (the true originals remain with Tescher & Spallina who drafted them) – I noticed a copy of the three separate irrevocable trust documents. Again, these would not have caught my eye originally because I would have never guessed that Eliot would claim the trusts were not valid. I only recently had occasion to notice these in looking for the duplicate trust originals for Simon and Shirley. The three Irrevocable Trusts appear to be signed and witnessed on page 17, but the individual pages are not initialed. Again, these were only copies, but now having looked at the originals included in the attached scan, I note (although not a handwriting expert) that the attached copies appear to be absolutely identical to the originals just found in Simon's personal office.

These copies include IRS forms under which Traci Kratish PA, as Trustee appears to have applied for and obtained a Taxpayer ID number for each trust, and obviously she provided these to Simon. Each of the Trust documents is signed by Simon Bernstein, as Settlor, and by Traci Kratish PA as the initial Trustee, and the signatures are witnessed by two people. Simon's is witnessed by Jocelyn Johnson and someone else. I am advised that Jocelyn was an employee of Simon's, as presumably was the second witness and also the initial Trustee, Traci Kratish, who was in house counsel for the companies Simon owned part of.

Although this was long before any involvement on my part, Traci Kratish appears to have been the initial trustee (there is a typo elsewhere naming Steven Greenwald). I do not know Steven Greenwald, but I have confirmed that that these trusts were not created by Tescher & Spallina. If they had been, I'm sure they would have retained the original and given Simon duplicate originals as they did for all of the trust documents for the 2008 and 2012 Trusts they prepared. I do not know if Greenwald prepared these and made a typo leaving his name on a later section, or if Kratish prepared these from a boilerplate Greenwald form and made the typo. Either way, and it does not matter to me, the fact that this was a simple and ordinary typo should be obvious to all.

Eventually, Traci Kratish left the employ as the in-house counsel for the companies. Sometime before or at the time of her leaving, she resigned and appointed someone else, and eventually these trusts accounts along with similar trusts for Simon's other seven grandchildren and much of Simon's personal wealth, were moved to Stanford. After Stanford's collapse amid word that it was a Ponzi scheme -- Simon lost upwards of \$2 million of his own funds in the Ponzi scheme -- Simon directed the transfer of the his and these trust accounts to Oppenheimer. Simon selected Oppenheimer; paid Tescher's firm to do the necessary documents to appoint Oppenheimer as successor trustee; took the documents from Tescher and had them signed by all children, including Eliot and Candice; and returned the documents to Tescher for filing. I presume that Simon paid all of these legal fees, because that is the right thing to do from an estate planning strategy and as a favor to his grandkids. I now have seen copies of the filed Petitions, and again without being a handwriting expert, it certainly looks like Eliot's and Candice's

signature on them, regardless of whether they had ever met Tescher or Spallina before their parents' deaths.

Eliot and Candice reaped the benefits of Oppenheimer's services, and in any event there is no reason to believe that Candice and Eliot did not sign these Petitions for the benefit of their children. If Eliot now suggests that his and his wife's signatures do not appear on the June 2010 Petitions appointing Oppenheimer 2010 allegation, which is highly doubtful just looking at the three sets of signatures, that would mean Eliot is accusing Simon of being a forger. Eliot already is supportive of Bill Stansbury, who accuses Simon of committing a fraud on Stansbury. I would be shocked by any accusation that Simon did not obtain from Eliot and Candice their genuine signatures on the June 2010 Petitions, and particularly shocked that Eliot, who received so much of his father's (and mother's) largesse during their lifetimes, would now malign Simon's name in such a manner.

Anyway, I'm not sure if either of you needs these any longer, but if you do, here they are.

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97. Thus, Brian O'Connell, Joielle Foglietta, Alan Rose and Steven Lessne are all Material Fact Witnesses on this Chain of Custody alone which all is critical evidence for this Court as it relates to the production of Valid and Original Trusts and documents at issue and my Cross-Counterclaims and thus Injunctive relief should now issue.

98. Lessne, nor Rose (a Counter Defendant in the Stayed Counter Complaint in the Oppenheimer case), has yet to turn these alleged new documents into the Court and where since the lawsuit was based on other documents filed this would seem to materially affect the whole case.
99. It should be noted that in the days and weeks leading up to this “magical” Discovery by Alan Rose that the O’Connell and Foglietta team had issued substantial billings for communications with Alan Rose³⁷ even though O’Connell had filed an Answer claiming Alan Rose’s client Ted Bernstein was Invalid as a Trustee although the Petition had not been heard.
100. Alan Rose and Brian O’Connell are again tied up as material fact witnesses just a few weeks later when Judge Coates briefly came into the case wherein Alan Rose now “magically” has “Originals” of the Shirley Trust and related documents that he allegedly scanned onto a CD and while his Letter indicates he was “Transferring” this CD to me in person at Court he actually used Brian O’Connell to “pass me” the CD.
101. Rose claims these are “Originals” or “Duplicate Originals” scanned onto the CD but provides No Chain of Custody of how, when, where or why these come into his possession making him a Material Fact Witness on the Chain of Custody of documents. See, Alan Rose Letter of June 4, 2015³⁸. As noted, here is where “Originals” appear to be signed in Different Color Ink from the “Original” Originals and where the naked human eye can detect too many identical signatures identically or virtually identically placed in the some place on the documents and too many initials placed in the same place.

³⁷Ciklin/O’Connell Billing Statements

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151210%20MASTER%20O'Connell%20Ciklin%20Fees%20Billing.pdf>

and

Rose and O’Connell billing excerpts from Ciklin bills

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151210%20Rose%20O'Connell%20Legal%20Fees%20Bills%20Excerpts%20In%20Chronological%20Order.pdf>

³⁸ June 04, 2015 Rose Letter Regarding CD of Newly Discovered Estate and Trust documents

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150604%20Rose%20Letter%20with%20CD%20of%20Simon%20Shirley%20Oppenheimer%20Trust%20Will%20Documents.pdf>

102. Yet, on or about August 11, 2015, I physically appeared and went to the O'Connell law office per arrangements with Joielle Foglietta and was directed to some Staff member I will call "Jane Doe" for now, although other records may disclose her name, whereupon I was supposed to be able to finally "view" and "inspect" all of Simon's Business Records, Documents, etc that the O'Connell firm had obtained and am shocked to be placed into a Conference Room with 4 Banker Boxes that were half-full for my father who had been a successful Insurance business person for Decades with multiple bank accounts, corporations, trust companies and tons of other personal records. One of the boxes had allegedly been dropped off by Alan Rose and only had a few miscellaneous "wall hangings" from his Business Office and the other 3 boxes are allegedly what the O'Connell firm had taken out of the St. Andrew's home.
103. Yet these were partially filled boxes and the Jane Doe staff member indicated she had retrieved "everything", "everything" from the St. Andrew's home on or around June 4, 2015 which contradicts what Joielle Foglietta had claimed in March 2015 about taking custody of the Business documents and files and further contradicts what Alan Rose "finds" in May of 2014, thus rendering all of these individuals Material Fact Witnesses on Chain of Custody and possession. Miraculously these documents appear days before Sheriff deputies are contacting Kratish regarding the prior documents and allegations of fraud in the prior documents.
104. This item further ties up Judge Colin, the Palm Beach County Sheriff's Office, Gerry LEWIN, SPALLINA and TESCHER as more intertwined in the fraud.
105. Both Judge Colin and the PBSO are aware that Eliot and his wife Candice have claimed they never signed a Petition that SPALLINA "Witnessed" in 2010 relating to the Trust which

SPALLINA apparently deposited with Colin's court in June of 2010³⁹ and that Colin is alleged to have signed.

106. The Document provided by ROSE as an "original" however, purports to be a Trust signed Sept. 7, 2006 and allegedly witnessed by one Traci Kratish.
107. However, in her statement to the PBSO⁴⁰, Traci Kratish, a lawyer and accountant, says she did not begin work with Eliot's father until Sept. 10, 2006 and was not brought in Pre-Stanford Trust and has no independent recollection of signing this Trust which is further ripe with errors such as referring to Traci Kratish as a "he" instead of "she", having a different trustee Steven Greenwald identified later in the document as the "Trustee," no reference to the law firm who allegedly prepared the Trusts, missing initials on the pages and other obvious errors.
108. Still further, LEWIN prepares and has Tax documents (copies, not Originals) saying the Trust was created on Sept. 1, 2006, not Sept. 7th and further that Stanford was the Trustee from the beginning and not Traci Kratish as alleged by SPALLINA in the June 2010 Petition claiming the Trusts went from Kratish to Stanford and then Oppenheimer with this Petition allegedly signed by Eliot and his wife which they have denied signing or seeing prior to it being produced in the matters to the the PBSO and COLIN and reported as fraud⁴¹.
109. Despite the PBSO and PANZER knowing all the fraud admitted to date and SPALLINA who was not forthcoming in his first interview, PBSO illegally steers this part of the fraud and criminal investigation away from following up with Spallina and the involved parties and

³⁹ July 08, 2010 Alleged Forged Petition for Children's Trusts Oppenheimer @ <http://iviewit.tv/Simon%20and%20Shirley%20Estate/Exhibit%20E%2020100619%20Alleged%20Eliot%20Candice%20Petition%20to%20Appoint%20Successor%20Trustee%20Joshua%20Jacob%20and%20Daniel.pdf>

⁴⁰ May 21, 2015 Traci Kratish PBSO Interview statements @ [www.iviewit.tv/Simon and Shirley Estate/Kratish Statements to PBSO.pdf](http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/Kratish%20Statements%20to%20PBSO.pdf)

⁴¹ May 20, 2015 Alan Rose Email Claiming to have found New Trust Documents @ <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150520%20Alan%20Rose%20Letter%20to%20Eliot%20et%20al%20Regarding%20Oppenheimer%20Trust%20documents%20and%20Tax%20Records%20found.pdf>

attempted to close the case in a rush with admitted felony crimes of Spallina not being prosecuted and thus committing misprision of felony and aiding and abetting the fraud by failure to report the admitted crime to prosecutors and which is currently under a second Internal Affairs review, the first review after Judge Colin interfered with the criminal investigations and had them close the case of Fraud on the Court stating he would handle those and forcing Eliot to IA to have the cases reopened due to the improper interference, which led to subsequent interviews where Spallina confessed to Felony misconduct..

110. By TESCHER SPALLINA Bates⁴² No. TS000815 Spallina falsely writes to Christopher Prindle of Wachovia/Stanford/Oppenheimer/JP Morgan on July 1, 2010 who is intimately involved in the Financial Accounts of Simon Bernstein claiming he has: “**certified Final Orders on Petitions to Appoint Successor Trustee** designating Oppenheimer Trust Company as Successor Trustee of the following trusts: 1. Daniel Bernstein Irrevocable Trust dated September 7, 2006 2. Carly Esther Friedstein Irrevocable Trust dated September 7, 2006 3. Jake Bernstein Irrevocable Trust dated September 7, 2006 4. Max Friedstein Irrevocable Trust dated September 7, 2006 5. Julie Iantoni Irrevocable Trust dated September 7, 2006 6. Joshua Z. Bernstein Irrevocable Trust dated September 7, 2006 “ all as of July 1, 2010.

⁴² Tescher & Spallina Bates Numbered Court Ordered Production

It should be noted that while the documents are bates stamped they were never tendered by Spallina and Tescher to the court and no document originals were tendered to successors despite court order to turn over “ALL” records, whereby all copies of alleged documents in the Tescher and Spallina production are therefore alleged fraudulent and part of an ongoing fraud to cover up and maintain the prior frauds they have been caught in and further continue the frauds.

***FOR ALL FURTHER REFERENCES HEREIN of SPALLINA and TESCHER Bates Stamped Documents please refer to the following link which contains the entire file of Bates stamped documents Total Pages 7,202 with gaps in the bates numbering and search for the Bates numbers listed in this filing.

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140602%20PRODUCTION%20OF%20DOCUMENTS%20SIMON%20ESTATE%20BY%20COURT%20ORDER%20TO%20BEN%20BROWN%20CURATOR%20DELIVERED%20BY%20TESCHER%20AND%20SPALLINA.pdf> (File is large and takes time to download)

111. Yet on the same date of July 1, 2010, by TS000831 SPALLINA writes to Margaret Brown at Baker Botts saying:

From: Robert Spallina [mailto:rspallina@tescherspallina.com]

Sent: Thursday, July 01, 2010 9:14 AM

To: Brown, Margaret

Subject: Bernstein

Dear Margaret - we finally received the last of the signed petitions for the minor grandchildren and will be walking through the petitions next week to get the orders designating Oppenheimer as successor Trustee to Stanford. Attached are copies of the signed petitions we are filing for your records.

112. The close relationship with SPALLINA and COLIN is shown by the casual manner SPALLINA is simply going to “walk through” over at the Court to get the Orders he has told key Financial person Christopher Prindle he already has in Certified form as of the same date.

113. The alleged Orders do appear to be “Certified” and signed by COLIN but not until July 8, 2010, a week after he tells Prindle these are done by the Court already which SPALLINA writes to Margaret Brown again about on July 8, 2010, see TESCHER SPALLINA PRODUCTION Bates No.TS000829.

114. This pattern and practice of false information even shown by the TESCHER SPALLINA production is further reason to Enjoin and Restrain the parties and the evidence in further aid of this Court’s jurisdiction.

115. Moreover, because there are NO Accountings from TESCHER SPALLINA in the year and half plus of their involvement as fiduciaries (NO accountings in Shirley for FIVE years and INCOMPLETE ACCOUNTING FOR SIMON ONLY RECENTLY TURNED OVER after almost three years after Simon’s Passing) where millions were likely moved between accounts or converted without any accounting, Records and accounts of Christopher Prindle, Stanford, JP Morgan and Oppenheimer should further be enjoined when the Court has proper jurisdiction over these parties.

116. Note that the Curator Ben Brown of the Estate of Simon Bernstein purported to have obtained actual signed Tax returns from the IRS herein for Simon's Estate and quietly died at a young age shortly thereafter upon information and belief before turning them over and according to O'Connell he never received them and immediately ordered new ones immediately after gaining Letters of Administration but still has not received them to the best of my belief and certainly has not turned them over to me as promised.
117. Yet, current PR of the Simon Bernstein Estate Brian O'Connell and Joielle Foglietta of the Ciklin Lubitz Martens & O'Connell law firm have Never obtained or provided any Signed Tax Documents or actual originals in the 18 months in the case yet repeatedly bills the Estate for calls with Alan Rose, including many redacted Billing entries⁴³ and⁴⁴.
118. The 2007-2008 LIC Tax statements where Simon Bernstein was 45 % owner shows 2 consecutive years of revenue exceeding \$30 Million per year and where Renewals on insurance should still be coming in but where TED, ROSE and the PRs claim estates and trusts virtually empty while denying discovery and production⁴⁵, with Simon taking several million dollars in income in just these years prior to his death.
119. Yet, the O'Connell and Foglietta team claim the Estate is out of money and even proceeded to demand a payment of \$750 approximately from myself to obtain copies of the bare records in 3 partially filled boxes the PRs have obtained to date that they stated copies would be ready for me to pick up when I went to their offices and were not, then later when I was forced to

⁴³ Alan B. Rose and Brian O'Connell Billing Excerpts from Ciklin Lubitz Martens & O'Connell Bills @ <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151210%20Rose%20O'Connell%20Legal%20Fees%20Bills%20Excerpts%20In%20Chronological%20Order.pdf>

⁴⁴ O'CONNELL and Ciklin Lubitz Martens & O'Connell Billing Statements @ <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151210%20MASTER%20O'Connell%20Ciklin%20Fees%20Billing.pdf>

⁴⁵ 2007-2008 Unsigned Tax Returns LIC prepared by Gerald Lewin CPA <http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/tax%20returns%202007%202008%20LIC.pdf>

repeatedly ask for them to be sent they changed their tune demanding payment for the meager records they had obtained and further *have repeatedly denied access to even visually Inspect the alleged Storage unit where all the TPP allegedly is.*

120. As will be shown later herein, Millions remain Unaccounted for in the cases further justifying an Injunction at this time.

“Orchestration” of the “One-day” “Validity” Trial by the Fiduciaries, Lawyers and Judge

Phillips

121. Despite this tortured background, the licensed attorneys O’Connell, Foglietta, Rose and Feaman allow matters to proceed along course to a “one-day” Validity Trial with Judge Phillips held Dec. 15, 2015.

122. In the weeks before this, Creditor attorney Peter Feaman expressly stated in a phone call with myself, William Stansbury and others that there was a deliberate “conspiracy” against me by the parties with money and connections or words to that effect.

123. Attorney Peter Feaman also acknowledged that Florida Courts do have traditional Pre-Trial and Trial procedures, none of which were followed.

124. No pre-trial Discovery compliance was ever determined, no Pre-trial Depositions were determined, and I was provided no Due Process opportunity to speak about the Necessary Witnesses that should be at Trial which would make the Trial go beyond one day and the importance of having the hearings to remove Ted first to determine if he would even be able to conduct validity hearings, especially where there was document fraud with the documents being validated committed by his attorneys representing him as fiduciary and where the fraud directly benefited Ted’s family, slight conflicts that should have forced Ted from holding the hearings. Ted also being considered Predeceased for ALL PURPOSES OF DISPOSITION OF THE

SHIRLEY TRUST certainly could not hold a validity hearing as it regards disposition of the trust. Yet, Phillips refused both Feaman and my request to have that hearing first.

125. Creditor Attorney Peter Feaman had previously in August of 2014 written a specific letter to Brian O'Connell indicating he had an "absolute duty" to take up the baton to remove Ted Bernstein noting the waste of assets, lack of accountings, conflicts of interest and other items, although attorney Feaman would take no action to prevent or participate in the "Validity Trial" despite the fact that the only 2 Witnesses that were called, Robert Spallina and Ted Bernstein (both involved in the Fraudulent Documents submitted to the court and others) were Both parties that Creditor William Stansbury had sued although that case was before a separate Judge.
126. Despite the Fraud shown with Colin who should be a Material fact witness and should have disqualified once he knew there was Fraud Upon His Court and he was involved in the matters, Feaman took no action to assert and re-argue if necessary Stansbury's "standing" which had been denied in the case by Colin although Stansbury was "in the case" for purposes of Paying for the Illinois litigation before Your Honor which all appears to be part of "orchestration" where Stansbury and Feaman are "in" on some issues but not in on others.
127. Feaman had "confirmed" that O'Connell as the PR was going to Participate at the one day Validity Trial as O'Connell had filed an Answer to remove Ted Bernstein at Trial as an Invalid Trustee yet "at the last minute" it was announced O'Connell and Ted Bernstein's attorney Alan Rose had some form of "consultation" deal where it was decided O'Connell would not participate in the Validity Trial despite the fact that his Office had been Billing the Estate for nearly 2 years based upon Ted as Trustee including many billings with Alan Rose on behalf of

Ted Bernstein all of which is compromised if a proper Trial showed the documents to be invalid and/or Ted Bernstein should be removed.

128. When Feaman brought O'Connell into the cases after being denied standing to remove Ted, Feaman had Eliot withdraw a hearing to remove Ted that day telling him that he spoke to O'Connell and O'Connell would file the motion Feaman filed that was denied for standing and that I would have a much better chance of success with O'Connell filing. To this date, despite being given Feaman's filing to put his name on and repeatedly stating he would file it, O'Connell has failed to file despite knowing Ted is "not a validly serving Trustee" or in other words that Ted and Alan are committing a Fraud knowing Ted cannot be Trustee but pulling yet another Fraud on the Court and Fraud on the Beneficiaries and Creditor.

129. Thus, the Estate of Simon Bernstein was Unrepresented and did not participate in the Phillips "Validity" Trial of the Simon documents and where the Governor Rick Scott's office already found defects in the notarizations of Simon's Estate and Trust documents that O'Connell was made aware of prior and where if they were not validated as Rose wanted them, O'Connell could have been knocked out and Stansbury could have become the Successor as was the case only a few weeks before Simon died when allegedly new improperly notarized documents are said to have been signed.

130. Alan Rose was motioned by my counsel Candice Schwager of Texas who was seeking to come into Florida pro hac vice⁴⁶ for a 30 day Continuance⁴⁷ and to get the Documents necessary to be able to represent my children properly and determine if any conflicts existed that prevented her

⁴⁶December 12, 2015 Candice Schwager Pro Hac Vice Letter to Court and Alan Rose, Esq.
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151212%20Candice%20Schwager%20Pro%20Hac%20Vice%20ECF%20Filing%20Stamped%20Copy.pdf>

⁴⁷20151215 Motion for Stay
[http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151215%20ESIGNED%20Phillips%20Trial%20St](http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151215%20ESIGNED%20Phillips%20Trial%20Stay%20ECF%20STAMPED%20COPY.pdf)

from representing both myself and my children but both Rose and Judge Phillips denied the continuance and denied her access to documents⁴⁸ leaving my children unrepresented at the Validity “trial” as well.

131. The notice and motion further indicated Alan Rose should be Disqualified as a Material fact witness for the reasons set out above.

132. Thus the Trial was orchestrated so no Attorneys were present to Cross-examine the only 2 Witnesses produced by Ted Bernstein and Alan Rose being Robert Spallina and Ted Bernstein himself.

133. It is noted that there were no Pre-Trial Depositions allowed of Robert Spallina or Ted Bernstein and thus acting Pro Se I did all I could do at the Trial which still revealed remarkable information and confessions of new crimes, including federal mail fraud by Spallina, who also violated his SEC consent order by misrepresenting his SEC consent deal and further misrepresented his standing with the Florida Bar as the record reflects. Spallina also admitted to using a deceased Simon acting as PR to close Shirley’s Estate and depositing further fraudulent documents with the court, while admitting he had not to that date told anyone about these crimes, while Phillips ignored all these admissions and since has done nothing to notify proper authorities of these new and damning admissions of crimes and violations of SEC consent orders, despite repeated requests by myself for him to do so.

134. It is further noted that no Inspection or Comparison of the “duplicate” and other alleged “originals” was allowed pre-trial or during trial as these Documents and evidence simply were

⁴⁸January 06, 2016 Alan Rose, Esq. Letter to Attorney for Minor Children and Eliot denying access to file or even to speak despite her being retained counsel in need of documents to evaluate cases. <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20160106%20Rose%20Denying%20to%20talk%20or%20give%20information%20to%20Attorney%20Schwager.pdf>

not produced or made available at the hearing for inspection and have never been forensically examined.

135. It is respectfully asserted to this Court that not only would proper production and Discovery be reflective of actual value and worth of assets at stake, but further relevant to Undue influence and pressures that were on Simon Bernstein at all relevant times herein. The potential for undue influence should have been clear just by the April 9, 2012 fraudulent Petition for Discharge allegedly signed by Simon on this date and Witnessed by Spallina since if this is Simon's signature he absolutely knew the Waivers referenced in the Petition had not even been received by some of the parties by this date much less Signed and returned and signing such a document falsely would have been totally out of character and practice for the decades he had been in business. This Court should now issue an Injunction.

No Concern for Original Documents, Rose, Spallina, Ted Bernstein or Judge Phillips

136. I believe the following passage from the Validity "Trial" makes clear that an Injunction should issue since no one seems to know where the Originals are, and the many Duplicate originals and Ted Bernstein claims to have only seen "copies" of the Trusts although it is noted for this US District Court there are other Trusts that are referenced in the produced Trusts where copies have been provided that not only were the other referenced Trusts never "Served" with Process for the Validity hearing but these referenced Trusts have never been produced to this day such as:

Page 137 of linked PDF document @

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151215%20Hearing%20Transcript%20Phillips%20Validity%20Hearing.pdf>

Transcript Page 121

Spallina Witness - Eliot Cross Examining

4. . . . Q. . Okay. . In the chain of custody of these

5. . documents, you stated that there were three copies made?

6 . . . A. . Yes.
7 . . . Q. . Do you have those three original trust copies
8 . here?
9 . . . A. . I do not.
10 MR. BERNSTEIN: . Does anybody?
11 THE COURT: . Do you have any other questions of
12 . . . the witness?
13 MR. BERNSTEIN: . Yeah. . I wanted to ask him
14 . . . some questions on the original documents.
15 THE COURT: . Okay. . Keep going.
16 . BY MR. BERNSTEIN:
17 . . . Q. . Okay. . So the original documents aren't in the
18 . court?
19 . . . A. . I don't have them.
20 . . . Q. . Your firm is not in possession of any of the
21 . original documents?
22 . . . A. . I'm not sure. . I'm not at the firm anymore.
23 . . . Q. . When you left the firm, were there documents
24 . still at the firm?
25 . . . A. . Yes, there were.

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-1- Q. . Were you ordered by the court to turn those
2 . documents over to the curator, Benjamin Brown?
3 . . . A. . I don't recall.
4 MR. ROSE: . Objection. . Can he clarify the
5 . . . question, which documents? . Because I believe the
6 . . . curator was for the estate, and the original will
7 . . . was already in file, and the curator would have no
8 . . . interest in the trust --
9 THE COURT: . Which documents? . When you say
10 . . . "those documents," which ones are you referring to?
11 MR. BERNSTEIN: . Any of the trusts and estate
12 . . . documents.
13 THE COURT: . Okay. . That's been clarified.
14 You can answer, if you can.
15 THE WITNESS: . I believe that he was given -- I
16 . . . believe all the documents were copied by
17 . . . Mr. Pollock's office, and that he was given some
18 . . . type of zip drive with everything. . I'm not sure,
19 . . . though. . I couldn't --
20 . BY MR. BERNSTEIN:
21 . . . Q. . Did the zip drive contain the original
22 . documents?
23 . . . A. . Did not. . I believe the original documents
24 . came back to our office. . Having said that, we would
25 . only have -- when we made and had the client execute

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1 three documents, two originals of those documents would
2 remain with the client, and then we would keep one
3 original in our file, except -- including, most of the
4 time, the original will, which we put in our safe
5 deposit box. So we would have one original of every
6 document that they had executed, including the original
7 will, and they would keep two originals of everything,
8 except for the will, which we would give them conformed
9 copies of, because there was only one original will.
10 Q. Okay. I asked a specific question. Did your
11 firm, after the court order of Martin Colin, retain
12 documents, original documents?
13 MR. ROSE: Objection. Sorry. I should have
14 let him finish.
15 MR. BERNSTEIN: -- original documents?
16 THE WITNESS: I believe --
17 MR. ROSE: Relevance and misstates the --
18 there's no such order.
19 THE COURT: Well, the question is, Did your
20 firm retain the original documents?
21 Is that the question?
22 MR. BERNSTEIN: Yes, sir.
23 THE COURT: Overruled.
24 Answer, please.
25 THE WITNESS: I believe we had original

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1 documents.
2 BY MR. BERNSTEIN:
3 Q. After the date you were court ordered to
4 produce them to the curator?
5 MR. ROSE: Object -- that's the part I object
6 to.
7 THE COURT: Sustained.
8 MR. BERNSTEIN: Okay.
9 BY MR. BERNSTEIN:
10 Q. To your knowledge -- so, to your knowledge,
11 the documents can't all be here since they may be at
12 your firm today?
13 A. I don't practice at the firm anymore, so I'm
14 not sure where the documents are.
15 Q. Okay. And you said you made copies of all the
16 documents that you turned over to the curator? Did you
17 turn over any original documents as ordered by the
18 court?
19 MR. ROSE: Objection. Same objection.
20 There's no court order requiring an original

21. . . . document be turned over.
22.THE COURT: What order are you referring to?
23.MR. BERNSTEIN: Judge Colin ordered when they
24. . . . resigned due to the fraudulent alteration of the
25. . . . documents that they turn over –

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1.THE COURT: I just said, what order are you
2. . . . referring to?
3.MR. BERNSTEIN: It's an order Judge Colin
4. . . . ordered.
5.THE COURT: All right. Well, produce that
6. . . . order so I can see it, because Judge Colton's [sic]
7. . . . been retired for six or seven years.
8.MR. BERNSTEIN: Okay. I don't have it with
9. . . . me, but...
10.THE COURT: Well, Judge Colton's a retired
11. . . . judge. He may have served in some other capacity,
12. . . . but he doesn't enter orders, unless he's sitting as
13. . . . a replacement judge. And that's why I'll need to
14. . . . see the order you're talking about, so I'll know if
15. . . . he's doing that. Okay. Thanks. Next question.
16. BY MR. BERNSTEIN:
17. . . . Q. Okay. Has anyone, to the best of your
18. knowledge, seen the originals while you were in custody
19. of them?
20. . . . A. Yes.
21. . . . Q. Okay. Who?
22. . . . A. I believe Ken Pollock's firm was -- Ken
23. Pollock's firm was the firm that took the documents for
24. purposes of copying them.
25. . . . Q. Did anybody ask you, refer copies to inspect

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1. the documents?
2. . . . A. Other than Ken Pollock's office, I don't
3. recall.
4. . . . Q. Did I ask you?
5. . . . A. Perhaps you did.

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14. . . . Q. But it does say on the document that the
15. original will's in your safe, correct?
16. . . . A. For your mother's document, it showed that.
17. . . . Q. Oh, for my father's -- where are the originals
18. of my father's?
19. . . . A. Your father's original will was deposited in
20. the court. As was your mother's.

21. . . . Q. . How many copies of it were there that were
22. . original?
23. . . . A. . Only one original. I think Mr. Rose had
24. . stated on the record that he requested a copy from the
25. . clerk of the court of your father's original will, to

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1. . make a copy of it.
2. . . . Q. . Certified?
3. . . . A. . I'm not sure if he said it was certified or
4. . not.

TED BERNSTEIN WITNESS - ELIOT BERNSTEIN CROSS EXAM

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23. MR. BERNSTEIN: . Yeah.
24. . BY MR. BERNSTEIN:
25. . . . Q. . Have you seen the original will and trust of

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1. . your mother's?
2. . . . A. . Can you define original for me?
3. . . . Q. . The original.
4. . . . A. . The one that's filed in the court?
5. . . . Q. . Original will or the trust.
6. . . . A. . I've seen copies of the trusts.
7. . . . Q. . Have you done anything to have any of the
8. . documents authenticated since learning that your
9. . attorneys had committed fraud in altering dispositive
10. . documents that you were in custody of?
11. MR. ROSE: . Objection. . Relevance.
12. THE COURT: . Overruled.
13. THE WITNESS: . I have not.
14. . BY MR. BERNSTEIN:
15. . . . Q. . So you as the trustee have taken no steps to
16. . validate these documents; is that correct?
17. . . . A. . Correct.
18. . . . Q. . Why is that?
19. . . . A. . I'm not an expert on the validity of
20. . documents.
21. . . . Q. . Did you contract a forensic analyst?
22. . . . A. . I'm retained by counsel, and I've got counsel
23. . retained for all of this. So I'm not an expert on the
24. . validity of the documents.
25. . . . Q. . You're the fiduciary. You're the trustee.

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·1· You're the guy in charge. You're the guy who hires your
·2· counsel. You tell them what to do.
·3· So you found out that your former attorneys
·4· committed fraud. And my question is simple. Did you do
·5· anything, Ted Bernstein, to validate these documents,
·6· the originals?
·7· THE COURT: That's already been answered in
·8· . . . the negative. I wrote it down. Let's keep going.
·9· MR. BERNSTEIN: Okay.
10· BY MR. BERNSTEIN:
11· . . . Q. As you sit here today, if the documents in
12· your mother's -- in the estates aren't validated and
13· certain documents are thrown out if the judge rules them
14· not valid, will you or your family gain or lose any
15· benefit in any scenario?
16· . . . A. Can you repeat that for me, please? I'm not
17· sure I'm understanding.
18· . . . Q. If the judge invalidates some of the documents
19· here today, will you personally lose money, interest in
20· the estates and trusts as the trustee, your family, you?
21· . . . A. I will not.
22· . . . Q. Your family?
23· . . . A. My -- my children will.
24· . . . Q. So that's your family?
25· . . . A. Yes.

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·1· . . . Q. Okay. So do you find that as a fiduciary to
·2· be a conflict?
·3· MR. ROSE: Objection.
·4· THE WITNESS: No.
·5· MR. ROSE: I think it calls for a legal
·6· . . . conclusion.
·7· THE COURT: Sustained.

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21· . . . Q. Did you ever have access to the original will
22· of your father or mother that were in the Tescher &
23· Spallina vaults?
24· . . . A. I have no access, no.
25· . . . Q. Did you ever have access to the original

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·1· copies of the trusts that Mr. Spallina testified were
·2· sitting in their firm's file cabinets or vaults?
·3· . . . A. I did not.
·4· . . . Q. Now, did you find in your father's possessions
·5· the duplicate originals of the trusts of him and your

- 6· ·mother that we've talked about?
- 7· ··· A· ·I did.
- 8· ··· Q· ·And do you have any reason to believe that
- 9· ·they aren't valid, genuine and signed by your father on
- 10· ·the day that he -- your father and your mother on the
- 11· ·days that it says they signed them?
- 12· ··· A· ·None whatsoever.

Predetermined Trial, Missing Witnesses, Missing Originals and Discovery:

137. Trial Transcript makes it crystal clear the Result of the “Trial” was predetermined by Phillips as alleged in post-trial motions⁴⁹ and motions for Disqualification⁵⁰.
138. Missing Witnesses include Traci Kratish who gives contradictory statements to the Palm Beach Sheriff’s from the alleged Oppenheimer Trusts produced by Alan Rose and Steven Lessne and further contradicting filed documents by Robert Spallina in 2010 which are claimed as frauds, see above. Kratish is allegedly also a Witness to certain operative Trusts/Wills/Instruments so an adverse inference against the core parties and in favor of this Petition should be drawn by the failure to produce Traci Kratish at the alleged Validity trial.
139. Phillips made it clear, however, that he was not going to go beyond his “one day” trial thus fully prejudging the case and denies me from calling Alan Rose as a witness with 11 minutes remaining despite his direct involvement in the break of the chain of custody of dispositive documents and more and where Rose is also a served Counter Defendant in the Counter Complaint⁵¹ stayed by Colin in the Shirley Trust case and where Colin is also listed as a Material and Fact Witness and Potential Counter Defendant in the Party Heading in the case.

⁴⁹ December 31, 2015 Motion for New Trial Stay Injunction
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151231%20FINAL%20ESIGNED%20MOTION%20FOR%20NEW%20TRIAL%20STAY%20INJUNCTION%20PHILLIPS%20ECF%20STAMPED%20COPY.pdf>

⁵⁰ December 28, 2015 2nd Petition for Disqualification of Phillips
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151228%20FINAL%20SIGNED%20NOTARIZED%20Second%20Disqualification%20of%20Judge%20Phillips%20after%20Validity%20Hearing%20on%20December%202015,%202015%20ECF%20STAMPED%20COPY.pdf>

⁵¹ September 02, 2014 Stayed Counter Complaint

140. Other missing witnesses include: Kimberly Moran (arrested for 6 Fraudulent Notarizations and Admitted to 6 Forgeries of Estate documents), Lindsay Baxley aka Lindsay Giles, Diana Banks and others, who were all parties to various of the Estate and Trust documents.

141. According to Peter Feaman and William Stansbury, Donald Tescher was “seen” at the Courthouse on Trial day but never called as a Witness.

142. Spallina admits under oath at the hearing to having worked with Alan Rose in preparation for the trial.

·3· ·BY MR. BERNSTEIN:
·4· · . . . Q· ·Okay· ·How many times have you spoken with
·5· ·Alan Rose in the last three months?
·6· · . . . A· ·Twice.
·7· · . . . Q· ·Did you prepare for this hearing in any way
·8· ·with Alan Rose?
·9· · . . . A· ·I did.
10· · . . . Q· ·Okay· ·Was that the two times you spoke to
11· ·him?
12· · . . . A· ·Yes.
13· · . . . Q· ·Do you see any other of the parties that would
14· ·be necessary to validate these trust documents in the
15· ·court today?
16· · . . . ·MR. ROSE:· ·Objection· ·Cumulative.
17· · . . . ·THE COURT:· ·Sustained.

December 15, 2015 Hearing Transcript Page 149⁵²

, See Post-Trial Motions and Disqualifications of Judge Phillips; see pending 4th DCA Writ of Prohibition appealing Original Phillips Denial of Disqualification⁵³;

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140902%20Final%20Signed%20Printed%20Counter%20Complaint%20Trustee%20Construction%20Lawsuit%20ECF%20Filing%20Copy.pdf>

⁵² December 15, 2015 PHILLIPS VALIDITY HEARING TRANSCRIPT

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151215%20Hearing%20Transcript%20Phillips%20Validity%20Hearing.pdf>

⁵³

Tescher-Spallina Prosecuted by the SEC, yet Phillips, Rose, O'Connell, Foglietta, Ted

Bernstein have left critical Originals, documents and evidence in their possession, thus this

Court must now act:

143. Other new evidence and facts have emerged during the relevant time this federal action has been waiting to come back on the calendar where the Estate Planning attorneys for my now deceased parents Simon and Shirley Bernstein, being attorneys Tescher & Spallina of Boca Raton, have been charged by the SEC with violations of federal Insider Trading and breaches of fiduciary duties to other clients and now entered into formal Consent Orders with the SEC⁵⁴, and yet the involved judicial actors of the Florida Probate Courts, attorney Alan Rose, Ted Bernstein, and the PR attorneys Brian O'Connell and Joielle Foglietta for the Simon Bernstein Estate have permitted years of "ORIGINAL" documents and business records relevant to this action to remain in the possession of Tescher and Spallina despite their being Court Ordered approximately 2 years ago to turn over "ALL"⁵⁵ records upon their removal after admitting to fraudulently creating a Shirley Trust, thus creating an imminent danger that further vital Original documents and evidence relevant to this federal action will also go "permanently lost" or be destroyed further justifying the need for an immediate injunction herein.

⁵⁴ September 28, 2015 SEC Press Release Regarding SPALLINA and TESCHER INSIDER TRADING CHARGES, "SEC Charges Five With Insider Trading, Including Two Attorneys and an Accountant"

<http://www.sec.gov/news/pressrelease/2015-213.html>

AND

September 28, 2015 SEC Government Complaint filed against TESCHER and SPALLINA @

<http://www.sec.gov/litigation/complaints/2015/comp-pr2015-213.pdf>

AND

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

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

⁵⁵ February 18, 2014 Order Demanding ALL TESCHER and SPALLINA records be turned over to the Replacement Curator Benjamin Brown

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20140218%20ORDER%20ON%20PETITION%20FOR%20DISCHARGE%20TESCHER%20SPALLINA%20Case%20502012CP004391XXXXSB%20SIMON.pdf>

144. As this Court may recall from the Summary Judgment filings herein, attorney Robert Spallina sought to have the proceeds of the alleged “lost” Life Insurance Policy paid to his office by signing a Death Benefit Claim as the Trustee of a Trust also “lost” and which he claims in testimony and other parole evidence obtained that he had nothing to with the trust or insurance policy, including stating this in his recent testimony at the Validity hearing and further he was being addressed in communications over several months by Heritage Union Life Insurance as “Trustee” of the “La Salle Trust” and yet the parties kept LaSalle out of this federal case where Financial Disclosures of Florida Probate Judge Martin Colin now publicly available due to the Palm Beach Post Investigative series show Judge Colin has had an ongoing financial business relationship with La Salle for all relevant years and yet never Disclosed this on the record despite knowing and having actual knowledge that La Salle was a Defendant in a counter-complaint⁵⁶ filed by myself in his Court as of July, 2014 in relation to an Oppenheimer Trust instigated lawsuit against Eliot’s children that Colin immediately stayed⁵⁷ despite knowing of the conflict this represented as a potential Counter Defendant and as a Material and Fact Witness to certain fraud in and on and by his court.

145. This Court must now act and use its Injunctive powers over the parties currently within its jurisdiction to restrain. obtain, produce and preserve the critical evidence, documents and records and Discovery necessary from all parties including the probate court files in aid of it’s own jurisdiction.

Ted Bernstein and Alan Rose involved with New Fraud Company to hide Ownership of Assets at 7020 Lions Head Lane, Boca Raton, FL ; Further Need for Injunctive Relief

⁵⁶ July 30, 2014 Answer and Counter Complaint Oppenheimer lawsuit v Eliot Minor Children
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140730%20FINAL%20SIGNED%20PRINTED%20Answer%20and%20Counter%20Oppenheimer.pdf>

⁵⁷ August 06, 2014 Oppenheimer Counter Complaint
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140806%20REFILED%2020140730%20PRINTED%20SIGNED%20ECF%20STAMPED%20Counter%20Complaint%20Oppenheimer%20Lawsuit-2.pdf>

146. On Feb. 18, 2016 I had a personal conversation with one Leilani Ochoada of Orlando, Florida after discovering information at the Florida Secretary of State website www.sunbiz.org regarding a false company set up as 7020 Lions Head Land Trust, Inc., shown on a Deed purportedly signed and transferred by Ted Bernstein of the property at 7020 Lions Head Lane, Boca Raton which was my parent's St. Andrews home. See, Deed signed by Ted Bernstein and Alan Rose⁵⁸.
147. The sunbiz.org website showed this 7020 Lions Head Land Trust, Inc. company had a False and Inactive (Dissolved) company listed as it's Registered Agent which according to Melanie Sellers at the Florida Division of Corporations should not have made it through the Secretary of State's Office to be filed as the Registered Agent must be a valid and active company. See Document Number P15000049545 filed 6/4/15 which is the reference number on the Lions Head Land Trust Inc. filing. See Document Number P15000049545⁵⁹
148. The Registered Agent is listed as ISL, Inc. with an address at 1540 GLENWAY DRIVE TALLAHASSEE, FL 32301 which is also the address listed as the Principal Place of Business for Lions Head Land Trust, Inc.
149. According to www.sunbiz.org the ISL, Inc. company listed as Registered Agent by Lions Head Land Trust Inc. has been INACTIVE and Dissolved since 1997 according to Secretary of State Document Number P96000079975 and this has been confirmed by staff at the Division of

⁵⁸ DEED

www.iviewit.tv/DEEDLIONSHEADLANDTRUSTINC7020LIONSHEADLANEBOCARATONFLSALE.pdf

⁵⁹ www.iviewit.tv/DocumentP15000049545Articles.pdf - Articles of Incorporation

www.iviewit.tv/DocumentP15000049545DetailsCorp.pdf - Detail of Corp

Corporations who were initiating inquiry and investigation. See, Document Number P96000079975⁶⁰

150. Upon information and belief, the actual licensed business at 1540 GLENWAY DRIVE TALLAHASSEE, FL 32301 is Incorporating Services, LTD and the person at phone number (850) 656-7956 says there is no ISL, Inc. at that address and no company like Lions Head Land Trust, Inc. has principal offices at the 1540 GLENWAY DRIVE TALLAHASSEE, FL 32301 address.
151. Upon speaking to Leilani Ochoada who is listed as the “Incorporator” of Lions Head Land Trust, Inc., using an Address on the Articles of Incorporation as 7020 Lions Head Lane Boca Raton, Fl 33496 Leilani says she will come forward with an Affidavit for federal and state court and Investigators as follows upon information and belief: 1) She has no knowledge of Lions Head Land Trust, Inc. at all ; 2) She never authorized anyone to use her name as an Incorporator; 3) Until Feb. 18th 2016 had no knowledge any entity was incorporated by filings at the Fla Secretary of State under her name and had no involvement with any land transaction involving 7020 Lions Head Lane, Boca Raton, F; 4) She initially believed it was some form of identity theft when she got the call and looked into it further; 5) She never lived at any Boca Raton, Fl address in general and never at 7020 Lions Head Land Trust Inc. and is from Orlando, Fl; 6) She found out an attorney that had an Office building where her company rented space in Orlando used her name as this Incorporator without permission and never knew about any land deal with Mitch Huhem/ Laurence Pino or anything related to this property with Laurence Pino being the attorney who apparently did this expressly stating he was trying to hide Mitch Huhem from the public record as part of this transaction; 7) She knew absolutely nothing about the Articles of Incorporation and the addresses and companies named there using her name; 8)

⁶⁰ www.iviewit.tv/DocumentP96000079975.pdf - Details of Corp

Attorney Laurence Pino never had Leilani's permission to incorporate any entity using her name as an Incorporator either by signed document or Electronically ; 9) Pino has not been able to produce any written document that she allegedly signed with his office; 10) Pino's Exec Assistant Cathy can not find Any document signed by Leilani after reviewing the files supporting Leilani's version of the events that she had no knowledge and no involvement.

152. Thus, Ted Bernstein and Attorney Alan Rose knew and had to know by the most basic due diligence reviewing the company's data of Lion Head Land Trust, Inc. as the alleged "buyer" in this Real Estate transaction which was never approved or authorized by myself that the Company was False and Fraudulent as Ted Bernstein and Alan Rose knew and had to know Leilani Ochoada had never met them before and surely did not have an address at 7020 Lions Head Lane, Boca Raton Fl 33467 and thus Ted and Alan are again in the middle of fraud this time in a direct manner to SECRET away and HIDE ASSETS and this Court must now use its Injunctive powers herein.

153. This US District Court clearly has jurisdiction over Ted Bernstein and Alan Rose has "appeared" in the federal case as Attorney for Ted Bernstein at a Deposition and thus this Court should also have proper power under the All Writs Act and Anti Injunction Act to reach Alan Rose as well until such time he is formally served with a Summons and Amended Complaint where he is among several parties I am seeking to add to this action herein and should now be enjoined until further Order of this Court from all actions on behalf of Ted Bernstein and related to the matters herein.

Sharp, Fraudulent practices and Abuse of Process, sham hearings, Alan Rose, Steven Lessnee, Judge Phillips wherein this Court should at least Temporarily Enjoin proceedings before Judge Phillips specifically including a Thursday, Feb. 25, 2016 proceeding this week at 3:15 PM EST until further Order of this Court:

In addition to the grounds set forth above where Alan Rose and Steven Lessne both should be Disqualified from representation as Material fact witnesses in the Stanford-Oppenheimer-JP Morgan Trust documents involving Gerald Lewin, Traci Kratish and others, both attorneys have engaged in Sharp and abusive practices by:

1. filing motions with minimal Notice during times I have Noticed as Unavailable for medical reasons;
2. seeking to hear at 5 Minute UMC Motion dates complex matters knowingly requiring Hearings;
3. seeking to have Ordered at such Motion dates hundreds of thousands of dollars in attorneys fees without providing ANY Billing statements;
4. Falsely presenting to the Florida Courts knowing misrepresentations of claimed Injunctions against me by SDNY Judge Shira Scheindlin and directly misrepresenting the truth and actual language;
5. pursuing Guardianship as a retaliatory tool against seeking truth and disclosure and justice.

This Court should now Enjoin and Restrain Alan Rose who is under this Court's jurisdiction as having appeared in a federal court deposition for Ted Bernstein who is under the Court's jurisdiction, or at least enjoining Ted Bernstein and the Probate Court of Judge Phillips at least temporarily.

“Side-Deals” and “Agreements” Thwarting and Impairing this Court’s Jurisdiction

It is expressly known that “some form” of side deal - agreement is in place where somehow Creditor William Stansbury has some “settlement” with Ted Bernstein yet the terms are completely unknown and should be fully disclosed and while William Stansbury has been very helpful to myself and my family in many ways the actions of his attorney Peter Feaman in not pursuing avenues of relief combined with the orchestrated actions of O’Connell and Rose demand this Court exercise it’s injunctive and inherent powers to determine how such off record agreements are manipulating the integrity of both federal and state proceedings and the court should further act upon and resolve the conflicts of interests of the attorneys and for those not under the Court’s jurisdiction I pray for leave to Amend to add parties and claims herein.

Piece-Meal Documentary Proof of “Missing Millions” and “Missing Files-Records”

154. While it is presently unknown to Eliot when COLIN first gained knowledge of the sizable holdings of Simon and Shirley Bernstein or when COLIN first had involvement in Bernstein family matters inside or outside the Courthouse, Court records and documentary evidence show COLIN becoming involved in both the Estate cases of Shirley and Simon Bernstein in at least

2010 for Shirley Bernstein and 2012 for Simon Bernstein when he took over his Estate case from FRENCH.

155. From the minimal records and Discovery obtained by Eliot via Court Ordered Production of Tescher & Spallina, PA upon their removal, Simon Bernstein had assets and holdings of over \$13 Million plus in Investments Accounts, Private Banking Accounts, checking accounts, retirement accounts etc since 2008 when Tescher & Spallina, PA, TESCHER and SPALLINA were doing Estate Family Planning for Simon and Shirley Bernstein plus over \$5 Million in real estate based upon Listings of the properties weeks prior to Simon's passing.
156. That the Tescher & Spallina PA, production documents which are Not Originals are not transferred to the replacement Curator, Benjamin Brown, Esq. until on or about June 02, 2014, nearly a year after Eliot first reported to the COLIN court that Fraud Upon the Court had taken place and approximately nine months since the September 13, 2013 hearing before COLIN where he had admissions from the lawyers and fiduciaries that Fraudulent Documents had been submitted to the Court by Tescher & Spallina PA.
157. The failure of COLIN to seize the records of all parties involved that committed Fraud Upon his court allowed the parties involved to begin to prepare further alleged fraudulent documents to attempt to cover up for the crimes exposed in Eliot's May 2013 pleading, subsequent pleadings and criminal complaints they were then being investigated in.
158. TESCHER and SPALLINA's production lacks all of the following;
- a. Historical and present Bank and other Financial Institutions statements for the multitude of Simon's Personal and Financial Accounts,
 - b. Post Mortem Personal and Corporate Mail,
 - c. Mail from time periods prior to Simon's passing,

- d. Historical and current Business Records of Simon's,
- e. Historical and current Insurance records i.e. Homeowners, Jewelry, Auto, Business, etc.,
- f. Historical and current Corporate Records for any of the many companies Simon owned,
- g. Historical Signed Tax Returns, personal and corporate, for any years,
- h. Computer Data and Drives both personal and corporate, and,
- i. Tescher and Spallina despite Court Order to turn over records to Curator retained Original Dispositive Documents and all original documents, as what was tendered to the Curator had only one original alleged Promissory Note for Eliot's children's home that was never filed with the courts.

159. What was left upon inspection by Eliot at O'Connell's office of Simon's personal and corporate records was 3 bankers boxes of files each only partially filled, for a man who ran multiple businesses, had multiple financial institution accounts and more. On information and belief, despite O'Connell having a court order to inspect Simon's offices with Eliot present, they failed to ever inventory Simon's office prior to TED's eviction and despite Eliot being allowed to be present at any inventory of the office, Eliot was never contacted to appear.

160. That O'Connell was supposed to have inventories all of Simon's home business records done by a professional appraiser and turn that appraisal over to Eliot and while the appraiser did come to Simon's house to reinventory as court ordered, he failed to provide an inventory of the records.

161. After O'Connell inventorying, Rose enters home for lighting issue and alleges to have discovered and then removed documents and trust documents included from the home, despite that he had no legal authority to remove any properties of the Estate of Simon.

162. Where the Tescher & Spallina, PA production documents referenced herein are alleged to be part of an attempt to cover up crimes and are virtually all alleged to be fraudulent and not at all

representative of the law firm files of Simon Bernstein or the files that became part of Simon and Shirley's Estates. There was only 1 original document sent, not even the original dispositive documents were tendered to the Successor, no historical banking, tax or other business records and there was virtually no mail from the time of Simon's death included in the production.

163. From Tescher & Spallina, PA Production, Bates Doc. No. TS001503-TS001506, by Letter dated June 25, 2013 from Grant Thornton, under Primary Express Account 309513, Payee Bernstein Family Investments LLP, regarding a claim against Stanford Bank International Limited ("the Company"), **a Claim was allowed for \$1,062,734.50 in the Antiguan Estate. The Letter references that there may be "more letters of notification in order to incorporate all CDs." Where the CD's my father held on information and belief were only a small fraction, one to two percent of his holdings.**
164. However, by Tescher & Spallina, PA Bates Doc. No. TS003734 the STANFORD Simon & Shirley Bernstein Valuations as of 5/28/2008 reflect a Net Worth for that Statement at \$6, 928,933.52 (Million) with \$839,362.12 in Cash Available.
165. From Tescher & Spallina, PA Production, Bates Doc. No. TS004808 by Statement dated Aug. 31, 2012 (two weeks before Simon's death) in the Wilmington Trust Investment Details for 088949-000 Simon L. Bernstein Irrev TR the Grand Total \$2,829,961.66, thus this nearly \$3 Million remains wholly Unaccounted for and according to William Stansbury this value may be doubled to Over \$6 Million when Shirley Bernstein's 49% of this account is factored in, which also remains Unaccounted for.

166. From Tescher & Spallina, PA Production already exhibited herein TED allegedly settled Simon's \$2,000,000.00 of CD's with Stanford with Grant Thornton for \$1,062,734.50. There is no complete accounting.
167. From Tescher & Spallina, PA Bates Doc. No. TS005459 Simon Bernstein BankOne checking activity Acct MI/FL/Ga Checking XXXX7231 \$67,402.08 was the available Balance in that account as of 10/15/12 just after Simon Bernstein's passing with \$109,456.67 available as of Sept. 7, 2012 just a short time before his passing for that account.
168. By **Tescher & Spallina, PA Bates Doc. No. TS005478 JP Morgan Bernstein Family Investment LLP Acct. W32635000 showed \$1,872,810.91 for a 49.5% interest in the total Market Value with Accruals with \$807,289.79 Cash included for Statement covering 8/1/12-8/31/12 just weeks before Simon Bernstein's passing.**
169. By Tescher & Spallina, PA Bates Doc. No. TS004765 JP Morgan Simon Bernstein Account No. 000000849197231 showing Total Payments & Transfers of \$97,793.74 for the period 8/10/12 to 9/12/12 up to Simon's passing.
170. By Tescher & Spallina, PA Bates Doc. No. TS004820 JP Morgan Simon Bernstein Trust Robert M. Spallina Donald L. Tescher Trustees Primary Account 000000478018083 Dec. 20, 2013 Balance \$150,177.17 with an "Internal Transfer" of \$100,000.00 on Dec. 20, 2015. It is unknown what this "Internal Transfer" was for that occurred over a year after Simon's passing.
171. By email dated Feb. 8, 2013 Victoria Roraff, Registered Client Service Associate of OPPENHEIMER of the Boca Raton, Florida office writing to SPALLINA she admits she does not have a File on all of the STANFORD Accounts but provides how some of the accounts

change account numbers transferring from STANFORD to OPPENHEIMER

From: Roraff, Victoria [Victoria.Roraff@opco.com]
Sent: Friday, February 08, 2013 10:27 AM
To: Robert Spallina
Subject: RE: Stanford Statement Request

I don't have a file on all of them – but here's what I'm able to provide:

NM2012273 – Bernstein Holdings LLC – became G51-1403458
NM2012109 – Bernstein Family Investments LLLP – became G51-1403425
NM2010376 -
NJF011401 – Bernstein Family Investments LLLP – became G51-1403433
NJF011443 -
NJF011674 – Bernstein Family Investments LLLP – became G51-1403441
NJF010213 –

Thank you,

Vickie Roraff
Registered Client Service Associate

Oppenheimer & Co. Inc.
Boca Village Corporate Center
4855 Technology Way
Suite 400
Boca Raton, FL 33431

(T) 561-620-3117
(F) 561-416-8671
Toll Free - 888-999-3660

172. Thus with at least \$13 million plus in known cash and accounts and over \$6 million in real estate (the St. Andrews home and Beachfront Condominium), approximately \$800,000.00 plus in Jewelry, a Bentley that values at several hundred thousand, a Porsche that values at over one-hundred thousand, a million dollar settlement with STANFORD payout and the Life Insurance of \$1.7 million in the original underlying case herein, there was over \$20 million in known assets held by Simon Bernstein shortly prior to and after his passing, yet Third-Party Defendants, Estate attorney O'CONNELL and TED and ROSE falsely and fraudulently claim now Simon Bernstein's Estate and Trusts are virtually gone, depleted as if it vanished into thin

air without any distribution at all to Eliot and his family who are beneficiaries under any beneficiary scenario asserted by any party and they have provided No accountings that show the total holdings from the date of the decedents' deaths to date, in violation of Probate Rules and Regulations and fail to show where the vanished holdings have gone in 2.5 years justifying a preliminary injunction at this time.

173. These numbers from the minimal bare discovery obtained to date do not include and are without any accounting for the value of Simon's holdings in the Intellectual Properties of "Iviewit" which propels the Estate and Trust to one of the largest in the country when royalties are finally monetized.

174. The value of the VEBA which is already part of this federal litigation involving the Illinois life insurance is but one of many unknown assets in this case and it is unknown what happened to the VEBA assets once the VEBA was unwound as alleged by Counter-Defendants and Third-Party Defendants.

175. Certain documentary evidence shows the VEBA may have been worth \$50 Million or more with Simon and Shirley as primary plan participants, yet this asset and these funds have also allegedly disappeared and vanished according to Counter-Defendants and Third-Party Defendants PAMELA, TED, D. SIMON, A. SIMON and other defendants and again with no accountings and no records provided to beneficiaries or this Court.⁶¹ Where the VEBA Trust Trustee LASALLE is according to all parties the named PRIMARY BENEFICIARY of the missing insurance policy underlying this action.

S B Lexington Inc Death Benefit Plan United Bank Of Illinois N A	
Employer Identification Number (EIN)	363479122

⁶¹ S B Lexington Inc Death Benefit Plan United Bank Of Illinois N A Information <http://www.nonprofitfacts.com/IL/S-B-Lexington-Inc-Death-Benefit-Plan-United-Bank-Of-Illinois-N-A.html>

Name of Organization	S B Lexington Inc Death Benefit Plan United Bank Of Illinois N A
Address	120 W State St, Rockford, IL 61101-1125
Subsection	Voluntary Employees' Beneficiary Association (Non-Govt. Emps.)
Foundation	All organizations except 501(c)(3)
Organization	Corporation
Exempt Organization Status	Unconditional Exemption
Tax Period	2009
Assets	\$50,000,000 to greater
Income	\$10,000,000 to \$49,999,999
Filing Requirement	990 - Required to file Form 990-N - Income less than \$25,000 per year
Asset Amount	\$0
Amount of Income	\$0
Form 990 Revenue Amount	\$0

176. On or about September 2012, Eliot discovered that his father Simon Bernstein's home office computers had been virtually wiped clean of data, dispositive documents removed from the home by a one Rachel Walker minutes after Simon died causing reasonable and great suspicion when considering the sudden and alleged suspicious manner of passing, the allegations of Simon's being poisoned made by his brother TED and others and the millions of dollars in holdings Simon Bernstein had after decades of being in business thus beginning a continuing and ongoing pattern of missing documents, missing information, missing trusts, missing IRA beneficiaries, missing insurance policies and missing evidence which now must be halted and enjoined.

177. Thus, the destruction and loss of vital business records and account records began by the time of Simon's passing in 2012 if not earlier.

178. On or about Nov. 1, 2013 and Dec. 10, 2013 Eliot pro se filed a motion to Produce against TED as the Personal Representative in the Estate of Shirley Bernstein yet no such production has been forthcoming by TED to date.

179. That Eliot also filed an extensive production request of O'Connell the Personal Representative of the Estate of Simon now and O'Connell challenged the routine request and the court has not yet made determination, thereby further denying Eliot necessary documentation of the Estate of Simon and making it impossible to have Validity or Construction hearings without either obtaining the records or having a statement as to where they are.

180. The Court should note that despite having a court order from COLIN to inventory Simon's home and office business records and produce the inventory to beneficiaries and interested parties, despite reassurances from O'Connell that the documents and records would be inventoried, no such inventory was produced. It was later learned that O'CONNELL nor his office inventoried Simon's business address for records as court ordered and by the time this was learned it was also learned that TED had been evicted from the office and removed all the records from that address before the court ordered inventorying could be done.

181. The Court should note that COLIN ordered a re-inventorying of assets as it was learned that Personal Property from the Shirley Condo sale was missing and where TED claimed it was moved to the garages of his father's primary home and months later when the re-inventorying was done it was found that all these items were missing and the garages were empty. Despite learning of this O'CONNELL has taken no action to report the missing Personal Property that is in his custody to the proper authorities and further took possession of remaining items and moved them to an undisclosed location.

182. TESCHER and SPALLINA's production lacks all of the following;

- a. Historical and present Bank and other Financial Institutions statements for the multitude of Simon's Personal and Financial Accounts,
- b. Post Mortem Personal and Corporate Mail,

- c. Mail from time periods prior to Simon's passing,
- d. Historical and current Business Records of Simon's,
- e. Historical and current Insurance records i.e. Homeowners, Jewelry, Auto, Business, etc.,
- f. Historical and current Corporate Records for any of the many companies Simon owned,
- g. Historical Signed Tax Returns, personal and corporate, for any years,
- h. Computer Data and Drives both personal and corporate, and,
- i. Tescher and Spallina despite Court Order to turn over records to Curator retained Original Dispositive Documents and all original documents, as what was tendered to the Curator had only one original alleged Promissory Note for Eliot's children's home that was never filed with the courts.

183. What was left upon inspection by Eliot at O'Connell's office of Simon's personal and corporate records was 3 bankers boxes of files each only partially filled, for a man who ran multiple businesses, had multiple financial institution accounts and more. On information and belief, despite O'Connell having a court order to inspect Simon's offices with Eliot present, they failed to ever inventory Simon's office prior to TED's eviction.

184. That O'Connell was supposed to have inventories all of Simon's home business records done by a professional appraiser and turn that appraisal over to Eliot and while the appraiser did come to Simon's house to reinventory as court ordered, he failed to provide an inventory of the records and he failed to inventory all of the Personal Property as required, stating they were out of time.

185. After O'Connell inventorying, Rose enters the home for alleged lighting issues and alleges to have discovered and then removed illegally documents and trust documents included from the

home which were under the custody of O'Connell, despite that he had no legal authority to remove any properties of the Estate of Simon.

186. Where the Tescher & Spallina, PA production documents referenced herein are alleged to be part of an attempt to cover up crimes and are virtually all alleged to be fraudulent and not at all representative of the law firm files of Simon Bernstein or the files that became part of Simon and Shirley's Estates. There was only 1 original document sent, not even the original dispositive documents were tendered to the Successor, no historical banking, tax or other business records and there was no mail from the time of Simon's death included in the production.

187. That Simon had almost a fifty year career in the insurance industry and had multiple active companies, including having had multiple trust companies for various of his products he invented and Simon was a meticulous record keeper and had massive office space housing records prior to his death. Simon had computer records dating back 20 years and all these records and data now appear missing.

188. Mail from the day he died and prior to his death appears missing, including bank statements, insurance records for home, life and property insurances, insurance commission checks, insurance policy records, credit card statements and virtually all of his mail is unaccounted for. Years of personal finance records of his many Private Banking Accounts and Statements all missing from his records for accounts held at Oppenheimer, Stanford, JP Morgan, Sabadell Bank, Legacy Bank, Wilmington Trust, Wells Fargo, etc. Tax Returns missing. Trust Documents Missing. Insurance Policies Missing for both he and Shirley. IRA account histories missing. Pension account information missing. According to O'Connell Simon and Shirley's business and personal finance records were in less than three banker boxes. No hard drives

have been recovered and data from them produced. All records of his 17 year involvement with the Iviewit Technology Companies, including his stock in the companies and copies of Intellectual Property Filings and more, which I had seen at his office only a few months prior to his death are all missing, including thousands of emails regarding the companies and other pertinent information that Simon was safekeeping after it was seized from the companies on or about 2000-2001. Overall the contents of Simon's home and office records should have amounted to over 100 banker boxes filled and gigabytes of data.

Ted Bernstein, Greenberg Traurig, Stanford Trust, Robert Spallina, Proskauer Rose

189. TED is the oldest son of Simon and Shirley Bernstein, now deceased.
190. Simon Bernstein passed away in Sept. of 2012, having predeceased his wife Shirley Bernstein who passed away in Dec. 2010.
191. Ted was the last person in possession of my Mini-van before it was turned over to the body company where it was burglarized with wires taken out and a PD report generated and then taken to another company where it was Car-bombed.
192. While Ted Bernstein had been asked to come forward to the FBI about the circumstances of the Car-bombing he has never done so to my knowledge.
193. TED was living in the home of Simon Bernstein pulling his life together prior to the Car-bombing of Eliot's family vehicle in 2005.
194. TED soon thereafter was commingling with PROSKAUER, LEWIN and Greenberg Traurig and suddenly gets a Multi-million dollar home on the intra-coastal waters.⁶² TED has other insurance business relationships with Tescher & Spallina, PA, TESCHER and SPALLINA right

⁶² Zillow Listing TED Home @ http://www.zillow.com/homes/880-Berkeley-St-Boca-Raton-FL-33487_rb/?fromHomePage=true&shouldFireSellPageImplicitClaimGA=false

from the outset of their involvement in Simon and Shirley's Estate Planning and TED brings them to his father claiming they will be a rich source of referrals for him.

195. Greenberg Traurig ("GT") who was involved with the Iviewit IP and Iviewit Bar Complaints and Federal RICO and ANTITRUST lawsuit of Eliot, also represented TED personally in the lawsuit that also involves the Estates and Trusts of Simon and Shirley with Stansbury - GT main defendant with PROSKAUER in the STANFORD litigation.

196. TESCHER under deposition can not remember why he gets checks of \$55k twice from one of TED companies.⁶³

197. STANFORD is one fund that Simon Bernstein invested substantial monies in and eventually STANFORD broke open as a major Ponzi scheme on or about Feb. 2009 and is claimed as a \$7 Billion plus ponzi scheme, See, SEC public Announcement Feb. 17, 2009:

“ SEC Charges R. Allen Stanford, Stanford International Bank for Multi-Billion Dollar Investment Scheme FOR IMMEDIATE RELEASE 2009-26: Washington, D.C., Feb. 17, 2009 — The Securities and Exchange Commission today charged Robert Allen Stanford and three of his companies for orchestrating a fraudulent, multi-billion dollar investment scheme centering on an \$8 billion CD program.^{64,}”

198. According to the SEC public statement,

“Rose Romero, Regional Director of the SEC's Fort Worth Regional Office, added, "We are alleging a fraud of shocking magnitude that has spread its tentacles throughout the world.”

⁶³ July 09, 2014 Tescher Deposition by Florida counsel Peter Feaman on behalf of William Stansbury

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140709%20Tescher%20Deposition%20and%20Exhibits.pdf>

⁶⁴ February 07, 2009 SEC PRESS REPORT ALLEN STANFORD PONZI
<https://www.sec.gov/news/press/2009/2009-26.htm>

199. According to public articles, PROSKAUER and GREENBERG TRAURIG are centrally involved in the Stanford Ponzi and are being sued for the entire scheme⁶⁵.
200. Upon information and belief, William Stansbury has not able to get info on the Retirement Plans from TED even as a Co-Trustee and Stansbury's lawyer Peter Feaman has no response from ROSE .
201. According to Stansbury, approximately \$6500 or so per each minor child that should have been paid out and not gone through Estate.
202. Further, upon information and belief, TED is under Dept of Labor Investigation and has been non responsive to beneficiaries and again with no accountings the numbers seem strikingly low.

Simon Bernstein's "Missing Iviewit Shares, Proskauer Iviewit Files and Iviewit", "Missing Estate Planning" from Proskauer Rose and Foley Lardner

203. Eliot is the natural son of Simon and Shirley Bernstein, who both resided in Boca Raton, Florida within Palm Beach county at relevant times herein.
204. Shortly after the birth of their first son in California, Joshua, Eliot and Candice Bernstein were about to move into a new home with their child.
205. That Simon and Shirley however had taken ill at the time and traveling to California was burdensome at the time and Eliot and Candice proposed moving to Florida and Candice would move from her hometown of Newport Beach/Corona Del Mar where her and her family lived and where she had met and married Eliot. Candice willing to give up everything to be with Eliot's parents and have her baby with them and so they moved.

⁶⁵ July 27, 2015 Proskauer Rose, Greenberg Traurig and Chadbourne sued in STANFORD PONZI Judge refuses to dismiss
<http://www.americanlawyer.com/id=1202732467400/Judge-Declines-to-Dismiss-Claims-Against-Proskauer-and-Chadbourne?slreturn=20151101125935>

206. Simon and Shirley were elated to have their son, his wife and grandson close to them and they gave Eliot and Candice a \$100,000.00 wedding gift as a deposit at a Condominium on Mizner Boulevard in Boca Raton and where decorating it prior to Eliot and Candice's arrival.
207. Where the owner of the building, a one James Cohen was a client of Simon's and so it was a spectacular deal on a brand new trio of buildings in the heart of Boca, which property had fantastic growth in a short time.
208. Life was great in Boca working with Simon for the first time in his life in the same city, every week like clockwork Eliot, Candice and the children had brunch on Sunday, dinner at least once a week with them and then golf or a movie. A second son was born, JNAB.
209. At all relevant times herein, since on or about 1998, Eliot is the actual and true Owner and Inventor of Intellectual Properties (hereinafter referred to as "IP") and the technologies hereinafter referred to as the "Iviewit" technologies were technologies heralded by leading experts as the "Holy Grail" of the Internet, being backbone technologies used around the globe for digital imaging, having major and significant "government" uses such as used on the Hubble Space telescope, for a mass of defense applications such as, Space and Flight Simulators, Drones, Medical Imaging applications and much much more.
210. Once the technologies were discovered Simon and Eliot formed companies and secured Intellectual Properties through LEWIN and PROSKAUER, raised seed capital from H. Wayne Huizenga, Crossbow Ventures and many other seed investors, had a Private Placement with Wachovia and already had Goldman Sachs referring clients and getting the companies ready for an IPO that some claimed would make the companies larger than Microsoft, as the IP would become the backbone technologies to virtually all digital imaging and video content creation and distribution software and hardware and more.

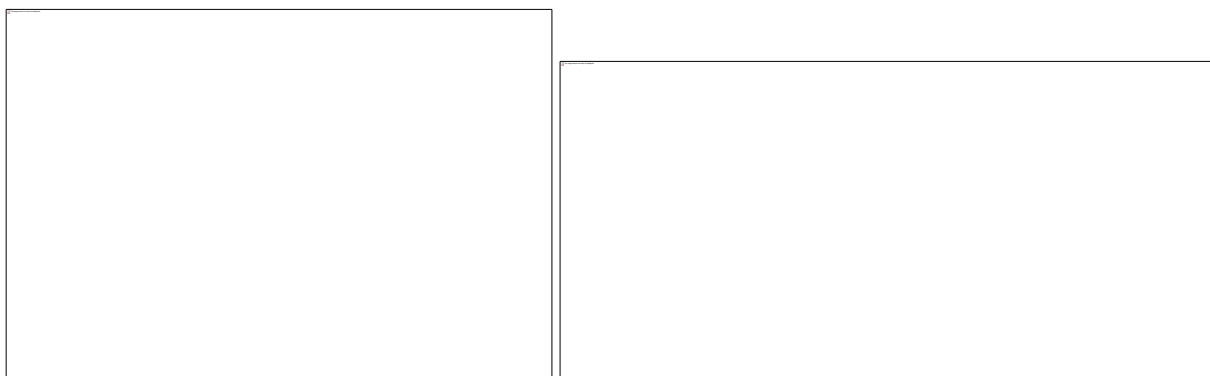
211. The “Iviewit” technologies were tested used and validated by leading engineers and companies including but not limited to Gerald Stanley of Real3d Inc., engineers at Lockheed Martin, the Intel Corporation, Silicon Graphics, Inc., AOLTW (America Online-Time Warner), Sony and Warner Bros., with the IP having been valued in the Billions to Trillions of dollars over the life of the IP.
212. Hundreds of signed Non-Disclosure Agreements, Licensing and Strategic Alliance Agreements were obtained on behalf of the technologies involving Fortune 500 companies, financial institutions and others such as Lockheed Martin, the Intel Corporation Inc., Goldman Sachs, Wachovia, JPM, Chase, IBM, AT&T, Warner Bros, Sony, Inc., Dell Inc, and many others, all currently and since that time using Inventor Bernstein’s Scaling Technologies IP without paying royalties to the true and proper inventors and violating their contracts.
213. The Internet would not have rich video or imaging and cable television would have 75% less channel bandwidth available without these technologies.
214. Simon L. Bernstein was a lifelong successful Life Insurance salesman growing many businesses and gaining substantial wealth during his lifetime, earning millions in income yearly such that he was a “Private Banking” client of leading US and International Banks, and he and his wife had a fully paid multi-million dollar home in Boca Raton, Fl, at the leading country golf club Saint Andrews and a fully paid multi-million dollar beachfront Condominium on Ocean Blvd. in Boca Raton, Fl. with their own private floor and elevator.
215. On or about 1997, Simon L. Bernstein an original seed capital investor in Counter Plaintiff’s novel technologies and IP, which later became known as the “Iviewit” technologies and Simon Bernstein became a 30 percent shareholder of company stock issued for operational and holding companies for the Intellectual Properties and 30 percent owner of the Intellectual Properties and

he also became the Chairman of the Board, all companies originally formed by PROSKAUER and accountant LEWIN.

216. PROSKAUER and LEWIN were both not only intimately involved in the “Iviewit” Company operations and were stockholders on gifts Eliot gave Proskauer and Lewin’s family, but further provided Estate and Family Planning advice to Simon who had now become a 30% shareholder in the Iviewit IP and Iviewit companies.

217. PROSKAUER prepared Wills, Trusts and other Estate Planning instruments for Simon and Shirley Bernstein while PROSKAUER was simultaneously acting as Counsel, including Intellectual Property Counsel for the Iviewit companies.

218. With the “Iviewit” Technologies having been valued by leading Experts in the billions of dollars by Proskauer referred technology companies, since on or about 2001 to the present, Eliot and his wife Candice and their minor children have experienced an ongoing pattern and practice of extortionate actions, threats, death threats so real as to include but not be limited to the car-bombing of the family mini-van in Boynton Beach, Florida on or about March 14, 2005.





219. This pattern of ongoing wrongful acts includes but is not limited to orchestrated actions to deny Eliot, Simon, the Iviewit shareholders and patent IP interest holders any monetization of the IP, deny Eliot from gaining any significant funds to pursue his IP interests, deny Eliot any now with the passing of his parents who were protecting Eliot and his family throughout this ordeal of his Inheritancy a substantial part of which was expressly designed with Simon Bernstein based upon the involvements with the Iviewit IP, and further cause massive financial harms, deny due process and procedure by subterfuging the courts with complex legal crimes, through conflict of interest after conflict by those in charge of the courts and deny and deprive Eliot and even his minor children from counsel.

220. This pattern of actions further includes but is not limited to fraudulent filings in various courts constituting not only Fraud upon the courts (including as alleged in this US District Court) but Fraud By the FL courts and where the legal machinery of the FL courts themselves have become part of the wrongful acts and criminal mechanism to deny fundamental rights and monies to Eliot and his immediate family and the Iviewit shareholders and IP interest holders.

221. Still further, the pattern and history of frauds includes but is not limited to documentary frauds, forged and fraudulent documents to the US Patent Office that have led to the suspension of the IP for several years by the Commissioner of Patents, forged/fraudulent documents to probate

courts and fraudulent documents sent to private institutional banking and trust companies, fraudulent creation of similarly named companies and similarly named IP in efforts to move the IP into other people's names, one patent attorney, Raymond Joao, who misrepresented himself with his partner Kenneth Rubenstein as being partners of PROSKAUER when actually at that time they were with Meltzer, Lippe, Goldstein, Wolf & Schlissel, P.C. and where Joao put 90+ patents in his own name⁶⁶ and when this was discovered he left his law firm and went to work for New York Senator Dean Skelos' law firm Ruskin, Moscou, Evans & Faltischek and where Skelos and his son are currently on trial in NY with charges of corruption by US Attorney Preet Bharara), all combined to further the fraud and maintain control of the IP for the perpetrators.

222. Joao further worked after Iviewit with the now infamous Ponzi schemer Marc Stuart Dreier, sentenced to 20 years by the Department of Justice at the law firm Dreier & Barritz LLP.

223. The Perpetrators of the frauds alleged herein are primarily composed of criminals with law degrees acting in concert and Misusing the law while acting as Private and Public Attorneys at Law in their various capacities.

224. That the reason Eliot's complaints are full of Attorneys at Law and Judges is that the crimes alleged in both the Probate Court and those regarding the IP crimes are both sophisticated legal crimes that require a legal degree and bar association license to commit and involve misusing the Courts and Government Agencies to implement the crimes, Then to protect the alleged criminals from prosecution the victims are then further victimized through denial of due process and where legal process appears controlled by the criminals and infiltrate at will through conflicts and more, and finally claiming that because of their legal positions they are "immune" from their criminal and civil acts because they are acting as Attorneys at Law or Judges. Where

⁶⁶ April 22, 2002 Article Iviewit Patent Attorney Raymond Joao, Esq. has 90+ patents in his name <http://www.iviewit.tv/Joao%20Article%2090%20patents%20clean.pdf>

in fact it should be the opposite to protect the public and where those who violate their ethics should be charged with treble damages instead.

225. Since on or about 1999 Eliot has consistently and diligently reported criminal actions relating to the crimes committed against the Iviewit shareholders, investors, patent interest owners, himself and his family relating to their IP rights, crimes committed primarily by lawyers, to a host of federal, state and local authorities as well as international bodies.⁶⁷

226. This reporting and petitioning government entities of ongoing criminal actions and thefts of the IP includes a Feb. 2009 Petition to the Office of President Barack Obama, the White House Counsel's Office, US Attorney General's Office, White Collar crime units of the FBI as well as several petitions to the SEC in 2009⁶⁸.

227. One could say that greed was the motivating factor behind these IP crimes, "holy grail" and "priceless" evaluations from leading engineers worldwide, until one discovers that Christopher Wheeler (Proskauer), Brian G. Utley (IBM) and William Dick (Foley & Lardner and former IBM far eastern IP counsel) had secreted the fact that prior to joining the Iviewit companies they had worked together for a Florida philanthropist Monte Friedkin who had fired them all for attempting to steal intellectual properties from his company Diamond Turf Equipment Co, which he had to shutter and take a multimillion dollar loss after learning of their attempt to steal his IP. On the biography of Utley that Wheeler sold to the Iviewit board it stated that the company had went on to be a leader in Turf Equipment due to Utley's innovations instead. With this truth it became clear that a pattern and practice of IP theft was in play, nothing to do

⁶⁷ Investigation Master Chart @

<http://iviewit.tv/CompanyDocs/INVESTIGATIONS%20MASTER.htm>

⁶⁸ February 13, 2009 Letter to Hon. President Barack Hussein Obama re Iviewit @

<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20090213%20FINAL%20SIGNED%20LETTER%20OBAMA%20TO%20ENJOIN%20US%20ATTORNEY%20FINGERED%20ORIGINAL%20MAIL%20L.pdf>

with Iviewit or greed, a well greased group of players who were perfecting their crimes, in fact, the alleged Iviewit thefts mirror the Diamond Turf attempt with Wheeler, Utley and Dick all involved in similar acts.

228. The veracity and truthfulness of Counter-Plaintiff's statements and reporting of these crimes and thefts has never been challenged by any Federal authority including but not limited to the US Secret Service, the Capitol Police, the US Marshall's Service, the FBI, the SEC, at least one Federal Judge and other related federal offices.
229. In 1999 it was learned that IP counsel, Joao from PROSKAUER and Meltzer Lippe Goldstein & Schlissel, tampered with Iviewit IP applications and was also putting Iviewit IP into his own name, while retained as counsel for the companies.
230. On or about 2000-2001 it was learned that the IP was fraudulently altered and that false inventors were inserted into various IP's, that there were similarly named yet different IP applications filed some entirely missing the invention process being patented and that the companies formed were duplicated as part of an elaborate shell game to move the IP out of the Iviewit shareholders ownership and into others hands.
231. As IP applications were seized from Brian Utley, who was acting as President / COO to Iviewit at the time, on referral from his friend Christopher Clarke Wheeler, Esq. at PROSKAUER and William Dick, Esq. his business associate and patent counsel for IBM who was new IP counsel hired by Iviewit to replace Joao who was caught putting IP in his name. Dick worked at FOLEY as of counsel.
232. It was then learned that the IP was in the wrong names, the assignees/owners were all wrong according to Harry I. Moatz, the Director of Enrollment and Discipline at the US Patent Office, which led to Moatz directing Eliot to file with the Commissioner of Patents allegations that

FRAUD UPON THE US PATENT OFFICE had occurred and seeking suspension of the IP while Moatz and an FBI Agent from West Palm Beach, FL were investigating the matters.

Suspensions were granted.

233. Warner Bros. finds different IP then Utley showed them and stated that their patent expert, Wayne Smith, Esq. had gone to the US Patent Office and what was on file did not capture the invention, nor is what Utley showed them when presenting them a Wachovia Private Placement and seeking investment funds.

234. Shortly after Eliot and his friend, co-inventor and investor and executive at the Iviewit companies, James Armstrong, seized the IP applications and information from Utley and Eliot went back to California where he was opening a new HQ office in the Warner Bros. Advanced Tech Building in Glendale and taking over their video operations. Eliot began preparing and filing federal and state complaints. Utley then came unannounced to California and levied death threats to Eliot claiming that he and his friends Wheeler of PROSKAUER, Dick of FOLEY et al. were very powerful and their law firms were too and that if Eliot disclosed the findings to the board or others he would have to watch his back and the backs of his wife and kids back in Boca. Eliot contacted the Rancho Palos Verdes Police and Long Beach, CA FBI office and reported the incident.

235. After a board meeting with certain board members including Simon, LEWIN, Donald Kane of Goldman Sachs, H. Hickman Powell of Crossbow Ventures/Alpine regarding the threats by Utley it was determined that Eliot should stay in LA and his wife and kids would leave Florida overnight until things could be sorted out in FL with Utley, PROSKAUER, FOLEY, Wheeler, Dick et al. and deal with the threats on Eliot's family lives that were made by Utley and reported to the proper authorities.

236. The result the Board members determined was to close the Boca Raton, Fl office and fire all the bad players involved, move Eliot's family overnight to California, in what was just being learned to be an attempt to steal the IP by Iviewit's attorneys at law hired to protect the IP.

237. Upon information and belief, LABARGA, is presently the Chief Judge of the Florida State Supreme Court.

238. On or about 2002-2003, LABARGA was a District Judge in Palm Beach County assigned to a "billing" lawsuit (undisclosed to the Iviewit shareholders, board members, executives and potential investors) brought by PROSKAUER after the PROSKAUER firm had done work for Eliot, Simon and the "Iviewit" companies and PROSKAUER gaining Confidential information about the "Iviewit" technologies and confidential information about their own clients and companies. This lawsuit was also not known to Wachovia who was doing a PPM at the time.

239. Upon information and belief, the source being actual and true Court pleadings filed with LABARGA by a Florida licensed and practicing attorney named Steven Selz, Esq. on or about 2003 factual pleadings were made in a Counter-Complaint filed by said attorney Selz against the PROSKAUER and FOLEY before LABARGA in the "billing" case seeking damages against PROSKAUER and claiming the value of the "Iviewit" technologies as \$10 Billion or greater as of that time in 2003 based upon review and statements of one Gerald Stanley, Engineer at Real 3d Inc.⁶⁹ and others.

240. These leading Engineers deemed the Iviewit Technologies and IP as "priceless".

241. Florida Licensed attorney Steven Selz pled in said Counter-Complaint against PROSKAUER in LABARGA's court as follows:

⁶⁹ January 28, 2003 Steven Selz, Esq. Counter Complaint in Labarga Court - See Par. 29 <http://www.iviewit.tv/CompanyDocs/2003%2001%2028%20Counter%20Complaint%20Filed.pdf>

“As a direct and proximate result of the actions of the Counter Defendant, Counter Plaintiffs have been damaged in a sum estimated to be greater than \$10,000,000,000.00, based on projections by Gerald Stanley, CEO of Real 3-D (a consortium of Lockheed, Silicone Graphics and Intel) as to the value of the technologies and their applications to current and future uses together with the loss of funding from Crossbow Ventures as a result of such conduct.” See Par. 29, Jan. 28, 2003

<http://www.iviewit.tv/CompanyDocs/2003%2001%2028%20Counter%20Complaint%20Filed.pdf>

242. According to wikipedia,

“**Real3D, Inc.** was a maker of **arcade graphics boards**, a spin-off from **Lockheed Martin**. . . . The majority of Real3D was formed by research and engineering divisions originally part of **GE Aerospace**. Their experience traces its way back to the **Project Apollo** Visual Docking Simulator, the first full-color 3D computer generated image system.^[1],⁷⁰

243. Prior to the PROSKAUER “Billing” lawsuit before LABARGA, back in June 30, 1999, Gerald W. Stanley as Chairman, President and CEO of Real 3d, Inc., wrote to Simon Bernstein as CEO of Iviewit, Inc., opining favorably on the Iviewit technologies, yet documents start emerging by PROSKAUER partners and Brian Utley where the “Iviewit” company name is changed as licensing and partnership deals are being signed and finalized and where Timothy P. Donnelly, Director of Engineering of Real 3d Inc, even writes to PROSKAUER partner Chris Wheeler about providing Eliot an “original signature” on the agreement with Real3d.⁷¹

244. Just prior to this in on or about April 26, 1999 PROSKAUER Partner Christopher Wheeler wrote to counsel Richard Rosman, Esq. at Lewinter & Rosman law firm who was acting on behalf of Hassan Miah who was brought in by Sky Dylan Dayton, the CEO of Earthlink to evaluate the technologies as he was the leading expert in the field of digital video and imaging at the time who founded the Creative Artist Agency (CAA) / Intel Media lab, the first major

⁷⁰ Wikipedia Real 3D, Inc. <https://en.wikipedia.org/wiki/Real3D>

⁷¹ June 30, 1999 Real 3D Letter @

<http://www.iviewit.tv/CompanyDocs/Real%203D%20Opinion%20and%20Licensing%20Info.pdf>

collaboration between Hollywood and Silicon Valley in the early days of the Internet whereby PROSKAUER Partner Wheeler not only indicates PROSKAUER is coordinating the corporate and intellectual property matters for Iviewit but also describes the Iviewit process as “novel” and “far superior to anything presently available with what they are familiar”⁷². Proskauer would later try and claim they did no IP work despite their IP partners billing for services rendered and more.

245. Hassan Miah was also CEO of Xing Technology Corporation and from and between 2002-2006 was managing Director of Media and Entertainment for the Intel Corporation.⁷³

246. Hassan Miah was one of the first Experts to declare the Iviewit technologies as “The Holy Grail of the Internet.”

247. On or about May 30, 1999, expert Hassan Miah was emailing Eliot saying the Iviewit project “is very exciting to me,” providing his home phone number to Eliot, being impressed with Ken Rubenstein of PROSKAUER (who was the sole patent evaluator for the MPEGLA LLC company and MPEG patent pooling scheme now controlled by PROSKAUER through Rubenstein) and indicating Hassan’s own company Xing was a licensee under the MPEG patent pool at the time⁷⁴.

⁷²April 22, 1999 Wheeler Letter to Richard Rosman, Esq. re Hassan Miah, <http://www.iviewit.tv/CompanyDocs/1999%2004%2026%20Wheeler%20Letter%20to%20Rosman%20re%20Rubenstein%20opinion.pdf>

⁷³ Hassan Miah LinkedIn <https://www.linkedin.com/in/hassanmiah>

⁷⁴ June 01, 1999 Hassan Miah Letter Forwarded to Iviewit Patent Counsel Kenneth Rubenstein of Proskauer Rose <http://www.iviewit.tv/CompanyDocs/1999%2006%2001%20HASSAN%20LETTER%20FORWARDED%20TO%20RUBENSTEIN.pdf>

248. The Intel Corporation acquired Real 3d Inc. (Lockheed, SGI & Intel interests), in 1999 which was under NDA, licensing and other agreements with the Iviewit companies regarding the Iviewit technologies.⁷⁵

249. As referenced in the March 25, 2009 SEC complaint regarding Intel⁷⁶ and a massive accounting fraud which has now been specifically reported to the Philadelphia Office of the SEC that recently prosecuted SPALLINA and TESCHER in a separate case from this action but where SPALLINA and TESCHER are immersed in fraud and mis-accountings in this action:

“Not only did Intel later acquire in whole the R3D company which was intimately involved in the early phases of this matter and under signed agreements with my company, but specific members of Intel/ R3D staff were present during key meetings in the early phases and otherwise involved in these matters including but not limited to, Lawrence Palley (Director of Business Development @ Intel), Gerald W. Stanley (Chairman of the Board, President & Chief Executive Officer @ R3D a consortium of Intel, Lockheed and SGI), David Bolton (Corporate Counsel @ R3D & Lockheed Martin), Steven A. Behrens (Vice President and Chief Financial Officer @ R3D), Rosalie Bibona (Program Manager @ R3D), Timothy P. Connolly (Director, Engineering @ R3D), Richard Gentner (Director of Scalable Graphics Systems @ R3D), Connie Martin (Director, Software Development @ R3D), Diane H. Sabol (Director and Corporate Controller Finance & Administration @ R3D), Rob Kyanko (Intel), Michael Silver (@ ?), Ryan Huisman (@ R3D), Matt Johannsen (@ R3D), Hassan Miah (@ Intel), Dennis Goo (Manager, Digital Home Content for the Americas @ Intel), Rajeev Kapur (Chief of Staff, Enterprise Product Group @ Intel) and Kostas Katsohirakis (Business Development Manager @ Intel).

250. On or about June 1, 1999, Donald G. Kane (Managing Director) who worked at Goldman Sachs with LISA's husband, Jeffrey Friedstein and his father Sheldon Friedstein (Managing Director

⁷⁵ Wikipedia Real 3D, Inc.

<https://en.wikipedia.org/wiki/Real3D>

⁷⁶ March 25, 2009 Iviewit Intel SEC Complaint @

<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20090325%20FINAL%20Intel%20SEC%20Complaint%20SIGNED2073.pdf>

at Goldman Sachs), was emailing to Eliot about setting up a Royalty Agreement for Eliot and his family giving a “***priority return ahead of other shareholders.***”⁷⁷ (emphasis added).

251. By the summer of 2000, Christopher Clarke Wheeler, Esq. a Partner at PROSKAUER, authors a Marketing letter showing the broad value of the Iviewit technologies and the ability to profit from same as 2.5% Shareholders together with a Representative Client List of Proskauer that can benefit from the Iviewit technologies including but not limited to AT&T, ABC, Inc., NBC, CBS, the NBA, NHL, Citibank, Columbia Pictures, Inc., Bear Stearns, HBO, Time Warner, The Chase Manhattan Bank, JPM, MGM, Oppenheimer and many others.

252. PROSKAUER Partner Wheeler goes on to say as follows in his letter:

Dear Colleagues,

As a firm, we are in a unique position to impact the effectiveness of the Internet and to profit from the same. The firm of iviewit.com, Inc. is one of my clients and Proskauer, Rose, LLP. is a 2.5% shareholder. I have worked closely with iviewit, for the past 18 months, establishing and fine-tuning their corporate structure. My objective with this letter is to introduce you to this forward-thinking company and to ask for your support and assistance. The Internet is quickly evolving from a text-based medium that users have been forced to read, into a multimedia platform that users can begin to experience. The importance that this evolution has to e-commerce has been likened to the impact felt by television when it was embraced as a marketing and communications tool. iviewit’s intellectual property positions them as a leader in the streaming video, streaming audio and virtual imaging online markets. Their technologies have broad ranging applications for many different industries including: entertainment, auctions, education, healthcare and retail. Because of the extensive applicability of iviewit’s products, the vast majority of Proskauer’s client relationships represent potential clients for iviewit. Please join me as I endeavor to introduce my clients to iviewit and, in the process, help those clients to gain a competitive advantage through the utilization of iviewit’s technologies. Please contact me with any opportunities that you identify and I will arrange an introduction to a member of iviewit’s management team. I have enclosed a descriptive flyer from iviewit and a multimedia CD-ROM that will serve as an introduction to iviewit. Additional information can be found at their website,

⁷⁷ June 01, 1999 Hassan Miah Letter Forwarded to Iviewit Patent Counsel Kenneth Rubenstein of Proskauer Rose

<http://www.iviewit.tv/CompanyDocs/1999%2006%2001%20HASSAN%20LETTER%20FORWARDED%20TO%20RUBENSTEIN.pdf>

www.iviewit.com. Thank you for your time and attention. I look forward to working together to help this valued client and to further enhance the value of our equity position in iviewit.

Sincerely,
Christopher C. Wheeler⁷⁸

253. According to this PROSKAUER Partner Chris Wheeler letter of 2000, PROSKAUER was already representing OPPENHEIMER and JPM as of 2000 while representing Eliot, Simon Bernstein and the Iviewit companies with OPPENHEIMER and JPM being NDA signers and then later being just two of the places where Simon and Shirley Bernstein's wealth was placed.

254. Upon information and belief, history shows that attempted murder such as the car bombing of Eliot's family minivan in Boynton Beach, Florida and possible murder such as the possible murder of his father Simon Bernstein, as alleged by Theodore Bernstein on the day of Simon's death, have been carried out for far less than a 30% Interest in the IP and Technologies valued at least at \$10 Billion or more by leading experts back in 2003.

255. As indicated, Eliot's father, Simon Bernstein was a 30% shareholder in the Iviewit Intellectual Properties and companies formed, with PROSKAUER centrally involved in the drafting and planning of said companies, drafting and filing of intellectual properties, distributing stock to various shareholders and drafting and executing dispositive estate and trust documents regarding Simon and Shirley Bernstein's Estate planning.

256. Estate planning with PROSKAUER was done by both Simon and Eliot in direct preparation of an Initial Public Offering to be done by Goldman Sachs through an advisor to the company and shareholder, Donald Kane who was a Managing Director at Goldman Sachs & Co. The IPO was to follow a Wachovia Private Placement and the estate and trust work done by

⁷⁸ July 22, 2000 - Christopher Wheeler Letter to All Proskauer Partners Re Iviewit Techs @ <http://www.iviewit.tv/CompanyDocs/Armstrong%20Wheeler%20Client%20letter%20with%20highlights.pdf>

PROSKAUER was to transfer interests in the Iviewit companies prior to their growth in Eliot and Simon's estates, to their children's estates to avoid having to transfer them later and suffer the estate taxes on the growth of the stock.

257. These estate plans were executed and then later revoked by both Simon and Eliot, once it was alleged that PROSKAUER was involved in frauds against the companies and shareholders and PROSKAUER was TERMINATED as counsel.

258. Yet, somehow, just like this original Insurance litigation in Illinois where litigation is filed by Trustees that change overnight from SPALLINA to TED and the Trust remains to this day missing with NO executed copies put forth and drafts found months after the lawsuit was instigated that appear without any identification of who the draftee is and have no legal force and even the Insurance contracts and policies underlying the claims in this Breach of Contract lawsuit are missing (not even the insurers have put forth a bona fide copy) and critical business documents are missing that any Insurer and Estate planner would have to legally maintain and likewise records from PROSKAUER, FOLEY and other involved Estate planners involving Simon and Shirley Bernstein are allegedly all "missing" as well and where finally evidence of Fraud has been now proven and further alleged regarding the dispositive documents and other crimes have been reported ranging from Extortion to TED's claim on the day his father died that he was poisoned.

259. Back in 2003, LABARGA, however, never afforded Eliot and the Iviewit companies the due process opportunity to be heard on their Counter-Complaint, and instead denied the Counter-Complaint altogether. In a bizarre twist at a scheduled Trial Eliot and counsel showed up to an empty courtroom of Labarga and at the trial rescheduling Labarga dismissed two law firms representing the Iviewit companies simultaneously on Petitions for Withdrawal whereby both

law firms, Steven Selz PA and Schiffrin and Barroway both claimed the other would be representing the Iviewit companies at trial and then both walked out, one after the other and left the Iviewit companies without counsel. Approximately 45 days later Labarga ruled a default for the company's failure to retain replacement counsel.

260. Yet upon information and belief, LABARGA also never sanctioned nor reported attorney Selz for misconduct or frivolity in making this factual allegation regarding the value of the Iviewit technologies.

261. One of the wrongful “tactics” employed by various Counter-Defendants and Third-Party Defendants in the recent years against Eliot in and out of the Courtroom has been to question his sanity and ability care for his own children by attacking his claims regarding the car bombing of his family minivan and claims about the value of Iviewit IP, yet even Florida Licensed attorney Steven Selz who was representing Plaintiff at the time before LABARGA in 2003 himself filed a factual pleading stating,

“That PROSKAUER billed IVIEWIT for legal services related to corporate, patent, trademark and other work in a sum of approximately \$800,000.00” and further “ That based on the over-billing by PROSKAUER, IVIEWIT paid a sum in of approximately \$500,000.00 plus together with a 2.5% interest in IVIEWIT, which sums and interest in IVIEWIT was received and accepted by PROSKAUER.”

262. See, Paragraphs 24 and 27 of 2003 filed and proposed Counter-Complaint filed by attorney Selz in the LABARGA/PROSKAUER billing lawsuit, again this Counter-Complaint never being heard by LABARGA.⁷⁹

263. Then immediately following Selz, LABARGA then heard a Withdrawal as Counsel motion filed by Schiffrin & Barroway that claimed that another law firm, Selz would be representing the Iviewit companies and LABARGA approved this withdrawal knowing he had moments

⁷⁹ January 28, 2003 Steven Selz, Esq. Counter Complaint Labarga Case @ <http://www.iviewit.tv/Counter%20Complaint%20in%20Order.pdf>

earlier let Selz out as counsel and then calling Eliot to the stand to advise him that the Iviewit companies no longer had counsel and Eliot, a non party to the action would have to obtain new counsel in a short period of time or else default, thus denying counsel to Eliot and the proper Iviewit interests under fraudulent circumstances by the machinery of the Courts as continues to today.

264. Eliot was unable to reach either Selz or Schiffrin & Barroway to obtain court files and records during the period he had to obtain new counsel and finally after showing up to Selz's offices unannounced was able to recover some of the files and where Eliot attempted to get more time from LABARGA who refused.

265. When Eliot could not get counsel in time, LABARGA ruled against the Iviewit companies and issued a default.

266. Later it would be learned that many of the companies sued by Proskauer in their billing lawsuit, who did not have retainers with the Iviewit companies, where duplicated companies involved in an attempt to move IP out of the companies and inventors hands and into the hands of improper fraudulent inventors.

267. Thus, while various Counter-Defendants and Third-Party Defendants may simply wrongfully claim "Iviewit" was a failed dot.com, it only raises substantial questions as to why PROSKAUER would "Bill" close to \$1 million, take a 2.5 percent interest in royalties and stock in the Iviewit companies, file numerous Intellectual Properties (Patents, Trademarks, Copyrights and Tradeseecrets, worldwide), recruit their clients to sign agreements with Iviewit, issue Stock to Shareholders of numerous companies and do exhaustive Estate planning for Simon, Shirley and Eliot Bernstein including protecting Simon's 30% interest and Eliot's 70% interest in the IP at that time.

268. As part of the same practice and pattern which continues in the Estate proceedings of Shirley and Simon Bernstein and the Insurance litigation in this Illinois federal district court, PROSKAUER schemed in 2001 to tortiously interfere with business relationships and financial relationships that would benefit Eliot and advance the technologies by interfering with a financing deal going on with Warner Bros. / AOL at the time which would have brought \$10-\$20 Million in capital to the Iviewit companies which had already began a licensing and operational agreement with them.

269. Florida licensed attorney Selz filed a specific counter-complaint against PROSKAUER in the "billing lawsuit" being heard by LABARGA who denied hearing the Countercomplaint which alleged as follows:

"COUNT IV- TORTIOUS INTERFERENCE WITH AN ADVANTAGEOUS BUSINESS RELATIONSHIP

This is an action for tortious interference with an advantageous business relationship within the jurisdiction of this Court.

Counter Plaintiff re-alleges and hereby incorporates that allegations of Paragraphs I through 30 as if fully set forth herein.

Counter Plaintiff was engaged in negotiations of technology agreements with both Warner Bros. and AOLTime-Warner as to the possible use of the Technologies of the Counter Plaintiffs and investment in Counter Plaintiffs as a strategic partner.

That despite the prior representations of RUBENSTEIN, at a meeting held on or about November 1, 2000, by and between UTLEY, RUBENSTEIN and representatives of Warner Bros. as to the Technology of IVIEWIT and the efficacy, novelty and unique methodology of the Technology, RUBENSTEIN refused to subsequently make the same statements to representatives of AOL and Warner Bros., taking the position that since Warner Bros./AOL is "now a big client of Proskauer, I can't comment on the technologies of Iviewit." or words to that effect in response to inquiry from Warner Brother/AOL's counsel as to the status and condition of the pending patents on the intellectual property.

That RUBENSTEIN, having served as an advisor to the Board of Directors for IVIEWIT, was aware of the fact that at the time of the making of the statements set forth in Paragraph 50, above, IVIEWIT was in the midst of negotiations with

AOL/Warner Bros. as to the possible funding of the operations of IVIEWIT in and sum of between \$10,000,000.00 and \$20,000,000.00.

Further, RUBENSTEIN as a partner of PROSKAUER, and despite his clear prior actions in representing the interests of IVIEWIT, refused to answer questions as to the enforcement of the Technology of IVIEWIT, with the intent and knowledge that such refusal would lead to the cessation of the business relationship by and between IVIEWIT and Warner Bros./AOL and other clients familiar with the Warner Bros./AOL technology group then in negotiations with IVIEWIT, including, but not limited to Sony Corporation, Paramount, MGM and Fox.

That the actions of RUBENSTEIN were and constituted an intentional and unjustified interference with the relationship by and between IVIEWIT and Warner Bros./AOL designed to harm such relationship and further motivated by the attempts to "cover-up" the conflict of interest in PROSKAUER's representation of both IVIEWIT and Warner Bros./AOL.

That indeed, as a direct and proximate result of the conduct of RUBENSTEIN, Warner Bros./AOL ceased business relations with IVIEWIT to the damage and detriment of Counter Plaintiffs.⁸⁰

270. Yet somehow PROSKAUER and FOLEY being powerful international law firms have virtually no records of the Estate Planning work done or IP work done for Simon Bernstein nor did TESCHER and SPALLINA allegedly obtain this prior work from PROSKAUER or FOLEY or Attorney at Law Steven Greenwald, Esq. of Florida before embarking on similar Estate Planning work for Simon and Shirley Bernstein. Especially where Simon believed the IP to the largest assets of his estate requiring special Estate planning from the outset for the IP.

271. Yet, TESCHER and SPALLINA had a public relationship with PROSKAUER in the Boca Raton, Florida community being hosted at Bar events and similar events.⁸¹ TESCHER and SPALLINA directly know and are close friends with PROSKAUER Partner GORTZ of the

⁸⁰ January 28, 2003 Steven Selz, Esq. Counter Complaint Labarga Case @ <http://www.iviewit.tv/Counter%20Complaint%20in%20Order.pdf>

⁸¹ March 27, 2012 Jewish Federation Mitzvah Society - Proskauer, Tescher & Spallina @ http://jewishboca.org/departments/foundation/pac/caring_estate_planning_professionals_to_honor_donald_r_tescher_esq_at_mitzvah_society_reception_on_march_27/

PROSKAUER Boca Raton Office in Florida who was the first lawyer that accountant Third Party Defendant LEWIN introduced Simon and Eliot too to seek IP protection.

272. GORTZ of PROSKAUER was directly involved in the Iviewit matters and Bernstein Estate matters dating back to 1998, and in fact he was the first person that LEWIN took the technologies to for IP protection for the benefit of Eliot and Simon Bernstein.

273. In the original underlying Illinois life insurance litigation herein, SPALLINA was in communication with GORTZ of PROSKAUER. See email dated February 18, 2013 from SPALLINA to Eliot's children's counsel Christine Yates from SPALLINA TESCHER PRODUCTION Bates No. TS004461-TS004463.

274. This pattern of established law firms involved in the technologies failing basic record keeping for client files like PROSKAUER and FOLEY allegedly not having important Estate and related records like the missing Trusts and Insurance policies in the underlying original action is further support for a preliminary injunction at this time.

275. Eliot, members of the board, investors, prospective investors and management of Iviewit first learned of this "billing" lawsuit by PROSKAUER in Palm Beach County while in the middle of Financing negotiations for the Iviewit companies with Warner Bros. (AOL-Time Warner) for approximately a \$10 to \$20 Million Capital infusion for the Iviewit companies while other financing activities were underway with a Private Placement Memorandum through Wachovia bank.

276. Eliot had already opened a new Iviewit HQ inside the Warner Advanced Technology building on Brand in Glendale, Ca. and had taken over encoding of all Internet content creation of their digital video library and had revenue and royalty contracts signed.

277. Eliot also learned at the same time that an “Involuntary Bankruptcy” had been filed in Florida against companies similarly named to “Iviewit” companies being filed by Brian G. Utley, Real3D, Inc./Intel/RYSJO, Michael Reale and Raymond Hersh the CFO⁸².
278. Eliot also learned on or about the same time from a Arthur Andersen audit conducted on behalf of Crossbow Ventures, the largest investor at that time in the IP, that two similarly named companies, Iviewit Holdings existed with only one set of books available.
279. Raymond Hersh claimed that LEWIN’s daughter, Erika Lewin, the in-house accountant at Iviewit was accused of misleading the Andersen auditors in her representation of the corporate structures put together by LEWIN and PROSKAUER. Andersen was suddenly removed from the audit and replaced by Ernst & Young on a referral from LEWIN to complete the audit for Crossbow.
280. ELIOT also learned on or about the same time that the Iviewit companies President and Chief Operating Officer, a one Brian G. Utley, had in his possession a second set of almost identical Intellectual Property applications and one set had different inventors, including Utley as sole inventor on critical imaging IP such as “Zoom and Pan on a Digital Camera” which was invented by Eliot and others almost a year before even hiring Utley, where Utley lists himself as the sole (soulless) inventor.
281. Eliot also learned on or about the same time more information that Joao who represented himself as a Proskauer Partner when in fact he was not, had put over 90 patents in his name, many with of the Iviewit IP technologies at the heart of them and taken from business plans and other IP related materials JOAO accessed as IP Counsel. Later it would be learned that Joao left PROSKAUER/MELTZER LIPPE GOLDSTEIN & SCHLISSEL to work for Ruskin,

⁸² Iviewit Involuntary Bankruptcy Files @ <http://iviewit.tv/CompanyDocs/Utley%20Reale%20Hersh%20RYSJO%20Bankruptcy%20nonsense.pdf>

Moscou, Evans & Faltischek where Dean Skelos the New York Senator currently in ongoing corruption proceedings and convicted on all counts against him, putting up a defense of business as usual, which failed to vindicate him.

282. That it is also learned that Joao later goes to the law firm of Dreier & Barritz LLP, where the now infamous attorney Marc Drier was sentenced in a “Ponzi” scheme thereafter.

283. Eliot also learned on or about the same time that the Intellectual Properties represented by Utleby to potential investors, investors and the financial institutions funding the Iviewit companies and those raising funds were not the ones that actually were filed with the US Patent Office.

284. This exposure of the Intellectual Property crimes that were committed to the authorities and others began a terroristic mob style pattern and practice of orchestrated schemes to harm and potentially murder Eliot and his family by primarily lawyers, to deny him monetization of his inventions, deny him access to capital and even basic access to counsel to pursue his rights and claims and a full blunt force denial of due process in the courts and state and federal agencies through a series of conflicts of interests with the attorneys at law infiltrating and interfering improperly in virtually all of Eliot’s legal actions, as they do name very large law firms, legislators, judges and prosecutors as the perpetrators of the IP thefts as filed in his RICO and ANTITRUST lawsuit.

285. This same pattern and practice continues to this day in both Florida Trust and Estate cases and this Illinois insurance litigation which should be viewed by this Court as nothing but a furtherance of a scheme to secret away monies and assets and deny any basic funds or monies to Plaintiff and his family literally to the point of basic survival as Plaintiff has been; a) forced on govt. Food Stamps to feed his 3 minor children who were supposed to be protected and provided for in Simon and Shirley’s Estate planning WITHOUT INTERRUPTION; b) had

home Security systems cut off; c) electric shut off and repeatedly threatened with shut off; d) homeowners insurance lapsed; e) health insurance lapsed, and other acts to deprive Counter Plaintiff of income and more.

286. That after the death of his father Simon Eliot and his family's worlds were literally blown apart financially, when the funds that were supposed to flow to Eliot and his family to protect them were intentionally and with scienter cut off, their kids were ripped from private school on the second day of classes and where the tuitions were funded by Simon and Shirley while living and despite a COLIN court order to pay the tuitions to keep them in school, TED and his counsel ROSE failed to comply and COLIN upon learning of this catastrophe did nothing despite claiming he was very upset and would deal with it shortly.

287. That due to TED'S allegation that his father was murdered via poisoning Eliot and his family live in fear that this may be true, especially after an autopsy done a year or more after Simon's death revealed elevated (beyond reportable levels in some instances) heavy metal toxins, including Arsenic and Cadmium.

288. Simon and Shirley Bernstein in fact while living set up for Eliot through special planning efforts exclusively for Eliot and his family's protection, vehicles designed and funded while living that provided income and security, including a paid for home and expenses for the home and family paid monthly all this careful planning for Eliot and his family resulting from the very real efforts to harm Eliot and his family, especially after viewing the car bombing and learning of death threats against their son and his family.

289. That the probate crimes not only shut down all Eliot's family income streams but further TED, TESCHER and SPALLINA then shut down a company that Simon had invested in, Telenet

Systems, LLC, that provided income to both Eliot and his lovely wife Candice at the time of Simon's death.

290. Without any income from the point of Simon's death to now, as income for the family at Simon's death was to be continued through the Estates and Trusts and other vehicles set up for Eliot and his family such as his Telenet interest and where the crimes were directly intended to leave Eliot and his family instead homeless and denied of their inheritancy with scienter and further bury the Iviewit stock and IP held by Simon and defeat the careful estate plans SPALLINA and TESCHER and others were contracted to protect.

291. That it is alleged that the probate crimes were orchestrated in advance of Simon's death when Simon refused to make changes to the plans of he and Shirley and never did so while living and so fraudulent documents were submitted to Courts and others to make it appear that Simon had changed he and his wife's estate plans and allow TESCHER, SPALLINA and TED to seize Dominion and Control of the Estates and Trusts through FRAUD and begin looting of the assets with impunity with the cover and aid of the state court actors, all acting outside the color of law.

292. That Shirley's Trust was changed admittedly by SPALLINA Post Mortem and it is alleged this fraud was in order to execute a scheme to not only change beneficiaries illegally but more importantly to take fiduciary and legal control of the Estates and Trusts to enable them to steal off with the assets and convert funds to improper parties, all the while failing to provide legally required accountings and document transparency to beneficiaries and again through these crimes leave Eliot and his family with virtually nothing since the time of Simon's death.

293. As this Court is or should be aware, Eliot and his minor children were not even named as Necessary parties to this original Illinois insurance litigation even though all original parties

knew and should have known Eliot and his children were beneficiaries with interests in the case including Attorneys at Law and Fiduciaries TESCHER, SPALLINA and TED e.

SPALLINA ADMITS NEW STATE AND FEDERAL CRIMES AT A “VALIDITY HEARING” BEFORE JUDGE PHILLIPS INCLUDING NEW ADMISSIONS OF FRAUD ON THE COURT AND MORE AND VIOLATES A CONSENT ORDER HE IS UNDER WITH THE SEC

294. On or about September 28, 2015, the SEC out of Washington, DC publicly announced Insider Trading and related charges in a separate action against Florida attorneys and Third-Party Defendants herein SPALLINA and TESCHER.

295. That SPALLINA pled guilty of criminal misconduct and the SEC Consent signed by SPALLINA states,

“2. Defendant has agreed to plead guilty to criminal conduct relating to certain matters alleged in the complaint in this action and acknowledges that his conduct violated the federal securities laws. Specifically, Defendant has agreed to plead guilty to a one count information which charges him with committing securities fraud involving insider trading in the securities of Pharmasset, Inc. in a matter to be filed in the United States District Court for the District of New Jersey, (the “Criminal Action”).”

296. Yet, in a December 15, 2015 hearing under sworn oath as a witness in a Validity Hearing before Judge PHILLIPS, SPALLINA stated the following from the hearing transcript Page 93 Lines 14-22⁸³;

14 · · · · · THE COURT:· You can answer the question, which
15 · · · · · is, did you plead to a felony?
16 · · · · · MR. BERNSTEIN:· Sorry, sir.
17 · · · · · THE WITNESS:· I have not.
18 · · · · · THE COURT:· Okay.· Next question.
19 · BY MR. BERNSTEIN:
20 · · · · Q.· Have you pled guilty to a misdemeanor?
21 · · · · A.· I have not.
22 · · · · Q.· Were you involved in a insider trading case?
23 · · · · · MR. ROSE:· Objection.· Relevance.

⁸³ December 15, 2015 PHILLIPS VALIDITY HEARING TRANSCRIPT
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151215%20Hearing%20Transcript%20Phillips%20Validity%20Hearing.pdf>

24 · · · · · THE COURT: Sustained. Next question.

297. Further, in the SEC Consent signed by SPALLINA reads,

“12. Defendant understands and agrees to comply with the term of 17 C.P.R. f 202,S(e). which provides in part that it is the Commission's policy "not to permit a defendant or respondent to consent to a judgment or order that imposes a sanction while denying the allegations in the complaint or order for proceedings." As part of Defendant's agreement to comply with the terms of Section 202.5(e), Defendant acknowledges that he has agreed to plead guilty for related conduct as described in paragraph 2 above, and: (i) will not take any action or make or permit to be made any public statement denying, directly or indirectly, any allegation in the complaint or creating the impression that the complaint is without factual basis; (ii) will not make or permit to be made any public statement to the effect that Defendant does not admit the allegations of the complaint, or that this Consent contains no admission of the allegations; (iii) upon the filing of this Consent, Defendant hereby withdraws any papers filed in this action to the extent that they deny any allegation in the complaint; and (iv) stipulates for purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. §523. that the allegations in the complaint are true...”

298. SPALLINA further states under sworn testimony at the Validity Hearing regarding the trust documents he created being valid admits to fraudulently altering a Shirley Trust Document and sending to Attorney at Law Christine Yates, Esq. representing the minor children of Eliot via the mail,

Page 95 Lines 14-25 and Page 96 Line 1-19,

14 · · · Q · Mr. Spallina, have you been in discussion with
15 · the Palm Beach County Sheriff's Office regarding the
16 · Bernstein matters?

17 · · · · · MR. ROSE: Objection. Relevance.

18 · · · · · THE COURT: Overruled.

19 · · · · · You can answer that.

20 · · · · · THE WITNESS: Yes, I have.

21 · BY MR. BERNSTEIN:

22 · · · Q · And did you state to them that you
23 · fraudulently altered a Shirley trust document and then
24 · sent it through the mail to Christine Yates?

25 · · · A · Yes, I did.

·1 · · · Q · Have you been charged with that by the Palm
·2 · Beach County Sheriff yet?

·3· . . . A. · No, I have not.
·4· . . . Q. · Okay. · How many times were you interviewed by
·5· · the Palm Beach County Sheriff?
·6· MR. ROSE: · Objection. · Relevance.
·7· THE COURT: · Sustained.
8· · BY MR. BERNSTEIN:
·9· . . . Q. · Did you mail a fraudulently signed document to
10· · Christine Yates, the attorney for Eliot Bernstein's
11· · minor children?
12· MR. ROSE: · Objection. · Relevance.
13· THE COURT: · Overruled.
14· THE WITNESS: · Yes.
15· · BY MR. BERNSTEIN:
16· . . . Q. · And when did you acknowledge that to the
17· · courts or anybody else? · When's the first time you came
18· · about and acknowledged that you had committed a fraud?
19· . . . A. · I don't know that I did do that.

299. Further, SPALLINA perjures himself in self contradiction when he tries to claim that his law firm did not mail Fraudulent documents to the court and commit further FRAUD ON THE COURT and then slips up and admits that they sent the fraudulent documents back to the court when he states;

10· · BY MR. BERNSTEIN:
11· . . . Q. · And what was she convicted for?
12· . . . A. · She had notarized the waiver releases of
13· · accounting that you and your siblings had previously
14· · provided, and we filed those with the court.
15· . . . Q. · We filed those with the court.
16· Your law firm submitted fraudulent documents
17· · to the court?
18· . . . A. · No. · We filed -- we filed your original
19· · documents with the court that were not notarized, and
20· · the court had sent them back.
21· . . . Q. · And then what happened?
22· . . . A. · And then Kimberly forged the signatures and
23· · notarized those signatures and sent them back.

300. That not only does SPALLINA admit to Felony criminal that have not yet been investigated but admits that his office members are also involved in proven Fraudulent Creation of a Shirley Trust and where MORAN has already admitted six counts of forgery for six separate parties

(including for a deceased Simon and one for Eliot) and fraudulent notarizations of such documents. Spallina states in the hearing Pages 102-103,

102

20 · · · · · MR. BERNSTEIN: · Sure.
21 · BY MR. BERNSTEIN:
22 · · · · Q · You've testified here about Kimberly Moran.
23 · · · · · Can you describe your relationship with her?
24 · · · · A · She's been our long-time assistant in the
25 · office.

103

·1 · · · · Q · Was she convicted of felony fraudulent
·2 · notarization in the Estate of Shirley Bernstein?
·3 · · · · · MR. ROSE: · Objection. · Relevance.
·4 · · · · · THE COURT: · Overruled.
·5 · · · · · You're asking if she was convicted of a felony
·6 · · · with respect to the Estate of Shirley Bernstein?
·7 · · · · · You can answer the question.
·8 · · · · · MR. BERNSTEIN: · Correct.
·9 · · · · · THE WITNESS: · I believe she was.

301. SPALLINA then claims that it is standard practice for he and his clients to sign sworn Final Waivers under penalty of perjury with knowingly and irrefutably false statements. Then SPALLINA had a deceased Simon file that alleged sworn document with the Court as Personal Representative on a date after his death while acting as Personal Representative as part of a Fraud on the Court and Fraud on the Beneficiaries and Interested Parties. SPALLINA states in testimony as follows,

Pages 108-110

17 · · · · Q · Okay · Are you aware of an April 9th full
18 · waiver that was allegedly signed by Simon and you?
19 · · · · A · Yeah · That was the waiver that he had signed.
20 · And then in the May meeting, we discussed the five of
21 · you, all the children, getting back the waivers of the
22 · accountings.
23 · · · · Q · Okay · And in that April 9th full waiver you
24 · used to close my mother's estate, does Simon state that
25 · he has all the waivers from all of the parties?
·1 · · · · A · He does · We sent out -- he signed that, and

·2· ·we sent out the waivers to all of you.
·3· · . . . Q. ·Okay. · So on April 9th of 2012, Simon signed,
·4· ·with your presence, because your signature's on the
·5· ·document, a document stating he had all the waivers in
·6· ·his possession from all of his children.
·7· · Had you sent the waivers out yet as of
·8· ·April 9th?

...

20· ·BY MR. BERNSTEIN:

21· · . . . Q. ·April 9th, 2012, you have a signed full waiver
22· ·of Simon's that says that he is in possession of all of
23· ·the signed waivers of all of the parties?
24· · . . . A. ·Standard operating procedure, to have him
25· ·sign, and then to send out the documents to the kids.

...

·1· · . . . Q. ·Was Simon in possession -- because it's a
·2· ·sworn statement of Simon saying, I have possession of
·3· ·these waivers of my children on today, April 9th,
·4· ·correct, the day you two signed that?

·5· · Okay. · So if you hadn't sent out the waivers
·6· ·yet to the --

·7· · . . . A. ·I'm not certain when the waivers were sent
·8· ·out.

·9· · . . . Q. ·Were they sent out after the --

10· · . . . A. ·I did not send them out.

11· · . . . Q. ·Okay. · More importantly, when did you receive
12· ·those? · Was it before April 9th or on April 9th?

13· · . . . A. ·We didn't receive the first one until May.

14· ·And it was your waiver that we received.

15· · . . . Q. ·So how did you allow Simon, as his attorney,
16· ·to sign a sworn statement saying he had possession of
17· ·all of the waivers in April if you didn't get mine 'til
18· ·May?

19· · MR. ROSE:· Objection. · I think it's relevance
20· · . . . and cumulative. · He's already answered.

21· · THE COURT:· What's the relevance?

22· · MR. BERNSTEIN:· Oh, this is very relevant.

23· · THE COURT:· What is the relevance on the issue
24· · . . . that I have to rule on today?

25· · MR. BERNSTEIN:· On the validity? · Well, it's
1· · . . . relevant. · If any of these documents are relevant,
·2· · . . . this is important if it's a fraud.

·3· · THE COURT:· I'll sustain the objection.

·4· · MR. BERNSTEIN:· Okay. · Can I -- okay.

·5· ·BY MR. BERNSTEIN:

·6· · . . . Q. ·When did you get -- did you get back prior to

·7· ·Simon's death all the waivers from all the children?
·8· · . . . A. ·No, we did not.
·9· · . . . Q. ·So in Simon's April 9th document where he
10· says, he, Simon, on April 9th has all the waivers from
11· his children while he's alive, and you didn't even get
12· one 'til after he passed from one of his children, how
13· could that be a true statement?
14· · . . . MR. ROSE: ·Objection. ·Relevance. ·Cumulative.
15· · . . . THE COURT: ·Sustained.

302. SPALLINA also perjures himself under sworn oath at the hearing when testifying to the status of his Florida Bar license, which at this time he is listed as “ineligible⁸⁴” to practice law in the state of Florida, when he states in the December 15, 2015 hearing,

Page 91

7· ·BY MR. BERNSTEIN:
·8· · . . . Q. ·Mr. Spallina, you were called today to provide
·9· ·some expert testimony, correct, on the --
10· · . . . A. ·No, I was not.
11· · . . . Q. ·Oh, okay. ·You're just going based on your
12· ·doing the work as Simon Bernstein's attorney and Shirley
13· ·Bernstein's attorney?
14· · . . . A. ·Yes.
15· · . . . Q. ·Okay. ·Are you still an attorney today?
16· · . . . A. ·I am not practicing.
17· · . . . Q. ·Can you give us the circumstances regarding
18· ·that?
19· · . . . A. ·I withdrew from my firm.

Pages 120-121

19· ·BY MR. BERNSTEIN:
20· · . . . Q. ·Did you -- are you a member of the Florida
21· ·Bar?
22· · . . . A. ·Yes, I am.
23· · . . . Q. ·Currently?
24· · . . . A. ·Yes, I am.
25· · . . . Q. ·Okay. ·You said before you surrendered your
·1· ·license.
·2· · . . . A. ·I said I withdrew from my firm. ·It wasn't

⁸⁴ Florida Bar Robert Spallina Ineligible to Practice Law
https://www.floridabar.org/wps/portal/flbar/home/attyssearch/mprofile!/ut/p/a1/jc_LDolwEAXQT-ptHRaWo6mkRazxgdCNYUWaKLowfr_42LioOrtJzs3cYZ41zA_dLftdNZyH7vjYvTxACM3dBrawxEHIOI3ZggSEHEE7girnXJMMNktoDIOr2qgtF7RM_8sjMoRf-T3zn8RJNQO5BXKtp0AxeYNIRTj-HTx_eJ2ll7ycdg2C6e8_WXgh/dl5/d5/L2dBISEvZ0FBIS9nQSEh/?flag=Y&mid=497381

·3· that I was not practicing.

303. Spallina further Perjures his testimony when asked if the Fraudulent Shirley Trust he created by Post Mortem fraudulently altering a Shirley Amendment and disseminated through the mail attempted to change the beneficiaries of the Shirley Trust and he answered no. Yet, the following analysis shows different;

22· BY MR. BERNSTEIN:

23· · · · Q· Did the fraudulently altered document change

24· the beneficiaries that were listed in Shirley's trust?

25· · · · A· They did not.

304. Now comparing the language in the two documents the Court can see that this statement is wholly untrue. From the alleged Shirley Trust document,

“Notwithstanding the foregoing, as I have adequately provided for them during my lifetime, for purposes of the dispositions made under this Trust, my children, TED S. BERNSTEIN ("TED") and PAMELA B. SIMON ("PAM"), **and their respective lineal descendants** shall be deemed to have predeceased the survivor of my spouse and me, provided, however, if my children, ELIOT BERNSTEIN, JILL !ANTONI and LISA S. FRIEDSTEIN, and their lineal descendants all predecease the survivor of my spouse and me, then TED and PAM, and their respective lineal descendants shall not be deemed to have predeceased me and shall be eligible beneficiaries for purposes of the dispositions made hereunder.”⁸⁵

305. Then the language from the fraudulent amendment states;

2. I hereby amend the last sentence of Paragraph E. of Article III. to read as follows:

"Notwithstanding the foregoing, as my spouse and I have adequately provided for them during our lifetimes, for purposes of the dispositions made under this Trust, my children, TED S. BERNSTEIN ("TED") and PAMELA B. SIMON ("PAM"), shall be deemed to have predeceased the survivor of my spouse and me, provided, however, if my children, ELIOT BERNSTEIN, JILL IANTONI and LISA S. FRIEDSTEIN, and their respective lineal descendants all predecease the survivor of my spouse and me, then TED and PAM

⁸⁵ Shirley Trust Page 7

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/Shirley%20Trust%20plus%20fraudulent%20amendment%202.pdf>

shall not be deemed to have predeceased the survivor of my spouse and me and shall become eligible beneficiaries for purposes of the dispositions made hereunder.⁸⁶"

306. Clearly the fraudulent amendment attempts to remove from the predeceased language TED and PAMELA's lineal descendants from being excluded by removing them from the original trust language through a fraudulent amendment as being considered predeceased and thus change the beneficiaries of the Shirley Trust and this perjury changed the outcome of the validity hearing adding cause for a rehearing and voiding the Order that resulted, which was already void and of no effect since Judge Phillips should have already voluntarily mandatorily disqualified himself from the proceedings prior to holding hearings.

307. That in relation to this very case before the Federal Court in SPALLINA's testimony under oath at the Validity Hearing SPALLINA states,

Pages 154-55

20 · BY MR. BERNSTEIN:

21 · . . . Q. · You referenced an insurance policy earlier,
22 · life insurance policy, that you said you never saw; is
23 · that correct?

24 · . . . A. · Yes.

25 · . . . Q. · And was that part of the estate plans?

1 · . . . A. · We never did any planning with that. · That was
· 2 · an insurance policy that your father had taken out
· 3 · 30 years before. · He had created a trust in 1995 for
· 4 · that. · That was not a part of any of the planning that
· 5 · we did for him.

· 6 · . . . Q. · Did you file a death benefit claim on behalf
· 7 · of that policy?

· 8 · MR. ROSE: · Objection. · Relevancy.

· 9 · THE COURT: · Sustained.

308. This statement of SPALLINA's that he had nothing to do with the "planning with that" makes his actions in the insurance matters before this Court questionable, as if he had nothing to do

⁸⁶ Spallina Fraudulent Shirley Trust Page 30

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/Shirley%20Trust%20plus%20fraudulent%20amendment%202.pdf>

with the planning of the policy and the lost and missing trust involved in this action alleged to be the beneficiary, how in the world did Spallina file an insurance death benefit claim⁸⁷ for the policy benefits acting and signing as the claimant on the policy, in the fiduciary capacity of “Trustee” of the 1995 Missing, Lost or Suppressed Trust and acting as the Policy Beneficiary, which appears now to be part of the alleged Insurance Fraud, Mail and Wire Fraud alleged in Petitioner’s pleadings that is now further supported by his perjurious statement in the Florida court denying any involvement.

309. The Court should note that while SPALLINA was filing a death benefit claim as Trustee for the lost and missing trust he claims to have had no involvement with, while he was simultaneously claiming to Eliot that a Florida Probate Court order⁸⁸ would be necessary to determine who the trustee, beneficiaries, etc. of a lost and missing trust would be⁸⁹, he was secretly and in conspiracy with others filing claims for the Policy and when that failed filing this Lawsuit, without notifying Eliot or the Creditor or the Probate Court of this action and failing to including Eliot as part of the legal action, all as part of a complex insurance fraud against Eliot and Beneficiaries of the Estate and the Creditor of the Estate, STANSBURY, and attempting to have the insurance money deposited to his law firm’s trust account acting as the Beneficiary of the Policy he claims to have nothing to do with, acting as Trustee of the lost trust he claims to have

⁸⁷ Spallina Fraudulent Insurance Claim Form He Signs as Beneficiary of the Policy as Trust of a Trust and Policy he has claimed he had nothing to do with, which is DECLINED by Heritage - See Page 05 <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20121101%20Heritage%20Claim%20Form%20Spallina%20Insurance%20Fraud.pdf> , Spallina also represents in the correspondences to the carrier that he is Trustee of LaSalle National Trust, NA, which he is not but that is because LaSalle is the Primary Beneficiary.

⁸⁸ January 22, 2013 SPALLINA Letter Re Insurance <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20130122%20Ted%20Letter%20and%20Spallina%20Letter%20re%20Insurance.pdf>

⁸⁹ TESCHER & SPALLINA Prepared Settlement Regarding Insurance Policy <http://iviewit.tv/Simon%20and%20Shirley%20Estate/EXHIBIT%205%20-%2020130205%20Eliot%20Letter%20to%20Spallina%20et%20al%20Regarding%20Analysis%20of%20SAMR.pdf>

never seen and impersonating himself as the Primary Beneficiary of the Policy, as Trustee of the LaSalle National Trust NA, of which he is none of.

310. That the fraudulent claim filed by SPALLINA is what led to this Federal Lawsuit being filed as a breach of contract lawsuit for HERITAGE failing to pay the claim to SPALLINA until he could prove the trust and that he was Trustee, of the trust he claims in court under sworn testimony to have had NOTHING to do with.
311. That the Court must question where Judge PHILLIPS was during the hearing where confessions to new crimes of Fraud on the Court, Mail Fraud, Fraud on the Beneficiaries (and Eliot's minor children's counsel, Christine Yates of Tripp Scott law firm) and more are being admitted to on the record by an Officer of the Court SPALLINA, a former Co-Trustee and Co-Personal Representative along with his partner in the crime and the ringleader another former Co-Trustee and Co-Personal Representative, TESCHER who also is under an SEC Consent Order for Insider Trading and one look at the transcript will find Judge PHILLIPS "doodling" (Page 138 Line 1) during the hearing and more interested in threatening Candice Bernstein with contempt of court repeatedly, even removing her from the defense table and sending her to the audience section and yet failing to force SPALLINA to show cause regarding the crimes he committed and admitted to the court, in fact sustaining Eliot from probing these serious felony admissions including Fraud on the Court and Beneficiaries in the validity matters SPALLINA was testifying about and where SPALLINA's felonies were far more serious in nature than Candice's alleged contempt for asking ROSE in the hearing to turn an exhibit for all to see and handing Eliot a document (Page 24 Lines 12-23 and Page 127 Lines 3-7).
312. Further, the Court must question and call to account for what Judge PHILLIPS did after learning of these crimes of the star witness of the "validity" hearing, some admitted by

SPALLINA to have not been investigated or reported by him at the time and thus ripe for prosecution and now having pleadings which show the perjured statements in violation of his SEC Consent Order, did he take control to find out how and who the fraudulent documents were posited in the Court as part of newly admitted FRAUDS ON THE COURT and has Judge PHILLIPS contacted the SEC to report the violation of SPALLINA's consent order or did he contact and report the crimes of Fraud on the Court to the IG of the Court or the Chief Judge or did he contact the Federal Bureau of Investigations regarding the admitted mail fraud or did he have his bailiff, a member of the Palm Beach County Sheriff deputies arrest SPALLINA on the spot?

313. Judge PHILLIPS appears to have done nothing but take SPALLINA's sole testimony to the validity of the documents (some which SPALLINA admitted in the hearing he and others had fraudulently created) and in a bizarre ruling that defies logic and appears outside the color of law, then ruled that the documents were valid with no other parties present to confirm the perjurious Felon's testimony whose Hands are Unclean, credibility shattered and one certainly must ask why the Trustee TED did not call ANY of the other witnesses or multiple notaries and instead choose SPALLINA his business associate and TED's counsel as ALLEGED PR and Trustee who admitted to PBSO that he committed fraud that altered documents to benefit TED's family, which had been wholly considered PREDECEASED prior to the fraud in Shirley Trust. TED filed for the validity hearing after his counsel committed fraud to benefit him and his only witness is his counsel that has committed fraud and TED in his own words stated under sworn oath at the Validity hearing,

Page 206-210

25 · · · Q · Okay · Ted, you were made aware of Robert
1 · Spallina's fraudulent alteration of a trust document of

·2· ·your mother's when?
·3· ··· A· ·I believe that was in the early 2013 or '14.
·4· ··· Q· ·Okay. ·And when you found out, you were the
·5· ·fiduciary of Shirley's trust, allegedly?
·6· ··· A· ·I'm not sure I understand the question.
·7· ··· Q· ·When you found out that there was a fraudulent
·8· ·altercation [sic] of a trust document, were you the
·9· ·fiduciary in charge of Shirley's trust?
10· ··· A· ·I was trustee, yes. ·I am trustee, yes.
11· ··· Q· ·And your attorneys, Tescher and Spallina, and
12· ·their law firm are the one who committed that fraud,
13· ·correct, who altered that document?
14· ··· A· ·That's what's been admitted to by them,
15· ·correct.
16· ··· Q· ·Okay. ·So you became aware that your counsel
17· ·that you retained as trustee had committed a fraud,
18· ·correct?
19· ··· A· ·Correct.
20· ··· Q· ·What did you do immediately after that?
21· ··· A· ·The same day that I found out, I contacted
22· ·counsel. ·I met with counsel on that very day. ·I met
23· ·with counsel the next day. ·I met with counsel the day
24· ·after that.
25· ··· Q· ·Which counsel?
·1· ··· A· ·Alan Rose.

...

P 209-210

24· ·BY MR. BERNSTEIN:
25· ··· Q· ·Have you seen the original will and trust of
·1· ·your mother's?
·2· ··· A· ·Can you define original for me?
·3· ··· Q· ·The original.
·4· ··· A· ·The one that's filed in the court?
·5· ··· Q· ·Original will or the trust.
·6· ··· A· ·I've seen copies of the trusts.
·7· ··· Q· ·Have you done anything to have any of the
·8· ·documents authenticated since learning that your
·9· ·attorneys had committed fraud in altering dispositive
10· ·documents that you were in custody of?
11· ····· MR. ROSE:· Objection. ·Relevance.
12· ····· THE COURT:· Overruled.
13· ····· THE WITNESS:· I have not.
14· ·BY MR. BERNSTEIN:
15· ··· Q· ·So you as the trustee have taken no steps to
16· ·validate these documents; is that correct?
17· ··· A· ·Correct.

314. TED further shows he is an incompetent Trustee at his validity hearing where he admits having not seen the original documents, not bringing any of them to the hearing to prove them valid and that he did “NOTHING” to validate them and did not even have them forensically analyzed or request the originals back from his former disgraced counsel after their admission of fraudulent created trusts and forged documents posited into the court record in his mother’s estate and elsewhere and the admitted fraudulent use of his deceased father by his former counsel to commit fraud upon the court, fraud upon the beneficiaries and close his deceased mother’s estate (despite a COURT ORDER for TESCHER and SPALLINA to turn over “ALL” RECORDS) .

315. The formal Complaint filed by the SEC contains breaches of fiduciary duties by SPALLINA and TESCHER that are almost identical to the claims Eliot has made in the Florida Probate Courts of Palm Beach County since at least on or about May of 2013⁹⁰ and⁹¹ and⁹² and⁹³ .

316. Multiple requests for Discovery from TED in the Florida Probate Courts have been made including by short term counsel Brendan Pratt, Esq.⁹⁴ but no voluntary compliance by TED has occurred and no voluntary Discovery by TED produced.

⁹⁰ September 28, 2015 SEC Press Release Regarding SPALLINA and TESCHER INSIDER TRADING CHARGES, “SEC Charges Five With Insider Trading, Including Two Attorneys and an Accountant”

<http://www.sec.gov/news/pressrelease/2015-213.html>

⁹¹ September 28, 2015 SEC Government Complaint filed against TESCHER and SPALLINA @ <http://www.sec.gov/litigation/complaints/2015/comp-pr2015-213.pdf>

⁹² October 01, 2015 SEC Consent Orders Felony Insider Trading SPALLINA signed September 16, 2015 and TESCHER signed June 15, 2014

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

⁹³ May 06, 2013 Bernstein Emergency Petition Florida Probate Simon and Shirley Estate Cases

@ <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20130506%20FINAL%20SIGNED%20Petition%20Freeze%20Estates%20Orginal%20Large.pdf>

⁹⁴ November 01, 2013 Production Request Ted Bernstein

NY Moreland Commission and Other Related Info

317. Eliot had made inquiry to the Moreland Commission to testify and had submitted information regarding Public Office Corruption in both the State of New York and State of Florida, including information regarding Public Office Complaints against members of the Florida Supreme Court, including former 15th Judicial Judge Jorge Labarga who was the main complained of party in Eliot's Court Corruption complaints and Bar Complaints in Florida and who is now Chief Justice of the Florida Supreme Court and Florida Bar Members (including members of Brian O'Connell's firm Ciklin a one Jerald Beer, Esq.
318. The Honorable Preet Bharara who has now taken down several of the most prominent Lawmakers from both parties in a New York Corruption Probe unparalleled and gaining worldwide recognition and applause, has recently revealed that he has seized the Moreland Commission inquiries for further investigation and where it is presumed that Eliot's inquiry has also been acquired by US Attorney's.

U.S. Attorneys » Southern District of New York » News » Press Releases
Department of Justice
U.S. Attorney's Office
Southern District of New York
FOR IMMEDIATE RELEASE
Monday, January 11, 2016
Statement Of U.S. Attorney Preet Bharara Relating To Moreland Commission Investigation

“After a thorough investigation of interference with the operation of the Moreland Commission and its premature closing, this Office has concluded that, absent any additional proof that may develop, there is insufficient evidence to prove a federal crime. We continue to have active investigations related to substantive inquiries that were being conducted by the Moreland Commission at the time of its closure.”

16-009
USAO - New York, Southern

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20131101%20ELIOT%20BERNSTEINS%20FIRST%20REQUEST%20FOR%20PRODUCTION%20OF%20DOCUMENTS%20AND%20THINGS%20PROPOSED%20ON%20TED%20S%20%20BERNSTEIN.pdf>

Updated January 11, 2016

<http://www.justice.gov/usao-sdny/pr/statement-us-attorney-preet-bharara-relating-moreland-commission-investigation>

319. That the knowledge that Bharara has taken over the Moreland inquiries to the US Attorney's Office may provide an answer as to why the Florida Courts are denying due process to Eliot and participating in a massive court controlled conspiracy against his rights, involving many of the same parties as were in his prior complaints now presumed to be before the US Attorney. This may also explain the need to cover up the current Fraud on the Court, Fraud by the Court and Fraud on Eliot and his family at all costs at this time and explain the retaliation and abuse of process against Eliot's family.

320. Due to the Palm Beach Posts Guardianship series exposing widespread Guardianship abuses Eliot and Candice fear that judge Phillips may abuse the Guardianship process to gain control over Eliot's children and where there is already volumes of online complaints⁹⁵ against Judge Phillips this becomes even more frightening.

⁹⁵ "Florida Judge is Taking Children from Good Mothers and Placing Them with Abusers"

Daily Kos Sunday Jul 20, 2014 · 9:10 AM EDT

<http://www.dailykos.com/story/2014/7/20/1315240/-Florida-Judge-is-Taking-Children-from-Good-Mothers-and-Placing-Them-with-Abusers>

and

Families Against Court Travesties, Inc. - John L. Phillips' Cases

C.C.S.'s Story - <https://factscourtwatch.com/c-c-s/>

B.D.'s Story - <https://factscourtwatch.com/b-d/>

E.C.'s Story - <https://factscourtwatch.com/e-c/>

J.J.'s Story - <https://factscourtwatch.com/j-j/>

M.J.'s Story - <https://factscourtwatch.com/m-j/>

M.M.'s Story - <https://factscourtwatch.com/m-m/>

T.R.'s Story - <https://factscourtwatch.com/t-r/>

<https://factscourtwatch.com/john-l-phillips-cases/>

and

John. L Phillips Racist and Biased Judge John L. Phillips Palm Beach Gardens Florida

<http://www.ripoffreport.com/r/John-L-Phillips/Palm-Beach-Gardens-Florida/John-L-Phillips-Racist-and-Biased-Judge-John-L-Phillips-Palm-Beach-Gardens-Florida-1177334>

and

Judge John Phillips rules Elderly People Incapacitated Violating the Elderly Rights of Due Process

<http://ireport.cnn.com/docs/DOC-163498>

and

Judge John L. Phillips from Palm Beach Garden is a lose cannon a Prejudicial biased Judge that is hurting our families.

321. That Eliot has been a thorn in the side of these lawyers and judges for many years and with their knowledge that if Eliot succeeds at some point in breaking through the corruption to have a fair and impartial hearing and honest investigations that they may lose everything and many of them may end up in prison on very serious counts including alleged attempted murder and murder according to Ted and others of Simon and thus all of these crimes in the Florida Probate matters may be carefully planned attacks on Eliot and his family to suppress and destroy all records and evidence of Eliot and Simon's relating to Iviewit before investigators can prosecute them.

322. Eliot has reason to fear that there is no due process in Florida and in fact the opposite, a massive Obstruction by attorneys and judges and other State Agencies⁹⁶ Eliot has complained of working hand in hand, allowing years of records to disappear from Simon, allowing forged and fraudulently notarized documents to be submitted to the courts to further the scheme and nothing done when they are caught by the self regulating legal system that has failed, Judge Colin directly interfering with state criminal investigations to shutter them from investigating the Fraud on the Court and Fraud by the Court Officers and Judges alleged and proven in some instances already.

323. Therefore this Court and the US Attorneys with Eliot's Moreland Complaint may not only lose value production documents necessary to prove the truth of this lawsuit but if the Florida Probate Court continues to remove Eliot's rights as a beneficiary, standing and pleadings, this Court may lose Eliot as material and fact witness and all Eliot's records as they try and

<http://www.avvo.com/legal-answers/judge-john-l--phillips-from-palm-beach-garden-is-a-1626549.html>
and

Judge John Phillips of West Palm Florida Probate courts does nothing to end the wall of corruption in the Florida Probate Courts. Ted Bernstein Life Insurance Concepts, Judge Martin Colin, Donald Tescher Florida Attorney; Florida Probate Courts.

<http://tedbernsteinreport.blogspot.com/2016/02/judge-john-phillips-of-west-palm.html>

⁹⁶Iviewit Investigation Master List

www.iviewit.tv/CompanyDocs/INVESTIGATIONS%20MASTER.htm

repeatedly charge Eliot with contempt and more in efforts to have him imprisoned and his children placed in unnecessary and illegal guardianships obtained through fraud on the court and fraud by the court as is the case in tomorrows hearing before Judge Phillips and while jailed may move to evict his family from their home and destroy all records in his possession.

324. Finally, due to the heavy metal poison results of his father and the attempted car bombing of his family, Eliot fears that with the US Attorney now involved they may rush to finally perfect their attempt and murder Eliot and his family. The Court's injunctive power could be no greater to protect its authority and protect the main witness to the facts in this Court's case and where Eliot is a Whistleblower on the Court Corruption he is in need of Federal protection of his life and properties, all important to this Court's determination of the matters before it and all being intentionally interfered with by the Florida Court State Actors who have no immunity for such egregious and criminal misconduct in efforts to thwart Eliot's due process rights and interfere with this Court's matter as well.

325. Eliot apologizes to the Court for any filing errors in advance but this is an emergency situation where my life and the life of my wife and children and all of our properties appear in imminent danger and this Court must act instantly to preserve the powers of this Court despite any technical drafting errors by a Pro Se party.

326. There are so many due process violations and obstructions occurring rapidly that it would take a several hundred page pleading to attempt to deal with all of this ongoing criminal misconduct and civil torts.

327. In seeking leave to amend the counter complaint I will try and put the remainder of items in a proper pleading within two weeks so the Court can further assess the merits of the case.

Parties and Claims to be Added on Leave to Amend for Declaratory Judgment, 42 USC Sec. 1983 and other Fiduciary, tortious interference, negligence and State Claims - See Exhibit A

I respectfully seek Leave to file an Amended Complaint / Counter-Cross Complaint however properly labeled adding parties and claims as set forth above.

WHEREFORE, Eliot I. Bernstein, Pro Se Third Party Defendant/Cross Plaintiff respectfully prays for an Order:

1. Immediate Injunctive Relief under the All Writs Act, Anti-Injunction Act and FRCP against Ted Bernstein and counsel and representatives acting on his behalf specifically including but not limited to attorney Alan M. Rose, against the Estate of Simon Bernstein acting by and through local Illinois counsel and by Florida PRs Brian O'Connell and Joy Foglietta, against Pamela Simon, David Simon, Adam Simon, Jill Bernstein-Iantoni, Lisa Friedstein, and against proceedings in the Florida Probate Courts of Palm Beach County and other parties deemed proper by this Court, temporarily enjoining said parties from further proceedings in the Florida Probate Courts herein until further order of this Court, from disposing, selling, transferring, encumbering or in any way disposing of any assets, properties as specified herein, and further preserving any and all evidence, documents, files, notes, bills, statements, mail, emails, and other evidence herein;
2. Specifically Enjoining at least Temporarily Florida Probate Court Judge Phillips on Thursday, Feb. 25, 2016 at 3:15 PM EST until further Order of this

Court;

3. Permitting the Amendment of the original counter-complaint filed herein to add claims under 42 USC Sec. 1983 and other pendant state law claims including but not limited to tortious interference with rights of expectancy and inheritance;
4. Granting appropriate leave to further Amend said complaint to add specified known parties and have said parties served by the US Marshal service or agency determined by this Court;
5. Granting leave to Amend to include a Declaratory Judgment on specified counts pertaining to Trusts, Wills, Instruments, and the Validity and Construction thereof;
6. Waiving any requirement for Bonding by Eliot I. Bernstein under extraordinary circumstances and imposing the requirement of bonding against specified wrongdoers herein if necessary.
7. Such other and further relief as to this Court may seem just and proper.

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED: Wednesday, February 24, 2016

Note: All URL EXHIBITS contained herein are hereby incorporated by reference in entirety herein. The Court should consider printing these URL exhibits as recent hacking of Eliot's website and mail have caused his site to repeatedly be shut down at critical times making drafting and filing of complaints even more difficult. To ensure the court that these links do not disappear copying them down and printing them is requested.

/s/ Eliot Ivan Bernstein

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on Wednesday, **February 24, 2016** I electronically filed the foregoing with the Clerk of the Court using CM/ECF. I also certify that the foregoing is being served this day on all counsel of record identified below via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner.

/s/ Eliot Ivan Bernstein

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

James J. Stamos and Kevin Horan STAMOS & TRUCCO LLP One East Wacker Drive, Third Floor Chicago, IL 60601 Attorney for Intervenor, Estate of Simon Bernstein	Adam Simon, Esq. #6205304 303 East Wacker Drive, Suite 2725 Chicago, Illinois 60601 Attorney for Plaintiffs (312) 819-0730	Ted Bernstein, 880 Berkeley Boca Raton, FL 33487 tbernstein@lifeinsuranceconcepts.com
Alan B. Rose, Esq. PAGE, MRACHEK, FITZGERALD , ROSE, KONOPKA, THOMAS & WEISS, P.A. 505 South Flagler Drive, Suite 600 West Palm Beach, Florida 33401 arose@pm-law.com and arose@mrachek-law.com	Pamela Simon President STP Enterprises, Inc. 303 East Wacker Drive Suite 210 Chicago IL 60601-5210 psimon@stpcorp.com	Estate of Simon Bernstein Personal Representative Brian M. O'Connell, Partner and Joielle Foglietta, Esq. Ciklin Lubitz Martens & O'Connell 515 N Flagler Drive 20th Floor West Palm Beach, FL 33401 boconnell@ciklinlubitz.com

Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com	Lisa Friedstein 2142 Churchill Lane Highland Park, IL 60035 Lisa@friedsteins.com lisa.friedstein@gmail.com lisa@friedsteins.com	David B. Simon, Esq. #6205304 303 East Wacker Drive, Suite 2725 Chicago, Illinois 60601 Attorney for Plaintiffs (312) 819-0730

**EXHIBIT A - LIST OF COUNTER COMPLAINT DEFENDANTS TO BE INCLUDED
IN THE AMENDED COMPLAINT**

EXHIBIT A
COUNTER COMPLAINT DEFENDANTS / PARTIES

COUNTER-DEFENDANTS/THIRD PARTY DEFENDANTS FOR AMENDED COMPLAINT AND PARTY DESIGNATIONS

1. Hon. Jorge Labarga, Chief Justice of the Florida Supreme Court, professionally;
2. Hon. Jorge Labarga, Chief Justice of the Florida Supreme Court, personally;
3. Judge Martin Colin, professionally;
4. Judge Martin Colin, personally;
5. Judge David French, professionally;
6. Judge David French, personally;
7. Judge Howard Coates, professionally;
8. Judge Howard Coates, personally;
9. Judge John Phillips, professionally;
10. Judge John Phillips, personally;
11. The State of Florida;
12. The Florida Supreme Court;
13. The 4th District Court of Appeals;
14. Palm Beach County Probate and Circuit Courts;
15. The County of Palm Beach;
16. The Palm Beach County Sheriff;
17. Detective Ryan Miller;
18. Detective David Groover;
19. Detective Andrew Panzer;
20. Captain Carol Gregg;
21. Theodore Bernstein, personally;
22. Theodore Bernstein, as alleged Trustee of the Shirley Trust;
23. Theodore Bernstein as Personal Representative of the Shirley Estate;
24. Theodore Bernstein as alleged Trustee of the Simon Bernstein Irrevocable Insurance Trust Dtd. 6/21/95;
25. Theodore Bernstein, acting in any fiduciary capacity, corporate and company capacity and trustee capacity relevant herein;
26. Pamela Beth Simon, personally;
27. Pamela Beth Simon, acting in any fiduciary capacity, corporate and company capacity and trustee capacity relevant herein;
28. Lisa Sue Friedstein, personally;
29. Lisa Sue Friedstein, as Natural Guardian of minor CF;
30. Jill Marla Iantoni, personally;
31. Jill Marla Iantoni, as Natural Guardian of minor JI;
32. David B. Simon, Esq., professionally;
33. David B. Simon, Esq., personally;
34. Adam Simon, Esq., professionally;
35. Adam Simon, Esq., personally;

36. The Simon Law Firm and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
37. Robert L. Spallina, Esq., personally;
38. Robert L. Spallina, Esq., professionally;
39. Robert L. Spallina, Esq., former alleged Co-Trustee of the Simon Bernstein Trust;
40. Robert L. Spallina, Esq., former alleged Co-Personal Representative of the Simon Bernstein Estate;
41. Donald R. Tescher, Esq. personally;
42. Donald R. Tescher, Esq. professionally;
43. Donald R. Tescher, Esq. former alleged Co-Trustee of the Simon Bernstein Trust;
44. Donald R. Tescher, Esq. former alleged Co-Personal Representative of the Simon Bernstein Estate;
45. Gutter Chaves Josepher Rubin Forman Fleisher Miller PA F.K.A. Tescher Gutter Chaves Josepher Rubin Ruffin & Forman PA and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives, Attorneys, Insurers and Fiduciaries;
46. Tescher & Spallina, P.A. and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives, Attorneys, Insurers and Fiduciaries;
47. T&S Registered Agents, LLC and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
48. Kimberly Francis Moran, personally;
49. Kimberly Francis Moran, professionally;
50. Lindsay Baxley aka Lindsay Giles, personally;
51. Lindsay Baxley aka Lindsay Giles, professionally;
52. Alan B. Rose, Esq. – personally;
53. Alan B. Rose, Esq. – professionally;
54. Page, Mrachek, Fitzgerald & Rose, P.A. and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives, Attorneys, Insurers and Fiduciaries;
55. Ciklin Lubitz Martens & O'Connell and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives, Attorneys, Insurers and Fiduciaries;
56. Brian O'Connell, Esq., personally;
57. Brian O'Connell, Esq., professionally;
58. Brian O'Connell, Esq., fiduciary;
59. Joielle "Joy" A. Foglietta, Esq., personally;
60. Joielle "Joy" A. Foglietta Esq., professionally;
61. Joielle "Joy" A. Foglietta Esq., fiduciary;

62. Albert Gortz, Esq., personally;
63. Albert Gortz, Esq., professionally;
64. Proskauer Rose, LLP and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
65. Hopkins & Sutter and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
66. Foley & Lardner LLP and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
67. Greenberg Traurig, LLP and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
68. Jon Swergold, Esq., personally;
69. Jon Swergold, Esq., professionally;
70. Gerald R. Lewin, CPA, personally;
71. Gerald R. Lewin, CPA, professionally;
72. CBIZ, Inc. (NYSE: CBZ) and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
73. John Morrissey, Esq., personally;
74. John Morrissey, Esq., professionally;
75. John P. Morrissey, P.A. and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
76. Mark R. Manceri, Esq., personally;
77. Mark R. Manceri, Esq., professionally;
78. Mark R. Manceri, Esq., P.A. and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives, Attorneys, Insurers and Fiduciaries;
79. Pankauski Law Firm PLLC and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives, Attorneys, Insurers and Fiduciaries;
80. John J. Pankauski, Esq., personally;
81. John J. Pankauski, Esq., professionally;
82. Steven A. Lessne, Esq., personally;
83. Steven A. Lessne, Esq., professionally;
84. GrayRobinson, P.A. and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
85. GUNSTER and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;

86. Brandan J. Pratt, Esq., personally;
87. Brandan J. Pratt, Esq., professionally;
88. Huth & Pratt and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives, Attorneys, Insurers and Fiduciaries;
89. Stanford Financial Group and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives, Attorneys, Insurers, Receivers and Fiduciaries;
90. Oppenheimer & Co. Inc. and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives, Attorneys, Insurers and Fiduciaries;
91. Oppenheimer Trust Company of Delaware and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives, Attorneys, Insurers and Fiduciaries;
92. Janet Craig, personally;
93. Janet Craig, professionally;
94. Janet Craig, fiduciary;
95. Huntington Worth, personally;
96. Huntington Worth, professionally;
97. Huntington Worth, fiduciary;
98. William McCabe, Esq., personally;
99. William McCabe, Esq., professionally;
100. Legacy Bank of Florida and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives, Attorneys, Insurers and Fiduciaries;
101. JP Morgan Chase & Co. and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives, Attorneys, Insurers and Fiduciaries;
102. LaSalle National Trust, NA and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
103. Chicago Title Land Trust and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
104. Heritage Union Life and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;

105. Jackson National Life and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
106. Reassure America Life Insurance Company and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
107. WiltonRe and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
108. First Arlington National Bank as Trustee of S.B. Lexington, Inc. Employee Death Benefit Trust and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
109. United Bank of Illinois and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
110. Bank of America, Alleged successor in interest to LaSalle National Trust, N.A. and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
111. Wilmington Trust Company and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
112. Regency Title dba US Title of Florida and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
113. Old Republic National Title Insurance Company and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
114. Nestler Poletto Sotheby's International Realty and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
115. Bernstein Family Realty, LLC and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
116. Bernstein Holdings, LLC and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
117. Bernstein Family Investments, LLLP and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns,

- Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
118. S.T.P. Enterprises, Inc., and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives, Attorneys, Insurers and Fiduciaries;
 119. S.B. Lexington, Inc. and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
 120. National Service Association, Inc. (of Illinois) and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
 121. Life Insurance Concepts, Inc. and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
 122. LIC Holdings, Inc. and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
 123. LIC Holdings, LLC and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
 124. Arbitrage International Management LLC and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
 125. Arbitrage International Marketing, Inc. and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
 126. Arbitrage International Holdings, LLC and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
 127. National Services Pension Plan and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
 128. Arbitrage International Marketing Inc. 401 (k) Plan and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
 129. Simon L. Bernstein Trust Agreement (2008) and its current and former trustees, fiduciaries and counsel;

130. Simon L. Bernstein Irrevocable Trust Agreement (2008) and its current and former trustees, fiduciaries and counsel;
131. Simon L. Bernstein Estate and Will of Simon L. Bernstein (2008) and its current and former trustees, fiduciaries and counsel;
132. Simon L. Bernstein Estate and Will of Simon L. Bernstein (2012) and its current and former trustees, fiduciaries and counsel;
133. Simon L. Bernstein Amended and Restated Trust Agreement (2012) and its current and former trustees, fiduciaries and counsel;
134. Wilmington Trust 088949-000 Simon L. Bernstein Irrevocable Trust and its current and former trustees, fiduciaries and counsel;
135. Estate and Will of Shirley Bernstein (2008) and its current and former trustees, fiduciaries and counsel;
136. Shirley Bernstein Trust Agreement (2008) and its current and former trustees, fiduciaries and counsel;
137. Shirley Bernstein Irrevocable Trust Agreement (2008) and its current and former trustees, fiduciaries and counsel;
138. Simon Bernstein Irrevocable Insurance Trust dated 6/21/1995 (currently missing and legally nonexistent) and its current and former trustees, fiduciaries and counsel;
139. Shirley Bernstein Marital Trust and Family Trust created under the Shirley Bernstein Trust (2008) and its current and former trustees, fiduciaries and counsel;
140. S.B. Lexington, Inc. 501(C)(9) VEBA TRUST and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
141. Trust f/b/o Joshua Bernstein under the Simon L. Bernstein Trust dtd 9/13/2012 and its current and former trustees, fiduciaries and counsel;
142. Trust f/b/o Daniel Bernstein under the Simon L. Bernstein Trust dtd 9/13/2012 and its current and former trustees, fiduciaries and counsel;
143. Trust f/b/o Jake Bernstein under the Simon L. Bernstein Trust dtd 9/13/2012 and its current and former trustees, fiduciaries and counsel;
144. Eliot Bernstein Family Trust dated May 20, 2008 and its current and former trustees, fiduciaries and counsel;
145. Daniel Bernstein Irrevocable Trust dated September 7, 2006 and its current and former trustees, fiduciaries and counsel;
146. Jake Bernstein Irrevocable Trust dated September 07, 2006 and its current and former trustees, fiduciaries and counsel;
147. Joshua Z. Bernstein Irrevocable Trust dated September 07, 2006 and its current and former trustees, fiduciaries and counsel;
148. Traci Kratish, Fiduciary;
149. Christopher Prindle, personally;
150. Christopher Prindle, professionally;
151. Peter Montalbano, personally;
152. Peter Montalbano, professionally;
153. Steven Greenwald, personally;
154. Steven Greenwald, professionally;
155. Louis B. Fournet; professionally;

- 156. Louis B. Fournier, personally;
- 157. Alexandra Bernstein;
- 158. Michael Bernstein;
- 159. Eric Bernstein;
- 160. Molly Simon;
- 161. Max Friedstein;
- 162. John and Jane Doe State Defendants,

EXHIBIT A - LIST OF POTENTIAL DEFENDANTS TO BE ADDED TO COUNTER COMPLAINT BASED ON NEED TO OBTAIN DISCOVERY AND POTENTIAL COMPANY - VEHICLE TO HIDE-MOVE ASSETS ETC

- 163. John Hancock
- 164. Delray Medical Center;
- 165. Ronald V. Alvarez, Esquire, is a mediator;
- 166. CFC of Delaware, LLC.
- 167. Life Insurance Connection, Inc.
- 168. TSB Holdings, LLC
- 169. TSB Investments LLLP
- 170. Life Insurance Concepts, LLC
- 171. Life Insurance Innovations, Inc.
- 172. National Service Association, Inc. (of Florida)
- 173. Total Brokerage Solutions LLC
- 174. Cambridge Financing Company
- 175. National Service Association, Inc.
- 176. National Service Corp (FLORIDA)
- 177. Simon L. Bernstein Irrevocable Trust U/A 9/7/06
- 178. Shirley Bernstein Irrevocable Trust U/A 9/7/06
- 179. Simon Bernstein 2000 Insurance Trust (dated august 15, 2000)
- 180. Shirley Bernstein 2000 Insurance Trust (dated august 15, 2000)
- 181. 2000 Last Will and Testament of Simon L. Bernstein
- 182. 2000 Last Will and Testament of Shirley Bernstein
- 183. Jill Iantoni Family Trust dated May 20, 2008
- 184. Lisa Friedstein Family Trust dated May 20, 2008
- 185. Daniel Bernstein Irrevocable Trust 07-JUL-10 049738
- 186. Jake Bernstein Irrevocable Trust 07-JUL-10 0497381
- 187. Joshua Z Bernstein Irrevocable Trust 07-JUL-10 0497381
- 188. Simon Bernstein Irrevocable Trust dated 6/21/95
- 189. Simon Bernstein Trust, NA
- 190. S.B. Lexington, Inc. Employee Death Benefit Trust
- 191. Simon Bernstein Trust Agreement dated May 13, 2008
- 192. Saint Andrews School Boca Raton

EXHIBIT 6 - Ted Bernstein Statement Huhem PBSO Homicide Investigation.

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1
CASE NO. 16042460 SUPPLEMENT 4 OFFENSE REPORT CASE NO. 16042460

DISPOSITION: ZULU
DIVISION: DETECTIVE

911:
SUICIDE * * *
SIGNAL CODE: 32 CRIME CODE: NON CRIME CODE: OT CODE: 9532 06/13/16 TUESDAY
ZONE: C21 GRID: DEPUTY I.D.: 7571 NAME: PEREZ, M. ASSIST: TIME D 1610 A 1629 C 0119
OCCURRED BETWEEN DATE: 02/22/16 , 2200 HOURS AND DATE: 02/23/16 , 1730 HOURS
EXCEPTION TYPE:
INCIDENT LOCATION: 7020 LIONS HEAD LA APT. NO.:
CITY: BOCA RATON STATE: FL ZIP: 33496

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
LOCATION: RESIDENCE - SINGLE FAMILY
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

ON MAY 24, 2016, AT APPROXIMATELY 1830 HOURS I MET WITH TED BERNSTEIN (WHITE MALE, 08/27/1959) WHO PROVIDED ME WITH A STATEMENT. THE FOLLOWING IS A SYNOPSIS OF TED'S STATEMENT. TED STATED THAT ON THE DAY OF MITCH'S DEATH HE TEXTED MITCH SOMETIME BETWEEN 8:30 A.M. AND 9:00 A.M. IN REFERENCE TO SCHEDULING A MEETING; HOWEVER, MITCH DID NOT RESPOND. TED STATED THAT AT APPROXIMATELY 3:30 P.M. HE GOT A CALL FROM DEBORAH AND SHE SOUNDED PANICKED. TED STATED THAT DEBORAH MENTIONED THAT MITCH'S STUFF WAS HERE AND SHE HASN'T HEARD FROM HIM. TED STATED THAT DEBORAH ASKED IF HE AND MITCH HAD MET, OR IF TED KNEW OF ANY MEETINGS AND TED RESPONDED NO.

TED STATED THAT A COUPLE OF HOURS LATER, PBSO CALLED AND ASKED HIM TO COME TO THE HOUSE. TED STATED THAT HE ARRIVED AT THE HOUSE AND LEARNED OF MITCH'S DEATH. TED STATED THAT DEBORAH SENT HIM A MESSAGE ASKING HIM TO STAY AND HE WAITED FOR ABOUT 40 MINUTES BEFORE LEAVING. TED STATED THAT SHORTLY AFTER ARRIVING HOME DEBORAH CALLED HIM AND HE RETURNED TO THE SCENE ACCOMPANIED BY HIS WIFE. TED STATED THAT HE DROVE DEBORAH TO HIS HOUSE WHERE SHE SPENT THE NIGHT.

TED DESCRIBES DEBORAH AS BEING IN SHOCK AND BEING CONCERNED ABOUT MITCH'S LEGACY. TED STATED THAT DEBORAH DIDN'T WANT PEOPLE THAT KNEW HIM TO FIND OUT THAT MITCH TOOK HIS OWN LIFE. TED STATED THAT DEBORAH MENTIONED RECENTLY HAVING A FACIAL LASER PEEL DONE WHICH HE BELIEVED TO HAVE CAUSED AN EXTREME REACTION ON HER FACE. TED DESCRIBED IT AS LOOKING PAINFUL AND THAT THAT WAS THE ONLY MARKS THAT HE NOTICED ON DEBORAH. TED STATED THAT DEBORAH STAYED AT HIS HOME 3-4 DAYS AND DURING THAT TIME HE BRIEFLY MET ONE OF MITCH'S SISTERS, A BROTHER-IN-LAW AND DEBORAH'S SON. TED STATED THAT HE

printed by Employee Id #: 6480 on June 22, 2016 10:07:31AM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 2
 CASE NO. 16042460 SUPPLEMENT 4 OFFENSE REPORT CASE NO. 16042460
 DISPOSITION: ZULU

TRIED TO GIVE THEM PRIVACY AND STAY OUT OF THE WAY SO HE DOESN'T KNOW IF THEY WERE ARGUING OR THE TOPICS OF THEIR CONVERSATIONS.

TED STATED THAT PRIOR TO THIS INCIDENT THE LAST TIME HE SPOKE TO DEBORAH WAS AROUND THE HOLIDAYS. TED STATED THAT PRIOR TO THE INCIDENT HE SPOKE WITH MITCH ON THE MONDAY OR TUESDAY BEFORE AND THAT THEY TALKED ABOUT THE HOUSE REMODEL, THE MOLD AND INSURANCE ADJUSTERS. TED STATED THAT THEY ALSO TALKED ABOUT MITCH NOT WANTING TO BE INCLUDED IN ONLINE BLOGS AND MITCH OFFERED TO HELP TED'S ONLINE IMAGE.

TED STATED THAT HE HAS KNOWN MITCH SINCE AUGUST OR SEPTEMBER THROUGH EMAILS ABOUT THE HOUSE; HOWEVER, THEY DIDN'T MEET UNTIL OCTOBER. TED STATED THAT ALL OF THE CONVERSATIONS WERE IN REFERENCE TO THE HOUSE. TED STATED THAT HE DID NOT NOTICE ANY SIGNS OF MENTAL ILLNESS BUT THAT HE DID NOT KNOW MITCH WELL ENOUGH TO NOTICE. TED STATED THAT THEY DID DEVELOP A FRIENDSHIP, AND THAT HE REMEMBERS BEING IMPRESSED THAT MITCH DID NOT BLAME HIM FOR THE EXTENSIVE PROBLEMS WITH THE HOUSE. TED STATED THAT MITCH AND HE WOULD TALK 2-3 TIMES A WEEK.

TED STATED THAT HE DIDN'T BELIEVE THAT HIS BROTHER ELLIOT KNEW MITCH'S IDENTITY UNTIL AFTER THE DEATH AND THAT UP TO THIS POINT MITCH HAD NOT BEEN MENTIONED IN ELLIOT'S BLOG AND MITCH WANTED TO KEEP IT THAT WAY. TED STATED THAT THIS IS THE REASON THE LAND TRUST WAS USED TO PURCHASE THE HOME.

TED STATED THAT HIS PARENTS LEFT ASSETS TO THEIR GRANDCHILDREN AND THAT HE DIDN'T STAND TO BENEFIT ANYTHING FROM THE PURCHASE. TED STATED THAT BECAUSE OF HIS BROTHER ELLIOT, TED USES A LAWYER FOR EVERYTHING IN ORDER TO PROTECT HIMSELF.

TED STATED THAT HE AND MITCH GOT TO KNOW EACH OTHER AND THAT MITCH WANTED TO HELP HIS REPUTATION. TED STATED THAT MITCH THOUGHT GOING INTO BUSINESS TOGETHER WOULD HELP BUT THAT THEY NEVER SPOKE OF MONEY AFTER THE CLOSING OF THE HOUSE.

TED STATED THAT MITCH DID NOT REACH OUT TO TED FOR HELP AND THAT MITCH DID NOT APPEAR TO BE DEPRESSED. TED DESCRIBED MITCH TO BE UPBEAT AND HE WAS NO DIFFERENT TWO DAYS BEFORE.

THIS CONCLUDED TED'S STATEMENT.

ON MAY 25TH AT APPROXIMATELY 1500 HOURS I MET WITH MICHAEL ALTSHULER (WHITE MALE, 10/11/1956). MICHAEL PROVIDED ME WITH A SWORN STATEMENT WHICH WAS MEMORIALIZED ON A DIGITAL RECORDING DEVICE. THE FOLLOWING IS A SYNOPSIS OF MICHAEL'S STATEMENT, FOR SPECIFIC DETAILS PLEASE REFER TO THE CD LOCATED IN PBSO EVIDENCE. MICHAEL STATED THAT ON THE DAY OF MITCH'S DEATH HE WAS SUPPOSED TO MEET WITH MITCH AT THE GYM INSIDE OF MITCH'S DEVELOPMENT. MICHAEL STATED THAT HE ARRIVED AT THE COMMUNITY GYM AROUND 7:00 P.M. AND THAT THIS HAD BEEN PLANNED SEVERAL DAYS IN ADVANCE. MICHAEL STATED THAT HE MET MITCH AT A SEMINAR AND THAT THEY HAVE KNOWN EACH OTHER FOR 3-4 MONTHS.

 printed by Employee Id #: 6480 on June 22, 2016 10:07:31AM

EXHIBIT 7 - Deposition Tescher

VOLUME: I
 PAGES: 1-165
 EXHIBITS: 1-15, A

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

NO. 502012CP004391XXXXSB

CP - Probate

 IN RE:)
 ESTATE OF SIMON L. BERNSTEIN)
 _____)

TELEPHONIC DEPOSITION of DONALD R.
 TESCHER, called as a witness by and on behalf of
 Ted S. Bernstein, pursuant to the applicable
 provisions of the Florida Rules of Civil Procedure,
 before P. Jodi Ohnemus, RPR, RMR, CRR, CA-CSR
 #13192, NH-LCR #91, MA-CSR #123193, and Notary
 Public, within and for the Commonwealth of
 Massachusetts, at the Hampton Inn & Suites, 10
 Plaza Way, Plymouth, Massachusetts, on Wednesday, 9
 July, 2014, commencing at 2:38 p.m.

1 nor did Mr. Spallina bring it to the attention of
2 anybody; is that --

3 A. We couldn't, because we weren't aware of
4 it.

5 Q. Okay. And when you became aware of it in
6 2013, did you think it appropriate at that time to
7 resign as copersonal representative from the estate
8 of Simon Bernstein?

9 A. No.

10 Q. Now, did there come a time, however, when
11 you did resign -- you and Mr. Spallina -- as
12 copersonal representatives of the Simon Bernstein
13 estate; correct?

14 A. That is correct.

15 Q. Do you recall when that was?

16 A. January of 2014.

17 Q. And what was the incident at that time
18 that then caused you to resign as copersonal
19 representatives of the estate of Simon Bernstein?

20 A. It came to light -- it was brought to my
21 attention that the -- there was an amendment --
22 there was an altered document altering the
23 amendment to Shirley Bernstein's revocable trust,
24 which document had been forwarded to Christine
25 Yates, who was then serving as counsel to Eliot

1 Bernstein's children; and that document added a
2 provision.

3 **Q. All right. And how did that document come**
4 **to light -- the altered document?**

5 A. It was brought to my attention by someone
6 in my office.

7 **Q. Okay. Now, the -- you identified the**
8 **altered document as what again -- the Shirley**
9 **Bernstein Trust?**

10 A. The Amendment to Shirley Bernstein's
11 Revocable Trust Agreement.

12 **Q. Okay. And who in your office brought that**
13 **to your attention?**

14 A. Our associate.

15 **Q. And who is that?**

16 A. Lauren Galvani.

17 **Q. And when did that take place?**

18 A. January 2013.

19 **Q. Okay. And there is a document that's**
20 **attached to your affidavit, which is the -- I**
21 **believe an amendment to the Shirley Bernstein**
22 **Trust; is that correct?**

23 A. Hold on one moment. Let me get to that.

24 **Q. Is that Exhibit C?**

25 A. I believe that's C, if I'm not mistaken.

1 Hold on one moment.

2 (Witness reviews document.) Yeah. That's
3 Exhibit C.

4 **Q. Okay. All right.**

5 **Now, Exhibit C, is that the altered**
6 **document or the unaltered document?**

7 A. That is the unaltered document.

8 **Q. And what did the altered first amendment**
9 **to the Shirley Bernstein trust say?**

10 A. I don't have it in front of me, but
11 essentially what it did was there was a -- you see
12 how it's numbered now 1 and 3? There were -- you
13 know, somebody had messed up when it had been
14 originally prepared, and it got numbered --
15 paragraph No. 1, paragraph No. 3.

16 A paragraph No. 2 was inserted between 1
17 and 3.

18 **Q. And when did that take place?**

19 A. I don't know.

20 **Q. Was it -- did it take place sometime in**
21 **2012?**

22 A. I don't know.

23 **Q. Did it take -- well, how did your**
24 **associate suddenly come across it in January of**
25 **2014?**

1 A. You'll have to ask her.

2 **Q. Did you ever ask her how she came across**
3 **it that then subsequently caused you to resign as**
4 **copersonal representative?**

5 A. She noticed that the amendment that had
6 been included in the letter to Christine Yates was
7 different than Exhibit -- the exhibit that's here
8 attached to my affidavit.

9 **Q. And in that letter to Christine Yates,**
10 **what was the date of that letter?**

11 A. I think it was January of 2013 -- I think.

12 **Q. Okay. And so that was after the death of**
13 **Simon Bernstein; correct?**

14 A. Yes, it was.

15 **Q. So then that altered document contained in**
16 **a document dated January 11, 2013 could very well**
17 **have been prepared while Ted Bernstein was the**
18 **successor personal representative and successor**
19 **trustee to the Shirley Bernstein estate and trust;**
20 **correct?**

21 A. No. Probably -- well...

22 Probably -- I'm not sure, to be honest,
23 Peter. I'm not a hundred percent certain on the
24 timing.

25 **Q. Okay. And how did a year go by between**

1 the time of the January 11th, 2013 letter in which
2 the altered document was produced to the attorneys
3 for Eliot Bernstein and then the discovery that it
4 was, in fact, an altered document? What happened
5 in that 12-month time that caused you, or your
6 associate, or your office to discover that, in
7 fact, what had been supplied to counsel for Eliot
8 Bernstein was, in fact, a forged document or
9 altered document?

10 A. I can't answer that question, actually --
11 'cause I don't know.

12 Q. All right. And -- and who in your firm
13 would be in the best position to know that -- if
14 it's not the general manager -- the managing
15 partner of the firm?

16 A. Mr. Spallina or Ms. Galvani.

17 Q. You were the managing partner at that time
18 still; correct?

19 A. I was the president.

20 Q. Okay. And what did the altered document
21 say in paragraph 2?

22 A. I told you that I don't have that in front
23 of me.

24 Q. And the one attached to your affidavit?

25 A. I told you that I don't have that in front

1 of me.

2 **Q. I apologize if I'm being repetitive on**
3 **that score.**

4 A. Yeah, I don't have --

5 **Q. Your best recollection.**

6 A. Yeah. Peter, I don't have it here.

7 It dealt with the definition of children
8 and lineals.

9 MR. ROSE: Peter, I don't want to ruin
10 your momentum that you're building up, but I need
11 to take a bathroom break. Could we take -- we've
12 been going at it for a little more than an hour.
13 Can we take like a five-minute break?

14 MR. FEAMAN: Sure. I'm moving on to the
15 next item anyway.

16 MR. ROSE: No more than five -- maybe as
17 little as two minutes. I'll be right back.

18 MR. FEAMAN: No problem.

19 (Recess was taken.)

20 **Q. Mr. Tescher, I'd like you to take a look**
21 **at what's been premarked as Exhibit 3.**

22 MR. FEAMAN: Madam Court Reporter, would
23 you hand that to the witness.

24 COURT REPORTER: Okay.

25 MR. FEAMAN: Thank you.

Stansbury's
Exh. 3
to Teacher's depo

LAW OFFICES
TESCHER & SPALLINA, P.A.

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4855 TECHNOLOGY WAY, SUITE 720
BOCA RATON, FLORIDA 33431

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SUPPORT STAFF
DIANE DUSTIN
KIMBERLY MORAN
SUANN TESCHER

January 14, 2014

VIA U.S. MAIL AND EMAIL

Ted S. Bernstein
880 Berkeley Street
Boca Raton, FL 33487

Eliot Bernstein
2753 NW 34th Street
Boca Raton, FL 33434

Lisa S. Friedstein
2142 Churchill Lane
Highland Park, IL 60035

Pamela B. Simon
950 North Michigan Ave.
Suite 2603
Chicago, IL 60606

Jill Iantoni
2101 Magnolia Lane
Highland Park, IL 60035

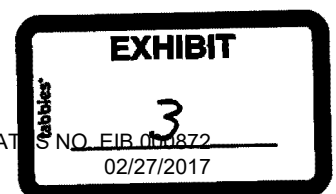
Re: Estates and Trusts of Shirley Bernstein and Simon Bernstein

Dear Ladies and Gentlemen:

It has been brought to my attention that a document was prepared in our office that altered the disposition of the Shirley Bernstein Trust subsequent to Simon Bernstein's death. Information provided to me appears to indicate that there were two versions of the First Amendment to the Shirley Bernstein Trust Agreement, both executed on November 18, 2008. Under one version the children of Pam Simon and Ted Bernstein would not be permissible appointees of Simon Bernstein's exercise of the power of appointment while under the second version that restriction was removed. As you all know, Simon Bernstein's dispositive plan, expressed to all of you during his lifetime on a conference call, was to distribute the Estate to all ten of his grandchildren. That was the basis upon which the administration was moving forward.

Under the Shirley Bernstein Trust, there is a definition of children and lineal descendants. That definition excluded Pam Simon, Ted Bernstein and their respective children from inheriting. The document also contained a special Power of Appointment for Simon wherein he could appoint the assets of the Trust for Shirley's lineal descendants. Based upon the definition of children and lineal descendants, the Power of Appointment could not be exercised in favor of Pam Simon, Ted Bernstein or their respective children, although we believe it was Simon Bernstein's wish to provide equally for all of his grandchildren.

On November 18, 2008, it does appear from the information that I have reviewed that Shirley Bernstein executed a First Amendment to her trust agreement. The document as executed appears to make only one relatively minor modification to her trust disposition by eliminating a specific gift to Ted



Bernstein's stepson. In January of 2013 a First Amendment to the Shirley Bernstein Trust Agreement was provided to Christine Yates, Esq. who, at that time, was representing Eliot Bernstein. The document provided contained a paragraph number 2 which modified the definitional language in Shirley's document so as to permit, by deleting the words "and their respective lineal descendants" from the definition, an exercise of the power of appointment by Simon Bernstein over the Shirley Bernstein Trust to pass equally to all ten grandchildren rather than only six of the grandchildren.

By virtue of The Florida Bar Rules of Professional Conduct, I am duty bound to provide this information to you. Obviously, as a result of the issues and ramifications raised by the allegations, my firm must resign from further representation in all matters relating to the Estates and Trusts of Simon Bernstein and Shirley Bernstein. Furthermore, it is my intent, and I assume also the intent of Robert Spallina, to tender our resignations as personal representatives of the Simon Bernstein Estate and as trustees of the Simon Bernstein Trust. If the majority of the Bernstein family is in agreement, I would propose to exercise the power to designate a successor trustee by appointing Ted Bernstein in that capacity. With regard to the Simon Bernstein Estate, the appointment of the successor would require a court proceeding.

I am obviously upset and distraught over this chain of events and will do all that I reasonably can to correct and minimize any damages to the Bernstein family. As I believe you know, to date there has only been a modest funding of some, but not all, of the continuing trusts for the grandchildren emanating from Shirley's Trust assets.

Very truly yours,



DONALD R. TESCHER

DRT/km

cc: Alan Rose, Esq.

EXHIBIT 8 - SEC Consent Orders for Robert Spallina, Esq. and Donald Tescher, Esq.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

ROBERT L. SPALLINA, et al.,

Defendants.

CONSENT OF DEFENDANT ROBERT L. SPALLINA

1. Defendant Robert L. Spallina ("Defendant") waives service of a summons and the complaint in this action, enters a general appearance, and admits the Court's jurisdiction over Defendant and over the subject matter of this action.

2. Defendant has agreed to plead guilty to criminal conduct relating to certain matters alleged in the complaint in this action and acknowledges that his conduct violated the federal securities laws. Specifically, Defendant has agreed to plead guilty to a one count information which charges him with committing securities fraud involving insider trading in the securities of Pharmasset, Inc. in a matter to be filed in the United States District Court for the District of New Jersey (the "Criminal Action").

3. Defendant hereby consents to the entry of the Final Judgment in the form attached hereto (the "Final Judgment") and incorporated by reference herein, which, among other things:

- (a) permanently restrains and enjoins Defendant from violation of Sections 10(b) and 14(e) of the Securities Exchange Act of 1934 ("Exchange Act")

[15 U.S.C. §§ 78j(b) and 78n(e)] and Rules 10b-5 and 14e-3 thereunder
[17 C.F.R. §§ 240.10b-5 and 240.14e-3];

- (b) orders Defendant to pay disgorgement in the amount of \$39,156, plus prejudgment interest thereon in the amount of \$1,794; provided, however, that \$39,156 shall be deemed satisfied in light of Defendant's consent to the entry of a forfeiture money judgment in the amount of \$39,156 in connection with the Criminal Action; and
- (c) orders Defendant to pay a civil penalty in the amount of \$39,156 under Section 21A of the Exchange Act [15 U.S.C. § 78u-1].

4. Defendant agrees that he shall not seek or accept, directly or indirectly, reimbursement or indemnification from any source, including but not limited to payment made pursuant to any insurance policy, with regard to any civil penalty amounts that Defendant pays pursuant to the Final Judgment, regardless of whether such penalty amounts or any part thereof are added to a distribution fund or otherwise used for the benefit of investors. Defendant further agrees that he shall not claim, assert, or apply for a tax deduction or tax credit with regard to any federal, state, or local tax for any penalty amounts that Defendant pays pursuant to the Final Judgment, regardless of whether such penalty amounts or any part thereof are added to a distribution fund or otherwise used for the benefit of investors.

5. Defendant waives the entry of findings of fact and conclusions of law pursuant to Rule 52 of the Federal Rules of Civil Procedure.

6. Defendant waives the right, if any, to a jury trial and to appeal from the entry of the Final Judgment.

7. Defendant enters into this Consent voluntarily and represents that no threats, offers, promises, or inducements of any kind have been made by the Commission or any member, officer, employee, agent, or representative of the Commission to induce Defendant to enter into this Consent.

8. Defendant agrees that this Consent shall be incorporated into the Final Judgment with the same force and effect as if fully set forth therein.

9. Defendant will not oppose the enforcement of the Final Judgment on the ground, if any exists, that it fails to comply with Rule 65(d) of the Federal Rules of Civil Procedure, and hereby waives any objection based thereon.

10. Defendant waives service of the Final Judgment and agrees that entry of the Final Judgment by the Court and filing with the Clerk of the Court will constitute notice to Defendant of its terms and conditions. Defendant further agrees to provide counsel for the Commission, within thirty days after the Final Judgment is filed with the Clerk of the Court, with an affidavit or declaration stating that Defendant has received and read a copy of the Final Judgment.

11. Consistent with 17 C.F.R. § 202.5(f), this Consent resolves only the claims asserted against Defendant in this civil proceeding. Defendant acknowledges that no promise or representation has been made by the Commission or any member, officer, employee, agent, or representative of the Commission with regard to any criminal liability that may have arisen or may arise from the facts underlying this action or immunity from any such criminal liability. Defendant waives any claim of Double Jeopardy based upon the settlement of this proceeding, including the imposition of any remedy or civil penalty herein. Defendant further acknowledges that the Court's entry of a permanent injunction may have collateral consequences under federal or state law and the rules and regulations of self-regulatory organizations, licensing boards, and

other regulatory organizations. Such collateral consequences include, but are not limited to, a statutory disqualification with respect to membership or participation in, or association with a member of, a self-regulatory organization. This statutory disqualification has consequences that are separate from any sanction imposed in an administrative proceeding. In addition, in any disciplinary proceeding before the Commission based on the entry of the injunction in this action, Defendant understands that he shall not be permitted to contest the factual allegations of the complaint in this action.

12. Defendant understands and agrees to comply with the terms of 17 C.F.R. § 202.5(e), which provides in part that it is the Commission's policy "not to permit a defendant or respondent to consent to a judgment or order that imposes a sanction while denying the allegations in the complaint or order for proceedings." As part of Defendant's agreement to comply with the terms of Section 202.5(e), Defendant acknowledges that he has agreed to plead guilty for related conduct as described in paragraph 2 above, and: (i) will not take any action or make or permit to be made any public statement denying, directly or indirectly, any allegation in the complaint or creating the impression that the complaint is without factual basis; (ii) will not make or permit to be made any public statement to the effect that Defendant does not admit the allegations of the complaint, or that this Consent contains no admission of the allegations; (iii) upon the filing of this Consent, Defendant hereby withdraws any papers filed in this action to the extent that they deny any allegation in the complaint; and (iv) stipulates for purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. §523, that the allegations in the complaint are true, and further, that any debt for disgorgement, prejudgment interest, civil penalty or other amounts due by Defendant under the Final Judgment or any other judgment, order, consent order, decree or settlement agreement entered in connection with this

proceeding, is a debt for the violation by Defendant of the federal securities laws or any regulation or order issued under such laws, as set forth in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C. §523(a)(19). If Defendant breaches this agreement, the Commission may petition the Court to vacate the Final Judgment and restore this action to its active docket. Nothing in this paragraph affects Defendant's: (i) testimonial obligations; or (ii) right to take legal or factual positions in litigation or other legal proceedings in which the Commission is not a party.

13. Defendant hereby waives any rights under the Equal Access to Justice Act, the Small Business Regulatory Enforcement Fairness Act of 1996, or any other provision of law to seek from the United States, or any agency, or any official of the United States acting in his or her official capacity, directly or indirectly, reimbursement of attorney's fees or other fees, expenses, or costs expended by Defendant to defend against this action. For these purposes, Defendant agrees that Defendant is not the prevailing party in this action since the parties have reached a good faith settlement.

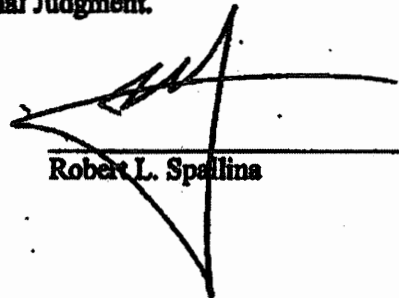
14. In connection with this action and any related judicial or administrative proceeding or investigation commenced by the Commission or to which the Commission is a party, Defendant (i) agrees to appear and be interviewed by Commission staff at such times and places as the staff requests upon reasonable notice; (ii) will accept service by mail or facsimile transmission of notices or subpoenas issued by the Commission for documents or testimony at depositions, hearings, or trials, or in connection with any related investigation by Commission staff; (iii) appoints Defendant's undersigned attorney as agent to receive service of such notices and subpoenas; (iv) with respect to such notices and subpoenas, waives the territorial limits on service contained in Rule 45 of the Federal Rules of Civil Procedure and any applicable local

rules, provided that the party requesting the testimony reimburses Defendant's travel, lodging, and subsistence expenses at the then-prevailing U.S. Government per diem rates; and (v) consents to personal jurisdiction over Defendant in any United States District Court for purposes of enforcing any such subpoena.

15. Defendant agrees that the Commission may present the Final Judgment to the Court for signature and entry without further notice.

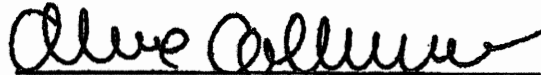
16. Defendant agrees that this Court shall retain jurisdiction over this matter for the purpose of enforcing the terms of the Final Judgment.

Dated: 9/16/15



Robert L. Spallina

On Sept 16, 2015, Robert Spallina, a person known to me, personally appeared before me and acknowledged executing the foregoing Consent.



Notary Public
Commission expires:

Approved as to form:



Lawrence S. Lustberg, Esquire
Gibbons P.C.
One Gateway Center
Newark, NJ 07102-5310
Counsel for Robert L. Spallina



Alexa Colivechio
COMMISSION # FP100402
EXPIRES: December 28, 2018
WWW.AARONNOTARY.COM

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

ROBERT L. SPALLINA, et al.,

Defendants.

FINAL JUDGMENT AS TO DEFENDANT ROBERT L. SPALLINA

The Securities and Exchange Commission having filed a Complaint and Defendant Robert L. Spallina having entered a general appearance; consented to the Court's jurisdiction over Defendant and the subject matter of this action; consented to entry of this Final Judgment; waived findings of fact and conclusions of law; waived any right to appeal from this Final Judgment; and Defendant having admitted the facts set forth in the Consent of Robert L. Spallina and acknowledged that his conduct violated the federal securities laws:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or

instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security:

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or
- (c) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating Section 14(e) of the Exchange Act [15 U.S.C. § 78n(e)] and Rule 14e-3 [17 C.F.R. § 240.14e-3] promulgated thereunder, in connection with any tender offer or request or invitation for tenders, from engaging in any fraudulent, deceptive, or manipulative act or practice, by:

- (a) purchasing or selling or causing to be purchased or sold the securities sought or to be sought in such tender offer, securities convertible into or exchangeable for any such securities or any option or right to obtain or dispose of any of the foregoing securities while in possession of material information relating to such tender offer that Defendant knows or has reason to know is nonpublic and knows or has reason to know has been

acquired directly or indirectly from the offering person; the issuer of the securities sought or to be sought by such tender offer; or any officer, director, partner, employee or other person acting on behalf of the offering person or such issuer, unless within a reasonable time prior to any such purchase or sale such information and its source are publicly disclosed by press release or otherwise; or

(b) communicating material, nonpublic information relating to a tender offer, which Defendant knows or has reason to know is nonpublic and knows or has reason to know has been acquired directly or indirectly from the offering person; the issuer of the securities sought or to be sought by such tender offer; or any officer, director, partner, employee, advisor, or other person acting on behalf of the offering person or such issuer, to any person under circumstances in which it is reasonably foreseeable that such communication is likely to result in the purchase or sale of securities in the manner described in subparagraph (a) above, except that this paragraph shall not apply to a communication made in good faith

(i) to the officers, directors, partners or employees of the offering person, to its advisors or to other persons, involved in the planning, financing, preparation or execution of such tender offer;

(ii) to the issuer whose securities are sought or to be sought by such tender offer, to its officers, directors, partners, employees or advisors or to other persons involved in the

- planning, financing, preparation or execution of the activities of the issuer with respect to such tender offer; or
- (iii) to any person pursuant to a requirement of any statute or rule or regulation promulgated thereunder.

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement of \$39,156, representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$1,794; provided, however, that \$39,156 shall be deemed satisfied in light of Defendant's consent to the entry of a forfeiture money judgment in the amount of \$39,156 in connection with the resolution of a parallel criminal action instituted in this Court; and a civil penalty in the amount of \$39,156 pursuant to Section 21A of the Exchange Act [15 U.S.C. § 78u-1]. Defendant shall satisfy this obligation by paying \$40,950 to the Securities and Exchange Commission within 14 days after entry of this Final Judgment.

Defendant may transmit payment electronically to the Commission, which will provide detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly from a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission, which shall be delivered or mailed to

Enterprise Services Center
Accounts Receivable Branch
6500 South MacArthur Boulevard
Oklahoma City, OK 73169

and shall be accompanied by a letter identifying the case title, civil action number, and name of this Court; Robert L. Spallina as a defendant in this action; and specifying that payment is made pursuant to this Final Judgment.

Defendant shall simultaneously transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action. By making this payment, Defendant relinquishes all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to Defendant. The Commission shall send the funds paid pursuant to this Final Judgment to the United States Treasury.

The Commission may enforce the Court's judgment for disgorgement and prejudgment interest by moving for civil contempt (and/or through other collection procedures authorized by law) at any time after 14 days following entry of this Final Judgment. Defendant shall pay post judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent is incorporated herein with the same force and effect as if fully set forth herein, and that Defendant shall comply with all of the undertakings and agreements set forth therein.

V.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, for purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. § 523, the allegations in the Complaint are true and admitted by Defendant, and further, any debt for disgorgement, prejudgment interest, civil penalty or other amounts due by Defendant under this

Final Judgment or any other judgment, order, consent order, decree or settlement agreement entered in connection with this proceeding, is a debt for the violation by Defendant of the federal securities laws or any regulation or order issued under such laws, as set forth in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C. § 523(a)(19).

VI.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

VII.

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.

Dated:

Sept 29, 2015

Anne E. Thompson
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

ROBERT L. SPALLINA, et al.,

Defendants.

FINAL JUDGMENT AS TO DEFENDANT ROBERT L. SPALLINA

The Securities and Exchange Commission having filed a Complaint and Defendant Robert L. Spallina having entered a general appearance; consented to the Court's jurisdiction over Defendant and the subject matter of this action; consented to entry of this Final Judgment; waived findings of fact and conclusions of law; waived any right to appeal from this Final Judgment; and Defendant having admitted the facts set forth in the Consent of Robert L. Spallina and acknowledged that his conduct violated the federal securities laws:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or

instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security:

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or
- (c) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating Section 14(e) of the Exchange Act [15 U.S.C. § 78n(e)] and Rule 14e-3 [17 C.F.R. § 240.14e-3] promulgated thereunder, in connection with any tender offer or request or invitation for tenders, from engaging in any fraudulent, deceptive, or manipulative act or practice, by:

- (a) purchasing or selling or causing to be purchased or sold the securities sought or to be sought in such tender offer, securities convertible into or exchangeable for any such securities or any option or right to obtain or dispose of any of the foregoing securities while in possession of material information relating to such tender offer that Defendant knows or has reason to know is nonpublic and knows or has reason to know has been

acquired directly or indirectly from the offering person; the issuer of the securities sought or to be sought by such tender offer; or any officer, director, partner, employee or other person acting on behalf of the offering person or such issuer, unless within a reasonable time prior to any such purchase or sale such information and its source are publicly disclosed by press release or otherwise; or

(b) communicating material, nonpublic information relating to a tender offer, which Defendant knows or has reason to know is nonpublic and knows or has reason to know has been acquired directly or indirectly from the offering person; the issuer of the securities sought or to be sought by such tender offer; or any officer, director, partner, employee, advisor, or other person acting on behalf of the offering person of such issuer, to any person under circumstances in which it is reasonably foreseeable that such communication is likely to result in the purchase or sale of securities in the manner described in subparagraph (a) above, except that this paragraph shall not apply to a communication made in good faith

(i) to the officers, directors, partners or employees of the offering person, to its advisors or to other persons, involved in the planning, financing, preparation or execution of such tender offer;

(ii) to the issuer whose securities are sought or to be sought by such tender offer, to its officers, directors, partners, employees or advisors or to other persons involved in the

- planning, financing, preparation or execution of the activities of the issuer with respect to such tender offer; or
- (iii) to any person pursuant to a requirement of any statute or rule or regulation promulgated thereunder.

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement of \$39,156, representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$1,794; provided, however, that \$39,156 shall be deemed satisfied in light of Defendant's consent to the entry of a forfeiture money judgment in the amount of \$39,156 in connection with the resolution of a parallel criminal action instituted in this Court; and a civil penalty in the amount of \$39,156 pursuant to Section 21A of the Exchange Act [15 U.S.C. § 78u-1]. Defendant shall satisfy this obligation by paying \$40,950 to the Securities and Exchange Commission within 14 days after entry of this Final Judgment.

Defendant may transmit payment electronically to the Commission, which will provide detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly from a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission, which shall be delivered or mailed to

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and shall be accompanied by a letter identifying the case title, civil action number, and name of this Court; Robert L. Spallina as a defendant in this action; and specifying that payment is made pursuant to this Final Judgment.

Defendant shall simultaneously transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action. By making this payment, Defendant relinquishes all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to Defendant. The Commission shall send the funds paid pursuant to this Final Judgment to the United States Treasury.

The Commission may enforce the Court's judgment for disgorgement and prejudgment interest by moving for civil contempt (and/or through other collection procedures authorized by law) at any time after 14 days following entry of this Final Judgment. Defendant shall pay post judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent is incorporated herein with the same force and effect as if fully set forth herein, and that Defendant shall comply with all of the undertakings and agreements set forth therein.

V.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, for purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. § 523, the allegations in the Complaint are true and admitted by Defendant, and further, any debt for disgorgement, prejudgment interest, civil penalty or other amounts due by Defendant under this

Final Judgment or any other judgment, order, consent order, decree or settlement agreement entered in connection with this proceeding, is a debt for the violation by Defendant of the federal securities laws or any regulation or order issued under such laws, as set forth in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C. § 523(a)(19).

VI.

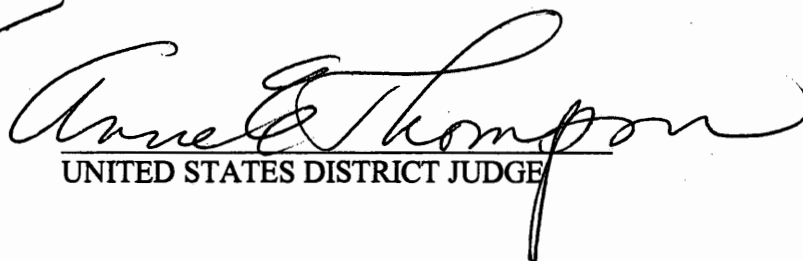
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

VII.

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.

Dated:

Sept 29 2015


UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

DONALD R. TESCHER et al.,

Defendants.

C.A. No. ____-____

CONSENT OF DEFENDANT DONALD R. TESCHER

1. Defendant Donald R. Tescher ("Defendant") waives service of a summons and the complaint in this action, enters a general appearance, and admits the Court's jurisdiction over Defendant and over the subject matter of this action.

2. Without admitting or denying the allegations of the complaint (except as provided herein in paragraph 12 and except as to personal and subject matter jurisdiction, which Defendant admits), Defendant hereby consents to the entry of the final Judgment in the form attached hereto (the "Final Judgment") and incorporated by reference herein, which, among other things:

- (a) permanently restrains and enjoins Defendant from violation of Sections 10(b) and 14(e) of the Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. §§ 78j(b) and 78n(e)] and Rules 10b-5 and 14e-3 thereunder [17 C.F.R. §§ 240.10b-5 and 240.14e-3];
- (b) orders Defendant to pay disgorgement in the amount of \$9,937, plus prejudgment interest thereon in the amount of \$690; and

(c) orders Defendant to pay a civil penalty in the amount of \$9,937 under Section 21A of the Exchange Act [15 U.S.C. § 78u-1].

3. Defendant agrees that he shall not seek or accept, directly or indirectly, reimbursement or indemnification from any source, including but not limited to payment made pursuant to any insurance policy, with regard to any civil penalty amounts that Defendant pays pursuant to the Final Judgment, regardless of whether such penalty amounts or any part thereof are added to a distribution fund or otherwise used for the benefit of investors. Defendant further agrees that he shall not claim, assert, or apply for a tax deduction or tax credit with regard to any federal, state, or local tax for any penalty amounts that Defendant pays pursuant to the Final Judgment, regardless of whether such penalty amounts or any part thereof are added to a distribution fund or otherwise used for the benefit of investors.

4. Defendant acknowledges that the Court is not imposing a civil penalty in excess of \$9,937 based on Defendant's cooperation in a Commission investigation and/or related enforcement action. Defendant consents that if at any time following the entry of the Final Judgment the Commission obtains information indicating that Defendant knowingly provided materially false or misleading information or materials to the Commission or in a related proceeding, the Commission may, at its sole discretion and without prior notice to the Defendant, petition the Court for an order requiring Defendant to pay an additional civil penalty. In connection with the Commission's motion for civil penalties, and at any hearing held on such a motion: (a) Defendant will be precluded from arguing that he did not violate the federal securities laws as alleged in the Complaint; (b) Defendant may not challenge the validity of the Judgment, this Consent, or any related Undertakings; (c) the allegations of the Complaint, solely for the purposes of such motion, shall be accepted as and deemed true by the Court; and (d) the

Court may determine the issues raised in the motion on the basis of affidavits, declarations, excerpts of sworn deposition or investigative testimony, and documentary evidence without regard to the standards for summary judgment contained in Rule 56(c) of the Federal Rules of Civil Procedure. Under these circumstances, the parties may take discovery, including discovery from appropriate non-parties.

5. Defendant waives the entry of findings of fact and conclusions of law pursuant to Rule 52 of the Federal Rules of Civil Procedure.

6. Defendant waives the right, if any, to a jury trial and to appeal from the entry of the Final Judgment.

7. Defendant enters into this Consent voluntarily and represents that no threats, offers, promises, or inducements of any kind have been made by the Commission or any member, officer, employee, agent, or representative of the Commission to induce Defendant to enter into this Consent.

8. Defendant agrees that this Consent shall be incorporated into the Final Judgment with the same force and effect as if fully set forth therein.

9. Defendant will not oppose the enforcement of the Final Judgment on the ground, if any exists, that it fails to comply with Rule 65(d) of the Federal Rules of Civil Procedure, and hereby waives any objection based thereon.

10. Defendant waives service of the Final Judgment and agrees that entry of the Final Judgment by the Court and filing with the Clerk of the Court will constitute notice to Defendant of its terms and conditions. Defendant further agrees to provide counsel for the Commission, within thirty days after the Final Judgment is filed with the Clerk of the Court, with an affidavit or declaration stating that Defendant has received and read a copy of the Final Judgment.

11. Consistent with 17 C.F.R. § 202.5(f), this Consent resolves only the claims asserted against Defendant in this civil proceeding. Defendant acknowledges that no promise or representation has been made by the Commission or any member, officer, employee, agent, or representative of the Commission with regard to any criminal liability that may have arisen or may arise from the facts underlying this action or immunity from any such criminal liability. Defendant waives any claim of Double Jeopardy based upon the settlement of this proceeding, including the imposition of any remedy or civil penalty herein. Defendant further acknowledges that the Court's entry of a permanent injunction may have collateral consequences under federal or state law and the rules and regulations of self-regulatory organizations, licensing boards, and other regulatory organizations. Such collateral consequences include, but are not limited to, a statutory disqualification with respect to membership or participation in, or association with a member of, a self-regulatory organization. This statutory disqualification has consequences that are separate from any sanction imposed in an administrative proceeding. In addition, in any disciplinary proceeding before the Commission based on the entry of the injunction in this action, Defendant understands that he shall not be permitted to contest the factual allegations of the complaint in this action.

12. Defendant understands and agrees to comply with the terms of 17 C.F.R. § 202.5(e), which provides in part that it is the Commission's policy "not to permit a defendant or respondent to consent to a judgment or order that imposes a sanction while denying the allegations in the complaint or order for proceedings," and "a refusal to admit the allegations is equivalent to a denial, unless the defendant or respondent states that he neither admits nor denies the allegations." As part of Defendant's agreement to comply with the terms of Section 202.5(e), Defendant: (i) will not take any action or make or permit to be made any public statement

denying, directly or indirectly, any allegation in the complaint or creating the impression that the complaint is without factual basis; (ii) will not make or permit to be made any public statement to the effect that Defendant does not admit the allegations of the complaint, or that this Consent contains no admission of the allegations, without also stating that Defendant does not deny the allegations; (iii) upon the filing of this Consent, Defendant hereby withdraws any papers filed in this action to the extent that they deny any allegation in the complaint; and (iv) stipulates solely for purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. §523, that the allegations in the complaint are true, and further, that any debt for disgorgement, prejudgment interest, civil penalty or other amounts due by Defendant under the Final Judgment or any other judgment, order, consent order, decree or settlement agreement entered in connection with this proceeding, is a debt for the violation by Defendant of the federal securities laws or any regulation or order issued under such laws, as set forth in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C. §523(a)(19). If Defendant breaches this agreement, the Commission may petition the Court to vacate the Final Judgment and restore this action to its active docket. Nothing in this paragraph affects Defendant's: (i) testimonial obligations; or (ii) right to take legal or factual positions in litigation or other legal proceedings in which the Commission is not a party.

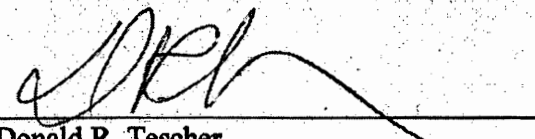
13. Defendant hereby waives any rights under the Equal Access to Justice Act, the Small Business Regulatory Enforcement Fairness Act of 1996, or any other provision of law to seek from the United States, or any agency, or any official of the United States acting in his or her official capacity, directly or indirectly, reimbursement of attorney's fees or other fees, expenses, or costs expended by Defendant to defend against this action. For these purposes,

Defendant agrees that Defendant is not the prevailing party in this action since the parties have reached a good faith settlement.

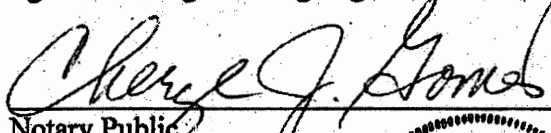
14. In connection with this action and any related judicial or administrative proceeding or investigation commenced by the Commission or to which the Commission is a party, Defendant (i) agrees to appear and be interviewed by Commission staff at such times and places as the staff requests upon reasonable notice; (ii) will accept service by mail or facsimile transmission of notices or subpoenas issued by the Commission for documents or testimony at depositions, hearings, or trials, or in connection with any related investigation by Commission staff; (iii) appoints Defendant's undersigned attorney as agent to receive service of such notices and subpoenas; (iv) with respect to such notices and subpoenas, waives the territorial limits on service contained in Rule 45 of the Federal Rules of Civil Procedure and any applicable local rules, provided that the party requesting the testimony reimburses Defendant's travel, lodging, and subsistence expenses at the then-prevailing U.S. Government per diem rates; and (v) consents to personal jurisdiction over Defendant in any United States District Court for purposes of enforcing any such subpoena.

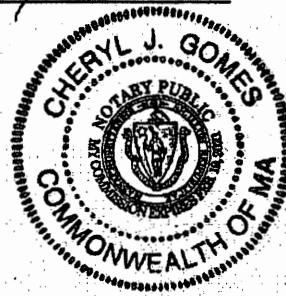
15. Defendant agrees that the Commission may present the Final Judgment to the Court for signature and entry without further notice.

16. Defendant agrees that this Court shall retain jurisdiction over this matter for the purpose of enforcing the terms of the Final Judgment.


Dated: 6/5/14 
Donald R. Tescher

On June 5, 2014, Donald R. Tescher, a person known to me, personally appeared before me and acknowledged executing the foregoing Consent.


Notary Public
Commission expires:



Approved as to form:


Norman A. Moscowitz, Esq.
Moscowitz & Moscowitz, P.A.
Sabadell Financial Center
1111 Brickell Ave., Suite 2050
Miami, FL 33131

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

DONALD R. TESCHER et al.,

Defendants.

C.A. No. ___-___

FINAL JUDGMENT AS TO DEFENDANT DONALD R. TESCHER

The Securities and Exchange Commission having filed a Complaint and Defendant Donald R. Tescher ("Defendant") having entered a general appearance; consented to the Court's jurisdiction over Defendant and the subject matter of this action; consented to entry of this Final Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction and except as otherwise provided herein in paragraph VI); waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or

instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security:

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or
- (c) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating Section 14(e) of the Exchange Act [15 U.S.C. § 78n(e)] and Rule 14e-3 [17 C.F.R. § 240.14e-3] promulgated thereunder, in connection with any tender offer or request or invitation for tenders, from engaging in any fraudulent, deceptive, or manipulative act or practice, by:

- (a) purchasing or selling or causing to be purchased or sold the securities sought or to be sought in such tender offer, securities convertible into or exchangeable for any such securities or any option or right to obtain or dispose of any of the foregoing securities while in possession of material information relating to such tender offer that Defendant knows or has reason to know is nonpublic and knows or has reason to know has been

acquired directly or indirectly from the offering person; the issuer of the securities sought or to be sought by such tender offer; or any officer, director, partner, employee or other person acting on behalf of the offering person or such issuer, unless within a reasonable time prior to any such purchase or sale such information and its source are publicly disclosed by press release or otherwise; or

(b) communicating material, nonpublic information relating to a tender offer, which Defendant knows or has reason to know is nonpublic and knows or has reason to know has been acquired directly or indirectly from the offering person; the issuer of the securities sought or to be sought by such tender offer; or any officer, director, partner, employee, advisor, or other person acting on behalf of the offering person or such issuer, to any person under circumstances in which it is reasonably foreseeable that such communication is likely to result in the purchase or sale of securities in the manner described in subparagraph (a) above, except that this paragraph shall not apply to a communication made in good faith

(i) to the officers, directors, partners or employees of the offering person, to its advisors or to other persons, involved in the planning, financing, preparation or execution of such tender offer;

(ii) to the issuer whose securities are sought or to be sought by such tender offer, to its officers, directors, partners, employees or advisors or to other persons involved in the

- planning, financing, preparation or execution of the activities of the issuer with respect to such tender offer; or
- (iii) to any person pursuant to a requirement of any statute or rule or regulation promulgated thereunder.

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement of \$9,937, representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$690, and a civil penalty in the amount of \$9,937 pursuant to Section 21A of the Exchange Act [15 U.S.C. § 78u-1]. Defendant shall satisfy this obligation by paying \$20,564 to the Securities and Exchange Commission within 14 days after entry of this Final Judgment.

Defendant may transmit payment electronically to the Commission, which will provide detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly from a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission, which shall be delivered or mailed to

Enterprise Services Center
Accounts Receivable Branch
6500 South MacArthur Boulevard
Oklahoma City, OK 73169

and shall be accompanied by a letter identifying the case title, civil action number, and name of this Court; Donald R. Tescher as a defendant in this action; and specifying that payment is made pursuant to this Final Judgment.

Defendant shall simultaneously transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action. By making this payment, Defendant relinquishes all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to Defendant. The Commission shall send the funds paid pursuant to this Final Judgment to the United States Treasury.

The Commission may enforce the Court's judgment for disgorgement and prejudgment interest by moving for civil contempt (and/or through other collection procedures authorized by law) at any time after 14 days following entry of this Final Judgment. Defendant shall pay post judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

IV.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that based on Defendant's cooperation in a Commission investigation and/or related enforcement action, the Court is not ordering Defendant to pay a civil penalty in excess of \$9,937. If at any time following the entry of the Final Judgment the Commission obtains information indicating that Defendant knowingly provided materially false or misleading information or materials to the Commission or in a related proceeding, the Commission may, at its sole discretion and without prior notice to the Defendant, petition the Court for an order requiring Defendant to pay an additional civil penalty. In connection with any such petition and at any hearing held on such a motion: (a) Defendant will be precluded from arguing that he did not violate the federal securities laws as alleged in the Complaint; (b) Defendant may not challenge the validity of the Judgment, this Consent, or any related Undertakings; (c) the allegations of the Complaint, solely for the purposes of such motion, shall be accepted as and deemed true by the Court; and (d) the

Court may determine the issues raised in the motion on the basis of affidavits, declarations, excerpts of sworn deposition or investigative testimony, and documentary evidence without regard to the standards for summary judgment contained in Rule 56(c) of the Federal Rules of Civil Procedure. Under these circumstances, the parties may take discovery, including discovery from appropriate non-parties.

V.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent is incorporated herein with the same force and effect as if fully set forth herein, and that Defendant shall comply with all of the undertakings and agreements set forth therein.

VI.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. § 523, the allegations in the Complaint are true and admitted by Defendant, and further, any debt for disgorgement, prejudgment interest, civil penalty or other amounts due by Defendant under this Final Judgment or any other judgment, order, consent order, decree or settlement agreement entered in connection with this proceeding, is a debt for the violation by Defendant of the federal securities laws or any regulation or order issued under such laws, as set forth in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C. § 523(a)(19).

VII.

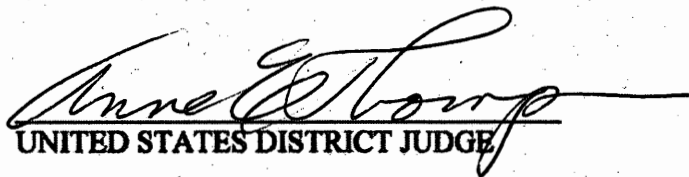
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

VIII.

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.

Dated:

Oct 1, 2015


UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

DONALD R. TESCHER et al.,

Defendants.

C.A. No. ___-___

FINAL JUDGMENT AS TO DEFENDANT DONALD R. TESCHER

The Securities and Exchange Commission having filed a Complaint and Defendant Donald R. Tescher ("Defendant") having entered a general appearance; consented to the Court's jurisdiction over Defendant and the subject matter of this action; consented to entry of this Final Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction and except as otherwise provided herein in paragraph VI); waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or

instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security:

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or
- (c) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating Section 14(e) of the Exchange Act [15 U.S.C. § 78n(e)] and Rule 14e-3 [17 C.F.R. § 240.14e-3] promulgated thereunder, in connection with any tender offer or request or invitation for tenders, from engaging in any fraudulent, deceptive, or manipulative act or practice, by:

- (a) purchasing or selling or causing to be purchased or sold the securities sought or to be sought in such tender offer, securities convertible into or exchangeable for any such securities or any option or right to obtain or dispose of any of the foregoing securities while in possession of material information relating to such tender offer that Defendant knows or has reason to know is nonpublic and knows or has reason to know has been

acquired directly or indirectly from the offering person; the issuer of the securities sought or to be sought by such tender offer; or any officer, director, partner, employee or other person acting on behalf of the offering person or such issuer, unless within a reasonable time prior to any such purchase or sale such information and its source are publicly disclosed by press release or otherwise; or

(b) communicating material, nonpublic information relating to a tender offer, which Defendant knows or has reason to know is nonpublic and knows or has reason to know has been acquired directly or indirectly from the offering person; the issuer of the securities sought or to be sought by such tender offer; or any officer, director, partner, employee, advisor, or other person acting on behalf of the offering person or such issuer, to any person under circumstances in which it is reasonably foreseeable that such communication is likely to result in the purchase or sale of securities in the manner described in subparagraph (a) above, except that this paragraph shall not apply to a communication made in good faith

- (i) to the officers, directors, partners or employees of the offering person, to its advisors or to other persons, involved in the planning, financing, preparation or execution of such tender offer;
- (ii) to the issuer whose securities are sought or to be sought by such tender offer, to its officers, directors, partners, employees or advisors or to other persons involved in the

- planning, financing, preparation or execution of the activities of the issuer with respect to such tender offer; or
- (iii) to any person pursuant to a requirement of any statute or rule or regulation promulgated thereunder.

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement of \$9,937, representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$690, and a civil penalty in the amount of \$9,937 pursuant to Section 21A of the Exchange Act [15 U.S.C. § 78u-1]. Defendant shall satisfy this obligation by paying \$20,564 to the Securities and Exchange Commission within 14 days after entry of this Final Judgment.

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and shall be accompanied by a letter identifying the case title, civil action number, and name of this Court; Donald R. Tescher as a defendant in this action; and specifying that payment is made pursuant to this Final Judgment.

Defendant shall simultaneously transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action. By making this payment, Defendant relinquishes all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to Defendant. The Commission shall send the funds paid pursuant to this Final Judgment to the United States Treasury.

The Commission may enforce the Court's judgment for disgorgement and prejudgment interest by moving for civil contempt (and/or through other collection procedures authorized by law) at any time after 14 days following entry of this Final Judgment. Defendant shall pay post judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

IV.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that based on Defendant's cooperation in a Commission investigation and/or related enforcement action, the Court is not ordering Defendant to pay a civil penalty in excess of \$9,937. If at any time following the entry of the Final Judgment the Commission obtains information indicating that Defendant knowingly provided materially false or misleading information or materials to the Commission or in a related proceeding, the Commission may, at its sole discretion and without prior notice to the Defendant, petition the Court for an order requiring Defendant to pay an additional civil penalty. In connection with any such petition and at any hearing held on such a motion: (a) Defendant will be precluded from arguing that he did not violate the federal securities laws as alleged in the Complaint; (b) Defendant may not challenge the validity of the Judgment, this Consent, or any related Undertakings; (c) the allegations of the Complaint, solely for the purposes of such motion, shall be accepted as and deemed true by the Court; and (d) the

Court may determine the issues raised in the motion on the basis of affidavits, declarations, excerpts of sworn deposition or investigative testimony, and documentary evidence without regard to the standards for summary judgment contained in Rule 56(c) of the Federal Rules of Civil Procedure. Under these circumstances, the parties may take discovery, including discovery from appropriate non-parties.

V.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent is incorporated herein with the same force and effect as if fully set forth herein, and that Defendant shall comply with all of the undertakings and agreements set forth therein.

VI.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. § 523, the allegations in the Complaint are true and admitted by Defendant, and further, any debt for disgorgement, prejudgment interest, civil penalty or other amounts due by Defendant under this Final Judgment or any other judgment, order, consent order, decree or settlement agreement entered in connection with this proceeding, is a debt for the violation by Defendant of the federal securities laws or any regulation or order issued under such laws, as set forth in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C. § 523(a)(19).

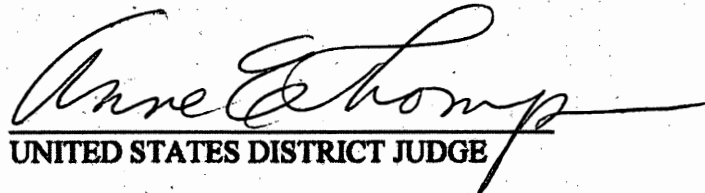
VII.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

VIII.

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.

Dated: Oct 1 2015


UNITED STATES DISTRICT JUDGE

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

TED BERNSTEIN, as Trustee
of the Shirley Bernstein Trust Agreement
dated May 20, 2008, as amended,

Probate Division
Case No.: 502014CP003698XXXXNBIH

Plaintiff,

v.

ALEXANDRA BERNSTEIN; ERIC BERNSTEIN;
MICHAEL BERNSTEIN; MOLLY SIMON;
PAMELA B. SIMON, Individually and as Trustee
f/b/o Molly Simon under the Simon L. Bernstein
Trust Dtd 9/13/12; ELIOT BERNSTEIN,
individually, as Trustee f/b/o D.B., Ja. B. and Jo. B.
under the Simon L. Bernstein Trust Dtd 9/13/12, and
on behalf of his minor children D.B., Ja. B. and Jo.
B.; JILL IANTONI, Individually, as Trustee f/b/o J.I.
under the Simon L. Bernstein Trust Dtd 9/13/12, and
on behalf of her Minor child J.I.; MAX
FRIEDSTEIN; LISA FRIEDSTEIN, Individually, as
Trustee f/b/o Max Friedstein and C.F., under the
Simon L. Bernstein Trust Dtd 9/13/12, and ou behalf
of her minor child, C.F.,

Defendants.

ORDER APPOINTING DIANA LEWIS AS GUARDIAN AD LITEM FOR
ELIOT BERNSTEIN'S CHILDREN, JO.B.; JA. B.; and D.B.

THIS CAUSE came before the Court at an evidentiary hearing held on February 25, 2016,
on Successor Trustee's Motion for Appointment of a Guardian Ad Litem to Represent the Interests
of Eliot Bernstein's Children etc. (the "Motion"). Having considered the Motion and the arguments
of the parties, taken judicial notice of the matters requested in the Motion, and being otherwise duly
advised in the premises, the Court entered an Order in this matter, and a companion order in Case
No. 502014CP002815XXXXNB, granting motions to appoint a guardian ad litem for Eliot's

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children, Jo.B., Ja.B. and D.B., and setting forth a protocol for selecting a guardian ad litem. Having received the parties' notices contemplated under the companion order, the Court hereby appoints a guardian ad litem as follows:

1. Diana Lewis is hereby appointed as the guardian ad litem for Jo.B., Ja.B. and D.B. in this case, with sole and exclusive authority to represent their interests in this case. The guardian ad litem shall be entitled to petition the Court for reasonable compensation for his/her services, to be paid out of the gross proceeds of any recovery, distributions or inheritance to be received by the Jo.B., Ja.B. and D.B. from the Shirley Bernstein Trust u/a/d May 20, 2008, as amended, the Simon Bernstein Trust, and/or the Estates of Simon or Shirley Bernstein.

2. The guardian ad litem shall file an acceptance of appointment with this Court, with a copy to the parties listed at the end of this Order, within 5 business of the date of this Order; otherwise, the parties shall notify the Court by letter that the appointment has not been accepted, in which case the Court will either appoint an alternate guardian ad litem without further hearing or hold an additional hearing to select an alternate guardian ad litem.

3. The guardian ad litem shall have sufficient time after his/her acceptance of this appointment to within which to prepare necessary court filings and prepare for mediation as ordered by the Court at a hearing held on March 7, in the related case of Estate of Simon Bernstein.

4. Trustee and the guardian ad litem shall confer in good faith regarding a resolution of this matter and/or a time frame within which to try any unresolved issues.

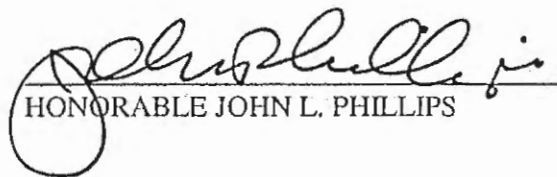
5. Pursuant to the Order dated March 1, 2016, the Guardian Ad Litem will have full power and autonomy to represent the interests of the children of Eliot Bernstein, subject to the jurisdiction and review of this Court. The Guardian Ad Litem will be entitled to petition the Court

for an award of attorneys' fees to be paid out of the gross proceeds of any recovery, distributions or inheritance to be received by Ja.B., Jo.B, and/or D.B.

6. To protect the integrity and independence of the guardian, Eliot Bernstein and all persons acting in concert with him: (a) shall not contact, email or otherwise communicate with the Guardian Ad Litem except at the request of the Guardian Ad Litem; and (b) shall not in any way threaten or harass the guardian. This Court alone shall supervise the guardian. Any violation of this order may subject the violator to severe sanctions for contempt of court. The Court will use the full measure of its coercive powers to ensure compliance with this Order.

7. The guardian ad litem shall notify this Court and Trustee of any actions taken by Eliot and/or Candice Bernstein which interfere with the guardian ad litem's duties hereunder.

DONE and ORDERED in Chambers, North County Courthouse on 4-4, 2016.


HONORABLE JOHN L. PHILLIPS

cc: Attached service list

SERVICE LIST Case No.: 502014CP003698XXXXNBIH

Eliot Bernstein and Candice Bernstein,
as Parents of
D.B., Ja. B. and Jo. B, Minors
2753 NW 34th Street
Boca Raton, FL 33434
(561) 245-8588 - Telephone
(561) 886-7628 - Cell
(561) 245-8644 - Facsimile
Email: Eliot I. Bernstein (iviewit@iviewit.tv)

John P. Morrissey, Esq.
330 Clematis Street, Suite 213
West Palm Beach, FL 33401
(561) 833-0866 - Telephone
(561) 833-0867 - Facsimile
Email: John P. Morrissey
(john@jmorrisseylaw.com)
Counsel for Molly Simon, Alexandra Bernstein,
Eric Bernstein, Michael Bernstein.

Lisa Friedstein, individually and as trustee for
her children, and as natural guardian for M.F.
and C.F., Minors; and Max Friedstein
lisa.friedstein@gmail.com

Jill Iantoni, individually and as trustee for her
children, and as natural guardian for J.I. a minor
jilliantoni@gmail.com

Alan Rose, Esq.
Mrachek Fitzgerald Rose
Konopka Thomas & Weiss, P.A.
505 S Flagler Drive, Suite 600
West Palm Beach, FL 33401
(561) 655-2250 - Telephone
(561) 655-5537 - Facsimile
Email: arose@mrachek-law.com

Pamela Beth Simon
303 E. Wacker Drive, Suite 2725
Chicago, IL 60601
Email: psimon@stpcorp.com

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;
jfoglietta@ciklinlubitz.com;
service@ciklinlubitz.com;
slobdell@ciklinlubitz.com



STATE OF FLORIDA • PALM BEACH COUNTY

I hereby certify that the
foregoing is a true copy
of the record in my office.

THIS 18 DAY OF May 2016

SHARON R. BOCK
CLERK & COMPTROLLER

By *Victoria Ranger*
DEPUTY CLERK

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

TED BERNSTEIN, as Trustee
of the Shirley Bernstein Trust Agreement
dated May 20, 2008, as amended,

Probate Division
Case No.: 502014CP003698XXXXNBIJ

Plaintiff,

v.

ALEXANDRA BERNSTEIN; ERIC BERNSTEIN;
MICHAEL BERNSTEIN; MOLLY SIMON;
PAMELA B. SIMON, Individually and as Trustee
f/b/o Molly Simon under the Simon L. Bernstein
Trust Dtd 9/13/12; ELIOT BERNSTEIN, individually,
as Trustee f/b/o D.B., Ja. B. and Jo. B. under the
Simon L. Bernstein Trust Dtd 9/13/12, and on
behalf of his minor children D.B., Ja. B. and Jo. B.;
JILL IANTONI, Individually, as Trustee f/b/o J.I.
under the Simon L. Bernstein Trust Dtd 9/13/12, and
on behalf of her Minor child J.I.; MAX FRIEDSTEIN;
LISA FRIEDSTEIN, Individually, as Trustee f/b/o
Max Friedstein and C.F., under the Simon L.
Bernstein Trust Dtd 9/13/12, and on behalf of her
minor child, C.F.,

Defendants.

**ORDER DETERMINING ELIOT BERNSTEIN LACKS STANDING INDIVIDUALLY
AND STRIKING ELIOT'S FILINGS, AND DEFERRING RULING ON THE
APPOINTMENT OF A GUARDIAN AD LITEM AND OTHER RELIEF SOUGHT**

THIS CAUSE came before the Court for hearing on January 14, 2016 on Successor Trustee's *Motion for Appointment of a Guardian Ad Litem to Represent the Interests of Eliot Bernstein's Children; For A Gag Order to Protect Guardian and Others; and to Strike Eliot's Filings* (the "Motion"). The Court, having considered the record, heard argument of counsel and being otherwise fully advised in the premises, hereby ORDERS AND ADJUDGES:

1. The Motion is GRANTED in part as set forth in this Order and DEFERRED in remaining part pending an evidentiary hearing as requested by Eliot Bernstein and his wife.

2. By Final Judgment dated December 16, 2015, this Court has determined that Simon Bernstein's Will dated July 25, 2012 is valid and enforceable according to its terms. The Final Judgment is valid, binding and in full force and effect.

3. Based upon the Court's determination of the validity of Simon's Will, Simon Bernstein exercised a power of appointment he held over assets in the Shirley Bernstein Trust, in favor of his "then living grandchildren." Eliot Bernstein is not a grandchild of Simon or Shirley Bernstein. Based upon the exercise of the power of appointment, Eliot Bernstein is not a beneficiary of the Shirley Bernstein Trust. As a result, Eliot Bernstein lacks individual standing to participate in this proceeding, as he is not a beneficiary of either the Shirley Bernstein Trust or the Shirley Bernstein Estate.

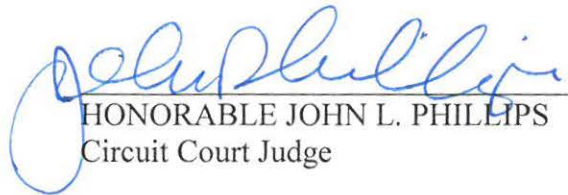
4. Accordingly, Eliot Bernstein is barred from any further participation in his individual capacity in this action, and is removed individually as a party. Any and all pending motions, claims, or other filings by Eliot Bernstein, individually, in this case are hereby stricken from the record, and no further individual filings will be permitted except for a Notice of Appeal of the Final Judgment, should he desire to file one.

5. Having determined that Eliot Bernstein lacks individual standing, the Court next will consider whether a Guardian ad Litem should be appointed to represent the interests of the children of Eliot and Candice Bernstein, each of whom has been determined to be a beneficiary of the Shirley Bernstein Trust, and whether to enter a confidentiality order as requested by the

Trustee in the Motion. These matters will be addressed at an evidentiary hearing to be set by separate order of this Court.

DONE and ORDERED in Chambers, North County Courthouse in Palm Beach Gardens, Florida, on this 1 day of January, 2016.

Feb.


HONORABLE JOHN L. PHILLIPS
Circuit Court Judge

Copies to: Attached Service List

SERVICE LIST Case No.: 502014CP003698XXXXNBIJ

Eliot Bernstein, individually
and Eliot and Candice Bernstein,
as Parents and Natural Guardians of
D.B., Ja. B. and Jo. B, Minors
2753 NW 34th Street
Boca Raton, FL 33434
(561) 245-8588 - Telephone
(561) 886-7628 - Cell
(561) 245-8644 - Facsimile
Email: Eliot I. Bernstein (iviewit@iviewit.tv)

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West Palm Beach, FL 33401
(561) 833-0866 - Telephone
(561) 833-0867 - Facsimile
Email: John P. Morrissey
(john@jmorrisseylaw.com)
Counsel for Molly Simon, Alexandra
Bernstein, Eric Bernstein, Michael Bernstein

Lisa Friedstein, individually and as trustee for
her children, and as natural guardian for M.F.
and C.F., Minors; and Max Friedstein
lisa.friedstein@gmail.com

Jill Iantoni, individually and as trustee for her
children, and as natural guardian for J.I. a
minor
jilliantoni@gmail.com

Alan Rose, Esq.
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505 S Flagler Drive, Suite 600
West Palm Beach, FL 33401
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Email: arose@mrachek-law.com

Pamela Beth Simon
303 E. Wacker Drive, Suite 2725
Chicago, IL 60601
Email: psimon@stpcorp.com

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;
jfoglietta@ciklinlubitz.com;
service@ciklinlubitz.com;
slobdell@ciklinlubitz.com

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL

IN RE: ESTATE OF SIMON L. BERNSTEIN,

PROBATE DIVISION

Deceased.

CASE NO. 502012CP004391XXXXSB

ELIOT IVAN BERNSTEIN, PRO SE

DIVISION: IY (COLIN)

Petitioner

vs.

TESCHER & SPALLINA, P.A., (and all parties, associates and of counsel); ROBERT L. SPALLINA (both personally and professionally); DONALD R. TESCHER (both personally and professionally); THEODORE STUART BERNSTEIN (as alleged personal representative, trustee, successor trustee) (both personally and professionally); et. al.

Respondents.

ORDER ON PETITION FOR RESIGNATION AND DISCHARGE

This cause was heard by the Court on the co-Personal Representatives' Petition for Resignation and Discharge on February 18, 2014, and the Court, having heard arguments of counsel, and otherwise being fully advised in the premises, ORDERS AND ADJUDGES AS FOLLOWS:

1. The Petitioners' request to accept their resignation is ACCEPTED. The co-Personal Representatives' Letters of Administration are hereby revoked.

2. ~~Within~~ ^{BY MARCH 4, 2014} ~~business days~~ ^(date) from the later of the date of this order or the appointment of a successor fiduciary, the resigning co-Personal Representatives shall deliver to the successor fiduciary all property of the Estate, real, personal, tangible or intangible, all of the documents and records of the Estate and all records associated with any property of the Estate, regardless of whether such property has been previously distributed, transferred, abandoned or otherwise disposed of.

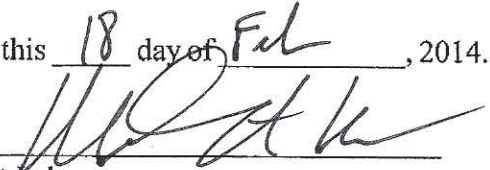
3. The Petitioners' request to reserve ruling on their discharge is ACCEPTED.

4. The resigning co-Personal Representatives shall file an accounting and a Renewed Petition for Discharge within sixty (60) days after the date hereof, which Renewed Petition for Discharge shall be verified and recite that the letters of administration have been revoked, the resigning co-Personal Representatives have surrendered all undistributed Estate assets, records, documents, papers and other property of or concerning the Estate to the successor fiduciary as set forth above, and the amount of compensation paid or to be paid by the resigning co-Personal Representatives pursuant to Probate Rule 5.430(g). Such accounting shall include cash and transactions from the commencement of administration of the Estate and ending as of the date the accounting is submitted.

5. The resigning co-Personal Representatives shall serve notice of filing and a copy of the accounting and Renewed Petition for Discharge on all interested parties and the notice shall state that the objection to the Renewed Petition for Discharge must be filed within thirty days after the later of service of the petition or service of the accounting on that interested person pursuant to Probate Rule 5.430(i).

6. The successor Personal Representative or Curator is authorized to pay a \$ _____ retainer to the accountant whom the Successor Personal Representative or Curator selects to provided the accounting which this Order requires. The accountant's hourly rate and compensation shall be subject to court approval.

DONE AND ORDERED in Delray Beach, Florida, this 18 day of Feb, 2014.


Circuit Judge

cc: Parties on attached service list

Write
THE COURT RESENTS JUDICIAL TO ENFORCE THIS ORDER.

SERVICE LIST

Theodore Stuart Bernstein (e-mail)
Life Insurance Concepts
950 Peninsula Corporate Circle, Suite 3010
Boca Raton, Florida 33487

Alan B. Rose, Esq. (E-mail)
Page Mrachek Fitzgerald Rose Konopka &
Dow PA
505 S Flagler Dr Ste 600
West Palm Beach, Florida 33401

Eliot Bernstein (U.S. Mail)
2753 NW 34th Street
Boca Raton, Florida 33434

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Highland Park, Illinois 60035

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Boca Raton, Florida 33431

Mark R. Manceri, Esq. (E-mail)
Mark. R. Manceri, P.A.
2929 East Commercial Boulevard, Ste. 702
Fort Lauderdale, Florida 33308

RONIK S. SEECHARAN



D.M.D., P.A.

Practice limited to Prosthodontics

February 15, 2017

To Whom It May Concern:

Mr. Eliot Bernstein is a patient of record in my practice. On January 23, 2017, he fractured a metal reinforced bridge for his lower arch. The bridge cannot be repaired and thus a new bridge had to be sent to the lab for fabrication. As a result, the patient has been without any prosthesis, which definitely has affected his function, esthetics, and tempromandibular disfunction.

Mr. Bernstein has been in treatment with me for full oral rehabilitation as well as for TMD. His TMD symptoms have been controlled with muscle relaxers and small doses of narcotics periodically.

Should you have any further questions, please do not hesitate to contact me.

Sincerely,

Dr. Ronik Seecharan

CHAPTER 119 – PUBLIC RECORDS REQUEST PALM BEACH COUNTY SHERIFF

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

Tuesday, July 28, 2015

Captain Pedro Palenzuela
Records Custodian –
Palm Beach County Detention Center
Central Records Division
Post Office Box 24681
West Palm Beach, Florida 33416
(561) 688-3189
emailcentralrecords@pbso.org

RE: RECORDS REQUEST

Dear Custodian of Records:

Pursuant to Article I, section 24 of the Florida Constitution, and chapter 119, F.S., I am requesting an opportunity to inspect or obtain copies of public records that relate to Palm Beach County Sheriff Investigations:

1. Case No. 12121312 - ALLEGED MURDER OF SIMON BERNSTEIN FILED BY THEODORE STUART BERNSTEIN.
2. Case No. 13097087 MORAN FORGERY AND FRAUDULENT NOTARIZATION - Case Closed;
3. Case No. 14029489 TESCHER AND SPALLINA ET AL. - SUPPLEMENTAL TO MORAN REGARDING OTHER MATTERS;
4. Case No. 13159967 JEWELRY THEFT;
5. Case No. IR 14025 Prior IA Complaint regarding these cases: Jan 6, 2014 Incident Review of 1309087 by Sgt Bozdech. Led to Moran case information that was not related to Moran at all being opened in new case supplement.

I am looking to receive all documents and inspect all records including case reports, case notes, audio/video recordings associated, documents and exhibits entered as evidence, phone records of officers regarding these case matters, interviews with any parties and everything that is publically available for inspection and copies.

If there are costs associated I ask that they be waived due to the fact that the crimes reported have caused financial hardships. In civil cases involving these matters court costs have been waived and Complainant is Indigent in the record. Since these records relate to the ongoing civil and other criminal cases ongoing they are urgent and necessary to due process rights.

I request a waiver of all fees for this request since the disclosure of the information I seek is not primarily in my commercial interest, and is likely to contribute significantly to public understanding of the operations or activities of the government, making the disclosure a matter of public interest.

Should you deny my request, or any part of the request, please state in writing the basis for the denial, including the exact statutory citation authorizing the denial as required by s. 119.07(1)(d), F.S.

I will contact your office within one week to discuss when I may expect fulfillment of my request or you may contact me as soon as you know when they may be expected and payment of any statutorily prescribed fees. If you have any questions in the interim, you may contact me at (561) 245-8588 and iviewit@iviewit.tv.

Thank you,

Eliot I. Bernstein
Inventor
Iviewit Holdings, Inc. – DL
2753 N.W. 34th St.
Boca Raton, Florida 33434-3459
(561) 245.8588 (o)
(561) 886.7628 (c)
(561) 245-8644 (f)
iviewit@iviewit.tv
<http://www.iviewit.tv>

Miller, Kitty

From: Eliot Ivan Bernstein <iviewit@iviewit.tv>
Sent: Tuesday, July 28, 2015 5:52 AM
To: EmailCentralRecords
Cc: Kevin R. Hall; 'Andrew Dietz @ Rock-It Cargo USA, Inc.'; 'CANDICE BERNSTEIN'; 'Caroline Prochotska Rogers Esq.'; 'Eliot I. Bernstein'; 'Marc R. Garber Esq.'; 'Marc R. Garber Esq. @ Flaster Greenberg P.C.'; 'Michele M. Mulrooney ~ Partner @ Venable LLP'
Subject: CHAPTER 119 - PUBLIC RECORDS REQUEST PALM BEACH COUNTY SHERIFF - 20150726 Florida FOIA Palm Beach County Sheriff.docx
Attachments: 20150726 Florida FOIA Palm Beach County Sheriff.docx

CHAPTER 119 – PUBLIC RECORDS REQUEST PALM BEACH COUNTY SHERIFF

Tuesday, July 28, 2015

Captain Pedro Palenzuela
Records Custodian –
Palm Beach County Detention Center
Central Records Division
Post Office Box 24681
West Palm Beach, Florida 33416
(561) 688-3189
emailcentralrecords@pbso.org

RE: FOIA RECORDS REQUEST

Dear Custodian of Records:

Pursuant to Article I, section 24 of the Florida Constitution, and chapter 119, F.S., I am requesting an opportunity to inspect or obtain copies of public records that relate to Palm Beach County Sheriff Investigations:

1. Case No. 12121312 - ALLEGED MURDER OF SIMON BERNSTEIN FILED BY THEODORE STUART BERNSTEIN.
2. Case No. 13097087 MORAN FORGERY AND FRAUDULENT NOTARIZATION - Case Closed;
3. Case No. 14029489 TESCHER AND SPALLINA ET AL. - SUPPLEMENTAL TO MORAN REGARDING OTHER MATTERS;
4. Case No. 13159967 JEWELRY THEFT;
5. Case No. IR 14025 Prior IA Complaint regarding these cases: Jan 6, 2014 Incident Review of 1309087 by Sgt Bozdech. Led to Moran case information that was not related to Moran at all being opened in new case supplement.

I am looking to receive all documents and inspect all records including case reports, case notes, audio/video recordings associated, documents and exhibits entered as evidence, phone records of officers regarding these case matters, interviews with any parties and everything that is publically available for inspection and copies.

If there are costs associated I ask that they be waived due to the fact that the crimes reported have caused financial hardships. In civil cases involving these matters court costs have been waived and Complainant is indigent in the record. Since these records relate to the ongoing civil and other criminal cases ongoing they are urgent and necessary to due process rights.

I request a waiver of all fees for this request since the disclosure of the information I seek is not primarily in my commercial interest, and is likely to contribute significantly to public understanding of the operations or activities of the government, making the disclosure a matter of public interest.

Should you deny my request, or any part of the request, please state in writing the basis for the denial, including the exact statutory citation authorizing the denial as required by s. 119.07(1)(d), F.S.

I will contact your office within one week to discuss when I may expect fulfillment of my request or you may contact me as soon as you know when they may be expected and payment of any statutorily prescribed fees. If you have any questions in the interim, you may contact me at (561) 245-8588 and iviewit@iviewit.tv.

Thank you,

Eliot I. Bernstein

Inventor

Iviewit Holdings, Inc. – DL

2753 N.W. 34th St.

Boca Raton, Florida 33434-3459

(561) 245.8588 (o)

(561) 886.7628 (c)

(561) 245-8644 (f)

iviewit@iviewit.tv

<http://www.iviewit.tv>

PALM BEACH COUNTY SHERIFF'S OFFICE
CENTRAL RECORDS
FSS EXEMPTIONS/CONFIDENTIAL

- 119.071(2)(c) Active criminal intelligence/active criminal investigative Information
- 119.071(2)(e) Confession
- 365.171(15) Identity of 911 caller or person requesting emergency service
- 119.071(2)(d) Surveillance techniques, procedures, and personnel, inventory of law enforcement resources, policies or plans pertaining to mobilization, deployment or tactical operations
- 119.071(2)(l) Assets of crime victim
- 119.071(5)(a)(5) Social security numbers held by agency
- 119.071(5)(b) Bank account #, debit, charge and credit card numbers held by an agency
- 395.3025(7)(a) and/or 456.057(7)(a) Medical information
- 943.053/943.0525 NCIC/FCIC/FBI and in-state FDLE/DOC
- 119.07(4)(d) Extra fee if request is voluminous or requires extensive personnel, technology
- 119.071(5)(g)1 Biometric Identification Information (Fingerprints, palm prints, and footprints)
- 119.071(2)(f) Confidential Informants
- 316.066(5)(a) Crash reports are confidential for period of 60 days after the report is filed
- 119.071(2)(h)(1) Identity of victim of sexual battery, lewd and lascivious offense upon a person less than 16 years old, child abuse, sexual offense
- 985.04(1) Juvenile offender records
- 119.0712(2) Personal information contained in a motor vehicle record
- 119.071(2)(b) Criminal intelligence/investigative information from a non-Florida criminal justice agency
- 394.4615(7) Mental health information
- 119.071(4)(c) Undercover personnel
- 119.071(4)(d)(1) Home address, telephone, soc security #, date of birth, photos of active/former LE personnel, spouses and children

Other:

Case No: 12-121312

Tracking No.: 15-07-1853

Clerk Name/ID: T. Hunt/8105

Date: 08/31/2015

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1
CASE NO. 12121312 OFFENSE REPORT CASE NO. 12121312
DISPOSITION: ZULU
DIVISION: ROAD PATROL

911:
POLICE SERVICE CALL * * *
SIGNAL CODE: 68 CRIME CODE: NON CRIME CODE: PS CODE: 9568 09/13/12 THURSDAY
ZONE: C21 GRID: DEPUTY I.D.: 8826 NAME: HAUGH VINCENT ASSIST: TIME D 1155 A 1211 C 1522
OCCURRED BETWEEN DATE: 09/12/12 , 0830 HOURS AND DATE: 09/13/12 , 0100 HOURS
EXCEPTION TYPE:
INCIDENT LOCATION: 7020 LIONS HEAD LA APT. NO.:
CITY: BOCA RATON STATE: FL ZIP: 33496

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
LOCATION: RESIDENCE - SINGLE FAMILY
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

..
NAME LIST:
ROLE:

OTHER SIMON BERNSTEIN DOB: 12/02/1935
SEX: M RACE: W HT: 506 WT: 180 HR: GRAY EYE: BROWN
RESIDENTIAL ADDRESS: 7020 LIONSHEAD LA BOCA RATON FL 33496 HOME PHONE: 561 000-0000
BUSINESS PHONE: 561 000-0000
OTHER TED BERNSTEIN DOB: 08/27/1959
SEX: M RACE: W HT: 0 WT: 0 HR: UNKNOWN EYE: UNKNOWN
RESIDENTIAL ADDRESS: 800 BERKELEY ST BOCA RATON FL 33484 HOME PHONE: 561 213-2322
BUSINESS PHONE: 561 000-0000
OTHER ELLIOT I BERNSTEIN DOB: 09/30/1963
SEX: M RACE: W HT: 510 WT: 185 HR: BROWN EYE: HAZEL
RESIDENTIAL ADDRESS: 2753 NW 34TH ST BOCA RATON FL 33434 HOME PHONE: 561 886-7627
BUSINESS PHONE: 561 000-0000
OTHER RACHEL WALKER DOB: 03/05/1984
SEX: F RACE: W HT: 508 WT: 130 HR: BLOND EYE: BLUE
RESIDENTIAL ADDRESS: 99 SE MIZNER ED BOCA RATON FL 33434 HOME PHONE: 561 275-8102
BUSINESS PHONE: 561 000-0000
OTHER MARITZ UCCIO DOB: 04/23/1966
SEX: F RACE: W HT: 502 WT: 120 HR: BROWN EYE: BROWN
RESIDENTIAL ADDRESS: 7020 LYONS HEAD LA BOCA RATON FL 33496 HOME PHONE: 561 305-2999
BUSINESS PHONE: 561 000-0000
OTHER LISA FRIEDSTEIN DOB: 03/15/1967
SEX: F RACE: W HT: 501 WT: 120 HR: BROWN EYE: BROWN
RESIDENTIAL ADDRESS: 2142 CHURCHHILL LA HIGHLAND IL 60035 HOME PHONE: 847 877-4633
BUSINESS PHONE: 561 000-0000
OTHER CANDICE M BERNSTEIN DOB: 10/09/1972

printed by Employee Id #: 8105 on August 31, 2015 11:00:09AM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 3
CASE NO. 12121312 OFFENSE REPORT CASE NO. 12121312
DISPOSITION: ZULU

THAT MARITZA WAS PROVIDING SIMON WITH LARGER THEN PRESCRIBED DOSES OF [REDACTED]. RACHEL TOLD ME SHE BELIEVED THERE WERE ONLY 30 PILLS LEFT IN THE BOTTLE AT THE TIME OF SIMON'S DEATH. I LATER COUNTED THE BOTTLE OF [REDACTED]. THERE WERE 90.5 PILLS IN THE BOTTLE SHOWING THAT SIMON DID NOT TAKE MORE THAN PRESCRIBED.

IT SHOULD ALSO BE NOTED THAT I SPOKE WITH ELLIOT, WHO SAID HE WAS AT DINNER WITH SIMON AND MARITZA ON 9/8/12 AND OBSERVED HIS FATHER TELL MARITZA THAT HE WANTED ONE OF HER AMBIEN SLEEPING PILLS BECAUSE HE COULD NOT SLEEP. ELLIOT SAID THEY HAD A BRIEF ARGUMENT OVER THIS AS MARTIZA REFUSED TO ALLOW SIMON TO TAKE ONE OF HER PILLS INITIALLY. AT THIS TIME SGT. CASTELLI ARIVED ON SCENE AND WAS ADVISED OF THE CASE.

HE MADE CONTACT WITH VCD AND THE MEDICAL EXAMINER'S OFFICE. HE WAS ADVISED TO HAVE ME CONTACT DELRAY COMMUNITY HOSPITAL TO PUT A HOLD ON SIMON'S BODY FOR DR. BELL FROM THE MEDICAL EXAMINER'S OFFICE WHO WOULD CHECK ON THE SITUATION THE NEXT DAY. I WAS ALSO ADVISED TO EMAIL A COPY OF THE REPORT TO AARON RUIZ WITH THE MEDICAL EXAMINER'S OFFICE. DELRAY COMMUNITY HOSPITAL WAS CONTACTED AND A HOLD WAS PLACED ON SIMON'S BODY AND AARON RUIZ WAS EMAILED.

THIS REPORT IS FOR INFORMATION PURPOSES.

D/S HAUGH #8826

TRANS: 9/14/12 DG#4495

DICT: 9/13/12 @ 1700 HRS.

printed by Employee Id #: 8105 on August 31, 2015 11:00:09AM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1
CASE NO. 12121312 SUPPLEMENT 1 OFFENSE REPORT CASE NO. 12121312

DISPOSITION: ZULU
DIVISION: DETECTIVE

911:

POLICE SERVICE CALL * * *
SIGNAL CODE: 68 CRIME CODE: NON CRIME CODE: PS CODE: 9568 01/23/14 THURSDAY
ZONE: C21 GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1155 A 1211 C 1522
OCCURRED BETWEEN DATE: 09/12/12 , 0830 HOURS AND DATE: 09/13/12 , 0100 HOURS
EXCEPTION TYPE:
INCIDENT LOCATION: 7020 LIONS HEAD LA APT. NO.:
CITY: BOCA RATON STATE: FL ZIP: 33496

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
LOCATION: RESIDENCE - SINGLE FAMILY
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

ON 01/22/14 I WAS ASKED TO CONDUCT SOME FOLLOW-UP IN REGARDS TO THIS REPORT. ON 01/23/14 I WENT TO THE PALM BEACH COUNTY MEDICAL EXAMINER'S OFFICE AND OBTAINED A COPY OF THE SIMON BERNSTEIN AUTOPSY REPORT.

UPON REVIEWING THE REPORT, I FOUND THAT DR. MICHAEL BELL (DISTRICT MEDICAL EXAMINER) CONDUCTED AN AUTOPSY ON SIMON ON SEPTEMBER 14, 2012 AT 11 AM. THE RESULTS OF THE AUTOPSY CONCLUDED THE FOLLOWING:

MANNER OF DEATH: NATURAL
CAUSE OF DEATH: MYOCARDIAL INFARCT DUE TO SEVERE CORONARY ATHEROSCLEROSIS
CONTRIBUTORY CAUSE OF DEATH: BRONCHOPNEUMONIA, CIRRHOSIS

DR. BELL PROVIDED AN OPINION THAT SIMON DIED FROM A HEART ATTACK, DUE TO THE BLOCKAGE OF THE ARTERIES THAT FEED HIS HEART. HE ALSO HAD PNEUMONIA AND CIRRHOSIS. HE STATED THERE WAS NO OVERDOSE AND THAT HIS BLOOD CONCENTRATION WAS THERAPEUTIC. HE STATED THAT HE DID NOT HAVE MENINGITIS.

I ALSO FOUND THAT BODY WAS THEN TURNED OVER TO BOCA RATON FUNERAL HOME ON SEPTEMBER 14, 2012. ON 01/23/14 I SPOKE WITH TED BERNSTEIN. HE STATED THAT A PRIVATE AUTOPSY WAS NOT CONDUCTED.

THIS CONCLUDES MY SUPPLEMENTAL REPORT.
DETECTIVE RYAN W. MILLER #7704
01/23/14 @ 1143 HRS.
TRANS. VIA EMAIL/COPY/PASTE: 01/23/2014/MDR/#6405

printed by Employee Id #: 8105 on August 31, 2015 11:00:09AM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1
CASE NO. 12121312 SUPPLEMENT 2 OFFENSE REPORT CASE NO. 12121312

DISPOSITION: ZULU
DIVISION: DETECTIVE

911:

POLICE SERVICE CALL

SIGNAL CODE: 68 CRIME CODE: * NON CRIME CODE: PS CODE: 9568 02/13/14 THURSDAY
ZONE: C21 GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1155 A 1211 C 1522

OCCURRED BETWEEN DATE: 09/12/12 , 0830 HOURS AND DATE: 09/13/12 , 0100 HOURS

EXCEPTION TYPE:

INCIDENT LOCATION: 7020 LIONS HEAD LA APT. NO.:
CITY: BOCA RATON STATE: FL ZIP: 33496

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
LOCATION: RESIDENCE - SINGLE FAMILY
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

..

IN A PREVIOUS INTERVIEW WITH ELIOT BERNSTEIN AND AGAIN IN AN E-MAIL FROM HIM, DATED 02/13/14, HE STATED THAT OTHERS HAD TALKED OF POISONING. I FOUND THAT HE CONTACTED DR. BELL FROM THE MEDICAL EXAMINER'S OFFICE REFERENCE THIS AND THEY HAD SERIES OF E-MAIL EXCHANGES REFERENCE THIS AND A HEAVY METALS SCREENING.

IN ELIOT'S E-MAIL HE SUGGESTS I SPEAK WITH TED AND RACHEL REFERENCE THE POISONING CLAIMS. IN MY CONVERSATION WITH TED ON 01/23/14 HE IMPLIED THAT HE WAS SATISFIED WITH THE MEDICAL EXAMINERS FINDINGS. HE DID NOT MAKE CLAIM OF POISONING. I SPOKE WITH RACHEL WALKER TODAY, 02/13/14. SHE TOLD ME THAT SHE HAD NO EVIDENCE OF POISONING. SHE TOLD ME THAT SHE WALKED INTO SIMON'S HOME ON 09/12/12 AND FOUND HIM LYING ON THE COUCH. SHE SAID HE AWOKE AND HE APPEARED SLIGHTLY OUT OF IT. SHE SAID HE HAD APPEARED SLIGHTLY OUT OF IT FOR A FEW DAYS AND MANY PEOPLE, INCLUDING ELIOT AND HIS WIFE WERE AWARE.

SHE TOLD ME THAT SIMON SCREAMED AT HER AND TOLD HER NOT TO CALL 911, SO SHE CALLED ELIOT AND CANDICE (ELIOT'S WIFE) AS WELL AS DIANA, SIMON'S SECRETARY, CAME OVER. SHE SAID THAT AFTER SOME DISCUSSION THE DECISION WAS MADE TO TAKE SIMON TO THE HOSPITAL. SHE TOLD ME THAT SHE, CANDICE, AND DIANA DROVE SIMON TO THE HOSPITAL WHERE HE LATER PASSED. SHE TOLD ME THAT SIMON WAS COMING DOWN OFF PREDNISONE AND SHE HAS SEEN OTHERS IN THE PAST ACT LIKE HE WAS WHEN THEY WERE COMING DOWN OFF PREDNISONE. SHE ALSO SAID SHE HAD HEARD THAT SIMON FELL AND HIT HIS HEAD THE WEEK BEFORE WHILE ON A TRIP IN THE BAHAMAS.

THIS CONCLUDES MY SUPPLEMENTAL REPORT. THIS CASE REMAINS OPEN.
DETECTIVE RYAN W. MILLER #7704
02/13/14 @ 1002 HRS.

printed by Employee Id #: 8105 on August 31, 2015 11:00:09AM

P A L M B E A C H C O U N T Y S H E R I F F ' S O F F I C E PAGE 1
CASE NO. 12121312 SUPPLEMENT 3 O F F E N S E R E P O R T CASE NO. 12121312

DISPOSITION: ZULU
DIVISION: DETECTIVE

911:

POLICE SERVICE CALL

SIGNAL CODE: 68 CRIME CODE: * NON CRIME CODE: PS CODE: 9568 02/13/14 THURSDAY
ZONE: C21 GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1155 A 1211 C 1522
OCCURRED BETWEEN DATE: 09/12/12 , 0830 HOURS AND DATE: 09/13/12 , 0100 HOURS

EXCEPTION TYPE:

INCIDENT LOCATION: 7020 LIONS HEAD LA APT. NO.:
CITY: BOCA RATON STATE: FL ZIP: 33496

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
LOCATION: RESIDENCE - SINGLE FAMILY
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

ON 02/13/14 I MET WITH DR. BELL. HE INFORMED ME THAT HE WAS HAVING A
HEAVY METALS SCREENING DONE AND WOULD NOTIFY PBSO SHOULD ANYTHING ARISE FROM
THAT TEST. THIS CONCLUDES MY SUPPLEMENT REPORT AND INVOLVEMENT IN THIS CASE.
DETECTIVE RYAN W. MILLER #7704
02/13/14 @ 1137 HRS.
TRANS. VIA EMAIL/COPY/PASTE: 02/14/2014/MDR/#6405

printed by Employee Id #: 8105 on August 31, 2015 11:00:09AM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1
CASE NO. 14029489 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU
DIVISION: DETECTIVE

911:
ECONOMIC CRIMES
SIGNAL CODE: 14 CRIME CODE: * NON CRIME CODE: OT CODE: 9546 01/23/14 THURSDAY
ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER RYAN ASSIST: TIME D 1020 A 1020 C 1021
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS
EXCEPTION TYPE:
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700
CITY: BOCA RATON STATE: FL ZIP: 33431
NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
LOCATION: OTHER
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

NAME LIST:
ROLE:

OTHER SIMON BERNSTEIN DOB: 12/02/1935
SEX: M RACE: W HT: 506 WT: 180 HR: GRAY EYE: BROWN
RESIDENTIAL ADDRESS: 7020 LIONSHEAD LA BOCA RATON FL 33496 HOME PHONE:561 000-0000
BUSINESS PHONE: 561 000-0000
OTHER SHIRLEY BERNSTEIN DOB: 06/29/1939
SEX: F RACE: W HT: 502 WT: 102 HR: BLOND EYE: BLUE
RESIDENTIAL ADDRESS: 7020 LIONSHEAD RD BOCA RATON FL 33496 HOME PHONE:561 000-0000
BUSINESS PHONE: 561 000-0000
COMPLAINANT ROBERT I. SPALLINA DOB: 06/09/1965
SEX: M RACE: W HT: 511 WT: 175 HR: BLACK EYE: BROWN
RESIDENTIAL ADDRESS: 7387 WISTERIA AV PARKLAND FL 33076 HOME PHONE:561 997-7008
BUSINESS PHONE: 561 000-0000
OTHER ALAN B ROSE DOB: 10/23/1965
SEX: M RACE: W HT: 509 WT: 170 HR: BROWN EYE: BROWN
RESIDENTIAL ADDRESS: 21145 ORMOND CT BOCA RATON FL 33433 HOME PHONE:561 000-0000
BUSINESS ADDRESS: 505 S. FLAGLER DR., STE. 600, WPB, FL 33401 BUSINESS PHONE:561 355-6991
OTHER TED BERNSTEIN DOB: 08/27/1959
SEX: M RACE: W HT: 0 WT: 0 HR: UNKNOWN EYE: UNKNOWN
RESIDENTIAL ADDRESS: 800 BERKELEY ST BOCA RATON FL 33484 HOME PHONE:561 213-2322
BUSINESS PHONE: 561 988-8984
OTHER KIMBERLY MORAN DOB: 10/24/1972
SEX: F RACE: W HT: 505 WT: 135 HR: BROWN EYE: BROWN
RESIDENTIAL ADDRESS: 4855 TECHNOLOGY WY BOCA RATON FL 33431 HOME PHONE:561 997-7008
BUSINESS PHONE: 561 000-0000
OTHER PATRICIA FITZMAURICE DOB: 01/12/1933

printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 2
CASE NO. 14029489 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU

SEX: F RACE: W HT: 500 WT: 100 HR: GRAY EYE: BLUE
RESIDENTIAL ADDRESS: 950 PENINSULA CT APT. 1006 BOCA RATON FL 0 HOME PHONE:561 994-0310
BUSINESS PHONE: 561 000-0000
OTHER RACHEL WALKER DOB: 03/05/1984
SEX: F RACE: W HT: 508 WT: 130 HR: BLOND EYE: BLUE
RESIDENTIAL ADDRESS: 15 OCEAN AV MONMOUTH B NJ 7750 HOME PHONE:561 275-8102
BUSINESS PHONE: 561 000-0000
OTHER ELLIOT I BERNSTEIN DOB: 09/30/1963
SEX: M RACE: W HT: 510 WT: 185 HR: BROWN EYE: HAZEL
RESIDENTIAL ADDRESS: 2753 NW 34TH ST BOCA RATON FL 33434 HOME PHONE:561 886-7628
BUSINESS PHONE: 561 245-8588
OTHER CANDICE M BERNSTEIN DOB: 10/09/1972
SEX: F RACE: W HT: 508 WT: 125 HR: BLOND EYE: GREEN
RESIDENTIAL ADDRESS: 2753 NW 34TH ST BOCA RATON FL 33434 HOME PHONE:561 886-7628
BUSINESS PHONE: 561 245-8588
OTHER DONALD TEACHER DOB: 09/26/1944
SEX: M RACE: W HT: 0 WT: 0 HR: UNKNOWN EYE: UNKNOWN
RESIDENTIAL ADDRESS: 4855 TECHNOLOGY WY BOCA RATON FL 33431 HOME PHONE:561 000-0000
BUSINESS PHONE: 561 000-0000
OTHER TRACI A KRATISH DOB: 08/27/1978
SEX: F RACE: W HT: 507 WT: 135 HR: BLOND EYE: BLUE
RESIDENTIAL ADDRESS: 16068 GLENCREST AV DELRAY BCH FL 33446 HOME PHONE:561 512-1933
BUSINESS ADDRESS: 5100 TOWN CTR. CR., STE. 500, BOCA RATON, FL BUSINESS PHONE:561 955-8088

ROLE:

OTHER ROLE NO. 3

NAMES LAST FIRST MIDDLE J/S R/S DOB
REAL... SIMON PAMELA BETH F

ADDRESS NO. STREET SFX DIR APT# CITY ST ZIP
HOME... 950 MICHIGAN AV N 2603 CHICAGO IL 60611

PHONE #S HOME OTHER BUSINESS
000 0000 000 0000 (312) 819 7474

SCARS/MARKS/TATOOS: PSIMON@STPCORP.COM

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ROLE:

OTHER ROLE NO. 2
 NAMES LAST FIRST MIDDLE J/S R/S DOB
 REAL... IANTONI JILL MARLA F 10/25/65
 ADDRESS NO. STREET SFX DIR APT# CITY ST ZIP
 HOME... 2101 MAGNOLIA LA HIGHLAND PARK IL 60035
 PHONE #S HOME OTHER BUSINESS
 (847) 831 4915 000 0000 (312) 804 2318
 SCARS/MARKS/TATOOS: JILLIANTONI@GMAIL.COM IANTONI_JILL@NE.BAH.COM

ROLE:

OTHER ROLE NO. 1
 NAMES LAST FIRST MIDDLE J/S R/S DOB
 REAL... FRIEDSTEIN LISA SUE W F 03/15/65
 ADDRESS NO. STREET SFX DIR APT# CITY ST ZIP
 HOME... 2142 CHURCHILL LA HIGHLAND PARK IL 60035
 PHONE #S HOME OTHER BUSINESS
 (847) 877 4633 000 0000 (312) 000 0000
 SCARS/MARKS/TATOOS: LISA@FRIEDSTEINS.COM LISA@FRIEDSTEIN@GMAIL.COM

ROLE:

OTHER ROLE NO. 4
 NAMES LAST FIRST MIDDLE J/S R/S DOB
 REAL... NACLERIO RICHARD J W M
 ADDRESS NO. STREET SFX DIR APT# CITY ST ZIP
 HOME... 876 CAMINO REAL E BOCA RATON FL 33428
 OTHER... 955 ESPLANADE PELHAM NY 10803

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PHONE #S HOME OTHER BUSINESS
(561) 394 3552 (914) 738 2286 (312) 000 0000

ROLE:

OTHER ROLE NO. 11
NAME LAST FIRST MIDDLE J/S R/S DOB
REAL... PEARSON WILLIAM M W M

ADDRESS NO. STREET SFX DIR APT# CITY ST ZIP
OTHER... 0 P.O. BOX 1076 MIAMI FL 33149

PHONE #S HOME OTHER BUSINESS
(786) 301 4048 (914) 000 0000 (312) 000 0000

ROLE:

OTHER ROLE NO. 15
NAME LAST FIRST MIDDLE J/S R/S DOB
REAL... KAPLAN SAMUEL M

PHONE #S HOME OTHER BUSINESS
(818) 501 7766 (914) 000 0000 (312) 000 0000

ROLE:

OTHER ROLE NO. 16
NAME LAST FIRST MIDDLE J/S R/S DOB
REAL... BLOCK IRWIN J M

ADDRESS NO. STREET SFX DIR APT# CITY ST ZIP
BUSINESS 700 FEDERAL HW S BOCA RATON FL 00000

PHONE #S HOME OTHER BUSINESS
(818) 000 0000 (561) 393 5660 (312) 000 0000

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ROLE:

OTHER ROLE NO. 18

NAMES	LAST	FIRST	MIDDLE	J/S	R/S	DOB
REAL...	CUNHA	JAMES	S		W M	

ADDRESS	NO.	STREET	SFX	DIR	APT#	CITY	ST	ZIP
BUSINESS	250	AUSTRALIAN	AV	S	1402	WEST PALM BEACH	FL	33401

PHONE #S	HOME	OTHER	BUSINESS
	(818) 000 0000	(561) 000 0000	(561) 429 3924

ON 01/21/14 AT 1:45 PM I MET WITH ROBERT SPALLINA AND HIS ATTORNEY DAVID ROTH. SGT. DAVID GROOVER WAS ALSO PRESENT DURING THE INTERVIEW. WE MET AT THE PALM BEACH COUNTY SHERIFF'S OFFICE, DISTRICT 1 CONFERENCE ROOM, WHICH IS LOCATED AT 3228 GUN CLUB ROAD, WEST PALM BEACH, FL. ROBERT SPALLINA STATED THAT HE AND HIS PARTNER, DONALD TESCHNER, MET SIMON AND SHIRLEY BERNSTEIN IN 2007. HE SAID THAT IN 2008 THE BERNSTEIN'S CAME TO THE TESCHNER AND SPALLINA FIRM. HE SAID THAT THEY (THE ATTORNEY'S OFFICE) CREATED WILLS AND TRUSTS FOR BOTH SIMON AND SHIRLEY IN 2008, AMONG OTHER PLANNING. SPALLINA TOLD US THAT SIMON HAD BEEN IN THE INSURANCE BUSINESS FOR 40 YEARS.

HE SAID THAT THE SUBJECT OF THE FIRST MEETINGS WAS THE SALE OF THE INSURANCE BUSINESS DOWN THE ROAD, AS WELL AS MOVING AROUND SOME STOCKS. SPALLINA STATED THE CONVERSATIONS WITH SIMON AND THE THOUGHT PROCESS WAS THAT ONCE SIMON SOLD THE INSURANCE BUSINESS HE OWNED, ALL THE FAMILY WOULD BENEFIT FROM IT (FINANCIALLY). HE SAID THE BUSINESS WAS NEVER SOLD, BUT A LOT OF PLANNING AND PREPARATION WAS DONE FOR IT, TO INCLUDE SETTING UP A FLORIDA LIMITED PARTNERSHIP AND A DELAWARE ASSET PROTECTION TRUST. SPALLINA STATED THAT SIMON WAS ALWAYS CONCERNED WITH CREDITOR PROTECTION. HE SAID THAT IS QUITE COMMON IN THE INSURANCE BUSINESS WORLD.

SPALLINA REITERATED THAT IN 2008, THE LAW FIRM DID THE DOCUMENTS FOR THE WILLS AND TRUSTS. HE STATED THEY (SIMON & SHIRLEY) HAVE FIVE CHILDREN AND 10 GRANDCHILDREN, AS WELL AS A STEP-GRANDCHILD.

SPALLINA SAID THAT THE ESTATE PLAN WAS SIMILAR TO MOST OTHERS, IT SAID SHOULD ONE SPOUSE DIE FIRST, THE OTHER WILL RECEIVE EVERYTHING (ALL ASSETS). HE SAID THAT UNDER BOTH TRUSTS, THE INITIAL DOCUMENTS READ THAT UPON THE SECOND DEATH, TWO CHILDREN (TED AND PAM) WERE EXCLUDED. HE TOLD US THIS TOOK PLACE SINCE BOTH TED AND PAM WERE SET UP WITH LIFE INSURANCE BUSINESSES AND THEY WANTED TO MAKE THE REMAINING CHILDREN (ELIOT, LISA, AND JILL) AS WHOLE AS THEY COULD. NOTE: TED WAS WORKING WITH SIMON IN THE INSURANCE BUSINESS

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DOWN HERE IN FLORIDA AND PAM RECEIVED A COMPANY IN ILLINOIS.

SPALLINA REITERATED THAT UPON THE DEATH OF THE SECOND SURVIVOR, EVERYTHING FROM BOTH TRUSTS GOES TO JILL, LISA, AND ELIOT ADDING THAT SHIRLEY HAD ONE OTHER STIPULATION IN HER TRUST, WHICH STATED THAT TED'S STEPSON, (MATTHEW LOGAN) RECEIVED \$200,000. HE TOLD ME THAT SHIRLEY HAD A LIKING TO MATTHEW SO SHE ADDED THAT TO HER TRUST, BUT THAT SIMON DID NOT BELIEVE IN THAT, THAT HE FELT EVERYTHING SHOULD GO TO BLOOD (A BIOLOGICAL CHILD). SPALLINA SAID THAT LATER ON IN 2008, SHIRLEY STATED SHE WANTED TO CHANGE HER TRUST DOCUMENTS IN REFERENCE TO THE MONEY LEFT TO MATTHEW LOGAN. HE STATED THAT AN AMENDMENT WAS CREATED, WHICH WAS SIGNED BY SHIRLEY ON NOV. 18, 2008 TAKING LOGAN OUT OF THE TRUST.

SPALLINA STATED THAT HE FELT THAT SIMON'S WISHES OVERRODE SHIRLEY'S IN THIS SITUATION. SPALLINA SAID THAT HE AND KIMBERLY MORAN (HIS EMPLOYEE & A NOTARY) WENT TO SHIRLEY'S HOME FOR THE DOCUMENT TO BE SIGNED. HE SAID THAT RACHEL WALKER, SHIRLEY'S ASSISTANT, WAS PRESENT WHEN THE DOCUMENT WAS SIGNED. SHE AND SPALLINA ARE ON THE DOCUMENT AS WITNESSES, MORAN IS THE NOTARY FOR SHIRLEY'S SIGNATURE. HE TOLD ME THAT WAS THE LAST CHANGE SHIRLEY EVER MADE TO HER DOCUMENTS AND THAT SHE PASSED ON DECEMBER 2010. SIMON WAS STILL ALIVE AND THE TRUST READ THAT EVERYTHING WENT TO HIS BENEFIT. SPALLINA REITERATED THAT HER DOCUMENTS READ THAT UPON SIMON'S DEATH, EVERYTHING (HER ASSETS) WENT TO JILL, LISA, AND ELIOT.

SPALLINA STATED THAT IN 2012, SIMON CONTACTED HIM STATING THAT HE WAS HAVING CONCERNS ABOUT HOW HE HAD ELIMINATED TED AND PAM FROM HIS TRUST. HE STATED THAT IT IS POSSIBLE THAT THESE THOUGHTS CAME ON BECAUSE PAM STARTED SENDING HIM LETTERS. HE SAID THAT SHE (PAM) HAD A LAWYER CONTACT HIS OFFICE AND ASK FOR COPIES OF SHIRLEY'S TRUST DOCUMENTS. SPALLINA SAID THAT HE MET WITH SIMON, WHO SAID THAT HE WAS CONSIDERING CHANGING HIS DOCUMENTS. HE SAID THAT ONE OF THE CHANGES DISCUSSED WAS HOW TO INCLUDE TED AND PAM'S CHILDREN.

SPALLINA STATED THAT SIMON HAD A LIFE INSURANCE POLICY WITH THE BENEFIT OF \$1,600,000. HE SAID THAT THE POLICY READ THAT IF SIMON PASSED BEFORE SHIRLEY SHE RECEIVED THE BENEFIT, BUT IF SHIRLEY PASSED BEFORE HIM, THE FIVE CHILDREN RECEIVED THE BENEFITS ONCE HE PASSED. THIS POLICY ORIGINATED OUT OF ILLINOIS. SPALLINA ADDED THAT THIS POLICY AND ITS DISTRIBUTION OF FUNDS ARE CURRENTLY IN A FEDERAL COURT BATTLE.

SPALLINA STATED THAT A DISCUSSION TOOK PLACE WITH HIM AND SIMON IN 2012; REFERENCE THE FACT THAT SIMON HAD ISSUES ON HOW AND WITH WHOM FUNDS WERE GOING TO BE DISTRIBUTED TO UPON HIS DEATH. HE TOLD ME SIMON WAS HAVING RESERVATIONS ABOUT TED AND PAM NOT BEING IN HIS TRUST, AS WELL AS THAT FACT THAT HE THEN HAD A GIRLFRIEND BY THE NAME OF MARITZ PUCCIO THAT HE WANTED TO PROVIDE FOR. HE ADDED THAT NO ONE IN THE FAMILY WAS HAPPY THAT PUCCIO WAS IN SIMON'S LIFE. HE ALSO TOLD ME THAT SIMON WANTED HIS GRANDCHILDREN TO RECEIVE BENEFITS FROM

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THE TRUST.

SPALLINA SAID THAT SIMON FIRST SUGGESTED MAKING BENEFICIARY CHANGES ON THE AFOREMENTIONED LIFE INSURANCE POLICY. SPALLINA SAID THAT HE TOLD SIMON THAT WAS A VERY BAD IDEA. HE TOLD ME THAT THERE WAS SOMETHING CALLED AN EXERCISE OF POWER OF APPOINTMENT, PUT IN BOTH SIMON AND SHIRLEY'S TRUST DOCUMENTS. HE SAID THIS GAVE THE LIVING SPOUSE THE ABILITY TO MAKE CHANGES ON THE DECEASED SPOUSE'S DOCUMENTS. HE SAID THAT HE TOLD SIMON, THAT MAYBE THEY SHOULD EXPLORE OPTIONS WITH THAT. HE SAID SIMON TOLD HIM THAT HE WANTED TO MAKE THE NECESSARY CHANGES TO HAVE BOTH TRUSTS READ THAT THE 10 GRANDCHILDREN WERE THE BENEFICIARIES. HE TOLD ME THAT HE TOLD SIMON (SI AS HE CALLS HIM) THAT HE COULD NOT MAKE THOSE CHANGES TO SHIRLEY'S TRUST BECAUSE SHE HAD WROTE TED AND PAM AND THEIR CHILDREN AS PREDECEASED IN HER TRUST.

SPALLINA REITERATED THAT SIMON CAN DO WHATEVER HE WANTS WITH HIS ESTATE, BUT ALL HE CAN DO WITH SHIRLEY'S TRUST IS GIVE IT TO LISA, JILL, AND ELIOT'S CHILDREN. HE SAID THAT SIMON WAS NOT HAPPY ABOUT THIS. HE SAID THAT SIMON WAS VERY ADAMANT ABOUT LEAVING EVERYTHING IN THE ESTATES TO THE GRANDCHILDREN. HE ALSO SAID THAT HE ADVISED SIMON TO NOT MAKE CHANGES TO THE LIFE INSURANCE POLICY OR THE ESTATES, MAKING PUCCIO A BENEFICIARY. HE STATED THAT THIS WILL ONLY CAUSE PROBLEMS AND CREATE LITIGATION. SPALLINA SAID THE AFOREMENTIONED DISCUSSION AND MEETING TOOK PLACE IN FEBRUARY 2012. HE SAID THE MEETING CONCLUDED WITH SIMON SAYING HE NEEDED TO THINK ABOUT THINGS.

HE TOLD ME THAT THREE MONTHS LATER, SIMON CONTACTED HIM STATING HE KNEW WHAT HE WANTED TO DO. HE SAID THAT SIMON TOLD HIM HE WANTED TO LEAVE HIS INSURANCE POLICY ALONE, BUT THAT HE WANTS BOTH TRUSTS TO GO TO HIS 10 GRANDCHILDREN. SPALLINA SAID THAT HE EXPLAINED TO HIM AGAIN, THAT ONLY HIS TRUST, NOT SHIRLEY'S CAN GO TO BOTH GRANDCHILDREN, UNLESS HE TAKES ALL OF THE ASSETS OUT OF THE SHIRLEY TRUST AND PUTS THEM INTO HIS NAME. HE SAID THE COST OF TAKING THE ASSETS OUT OF SHIRLEY'S TRUST WOULD HAVE BEEN SIGNIFICANT, BECAUSE SHIRLEY'S DEATH OCCURRED BEFORE FEDERAL ESTATE TAX CHANGES TOOK PLACE, SO AS LONG AS IT STAYED IN HER ESTATE IT WOULD BE FREE OF TAX, BUT SHOULD IT GO TO SIMON'S TRUST IT WILL BE TAXED.

THERE WAS ALSO AN ISSUE OF SUBJECTING THE ASSETS FROM SHIRLEY'S ESTATE TO CREDITORS IF IT WENT TO SIMON'S ESTATE. SPALLINA TOLD ME THAT AT THIS TIME, SIMON SAID "GET MY CHILDREN ON THE PHONE". HE SAID THAT SIMON TOLD HIM THAT HE WANTED HIS CHILDREN TO AGREE THAT ALL ASSETS FROM BOTH TRUSTS GO TO THE 10 GRANDCHILDREN. HE SAID THAT SIMON TOLD HIM HE (SIMON) COULD GET THEM TO AGREE. SPALLINA CONFIRMED THAT THIS CONVERSATION OCCURRED ON THE SAME DATE, DURING THE SAME PHONE CALL (CONFERENCE CALL), REGARDING THE WAIVER OF ACCOUNTING FORM FOR SHIRLEY'S ESTATE IN PBSO CASE #13-097087.

FROM A PREVIOUS INVESTIGATION DONE BY ME, I FOUND THAT SIMON SIGNED THE WAIVER OF ACCOUNTING ON 04/09/12, SO IT IS POSSIBLE THAT THE PHONE CALL

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OCCURRED ON THAT DATE. I HAD ALSO NOTED IN MY REPORT THAT THERE WAS SOME DISCUSSION OF INHERITANCE AND WHO WAS TO GET WHAT. SPALLINA SAID THAT DURING THE PHONE CALL, ALL FIVE KIDS AGREED THAT CHANGING THE INHERITANCE OF BOTH ESTATES TO THE GRANDCHILDREN WAS A GREAT IDEA. HE SAID THAT ELIOT SPOKE THE MOST, STATING THINGS SUCH AS, GREAT IDEA DAD, WHATEVER YOU WANT TO DO, WHATEVER MAKES YOU FEEL BEST, WHATEVER IS BEST FOR YOUR HEALTH DAD.

SO, AFTER THE AFOREMENTIONED PHONE CALL, NEW DOCUMENTS WERE DRAWN UP FOR SIMON'S ESTATE. THESE NEW DOCUMENTS GAVE EVERYTHING TO ALL 10 GRANDKIDS. HE ALSO EXERCISED HIS POWER OF SHIRLEY'S ESTATE, LEAVING EVERYTHING TO ALL 10 GRANDKIDS, EVEN THOUGH LEGALLY HE COULD NOT INCLUDE TED AND PAM'S KIDS BECAUSE OF THE PREDECEASED LIMITATION. HE SAID THESE DOCUMENTS WERE EXECUTED AT THE END OF JULY 2012. HE SAID SEVEN WEEKS LATER SIMON DIES, UNEXPECTEDLY. I FOUND THAT SIMON PASSED ON SEPTEMBER 13, 2012 OF A HEART ATTACK.

SPALLINA SAID APPROXIMATELY TWO MONTHS AFTER THAT, HIS OFFICE RECEIVED A REQUEST FROM ELIOT'S ATTORNEY, CHRISTINE YATES, FOR ALL DOCUMENTS RELATING TO SIMON AND SHIRLEY BERNSTEIN, TO INCLUDE DOCUMENTS RELATING TO BERNSTEIN FAMILY REALITY, WHICH OWNS A HOME THAT ELIOT AND HIS FAMILY LIVE IN. HE SAID THAT HIS HOME IS ACTUALLY OWNED AND IS FUNDED BY THREE TRUSTS THAT SIMON CREATED. THE THREE TRUSTS ARE IN THE NAME OF ELIOT'S THREE CHILDREN, (JACK, JAKE, AND DAN).

SPALLINA TOLD ME THAT HE AND HIS PARTNER HAD DISCUSSIONS REFERENCE TO FULFILLING SIMON'S WISHES OF ALL 10 GRANDCHILDREN RECEIVING THE BENEFITS FROM BOTH SIMON AND SHIRLEY'S TRUSTS. HE SAID THAT HE AND HIS PARTNER, DONALD TESCHNER, DISCUSSED DOING A SCRIVENER'S AFFIDAVIT REFERENCE REINSTATING TED AND PAM'S CHILDREN INTO SHIRLEY'S TRUST, SINCE THEIR NOTES WERE UNCLEAR TO AS IF THE GRANDCHILDREN WERE OR WERE NOT DEEMED PREDECEASED, AS TED AND PAM WERE. HE TOLD ME THAT THE DECISION WAS MADE TO NOT DO THE SCRIVENER'S AFFIDAVIT, DUE TO THE CHANCE THAT IT MAY NOT WORK. HE SAID THOUGH, THAT AGAINST HIS BETTER JUDGMENT HE ALTERED THE FIRST PAGE OF THE FIRST AMENDMENT TO THE SHIRLEY BERNSTEIN TRUST AGREEMENT, BEFORE HE TURNED IT OVER TO YATES. THE ORIGINAL WAS MENTIONED EARLIER ON IN THIS REPORT AND STATES THAT SHIRLEY SIGNED IT ON NOVEMBER 18, 2008. IT TOOK MATTHEW LOGAN OUT OF THE TRUST.

SPALLINA SAID THAT THEY NOTICED THAT THE FIRST PAGE OF THE DOCUMENT SKIPPED FROM ONE TO THREE, SO HE TOOK IT UPON HIMSELF TO ADD IN NUMBER TWO, BEFORE SENDING IT TO YATES. THE CHANGE THAT NUMBER TWO MADE TO THE TRUST, AMENDED PARAGRAPH E OF ARTICLE III, MAKING IT READ THAT ONLY TED AND PAM WERE CONSIDERED PREDECEASED, NOT THEIR CHILDREN. HE SAID THE ORIGINAL TRUST STATES THAT TED, PAM, AND THEIR CHILDREN ARE DEEMED PREDECEASED. SPALLINA SAID HE DID THIS AT THIS OFFICE IN BOCA RATON, FLORIDA. HE SAID THAT NO ONE ELSE TOOK PART IN ALTERING THE DOCUMENT. HE SAID THAT HE DID IT TO MAKE SIMON'S WISHES AND THE VERBAL AGREEMENT FROM THE APRIL 2012 PHONE CONVERSATION COME TRUE.

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P A L M B E A C H C O U N T Y S H E R I F F ' S O F F I C E P A G E 9
C A S E N O . 1 4 0 2 9 4 8 9 O F F E N S E R E P O R T C A S E N O . 1 4 0 2 9 4 8 9
D I S P O S I T I O N : Z U L U

SPALLINA STATED THAT ALTHOUGH HE CREATED THE ALTERED FORM AND ATTACHED IT TO THE ORIGINALLY SIGNED/NOTARIZED FORM, HE RECEIVED NO INCOME OR GAIN FROM IT. HE STATED HE SOLELY DID IT TO FULFILL SIMON'S WISHES. HE CONFIRMED THAT THIS ALTERED DOCUMENT DID NOT GET FILED WITH THE COURTS.

SPALLINA STATED THAT AGAINST HIS ADVICE, A DISTRIBUTION WAS MADE FROM ONE OF THE TRUSTS AFTER SIMON'S DEATH. HE STATED THAT HE ADVISED AGAINST THIS AND WHEN SIMON PASSED, A FORMER PARTNER FILED A CLAIM AGAINST THE ESTATE FOR \$2,500,000.

SPALLINA ALSO TOLD ME THAT IN 2006, ALL OF THE GRANDCHILDREN RECEIVED TRUSTS FROM SHIRLEY AND SIMON. HE STATED THAT YATES WAS ACTUALLY THE ATTORNEY FOR ELIOT'S CHILDREN'S TRUSTS. SPALLINA STATED THAT SIMON WANTED ELIOT'S KIDS TO HAVE A HOME, BUT DID NOT WANT THE HOME IN ELIOT'S NAME.

SPALLINA ALSO TOLD ME THAT IN 2009 SIMON CAME TO HIM AND SAID HE IS BUYING A HOUSE FOR ELIOT AND HIS FAMILY TO LIVE IN, BUT HE DOES NOT WANT ELIOT TO OWN THE HOME. HE SAID THAT SIMON TOLD HIM THAT HE WANTED ELIOT'S CHILDREN'S THREE TRUSTS TO OWN THE HOME. HE THEN SET UP A LIMITED LIABILITY COMPANY, WHICH IS BERNSTEIN FAMILY REALTY. HE SAID THAT SIMON SET UP AN ACCOUNT AT LEGACY BANK. HE SAID THAT SIMON FUNDED THE ACCOUNT, TO PAY FOR THE EXPENSES AT THE HOUSE. RACHEL WALKER WAS IN CHARGE OF PAYING THOSE EXPENSES. HE SAID THAT AT SIMON'S DEATH THE ACCOUNT HAD VERY LITTLE MONEY IN IT. HE SAID THIS WAS THE TYPE OF ACCOUNT THAT ONLY ENOUGH MONEY WENT INTO IT EACH MONTH TO COVER THE NECESSARY EXPENSES FOR THE HOME, SUCH AS POWER, WATER, AND MORTGAGE.

SPALLINA STATED THAT PRIOR TO SIMON'S DEATH, HE WAS THE MANAGER OF BFR, BUT AFTER HIS DEATH IT WAS TRANSFERRED TO OPENHEIMER TRUST COMPANY, BECAUSE NO ONE IN THE FAMILY WANTED TO MANAGE IT. HE STATED THIS WAS BECAUSE NO ONE WANTED TO DEAL WITH ELIOT. HE SAID OTC BECAME THE TRUSTEE AND THE LEGACY BANK ACCOUNT GOT CLOSED OUT SINCE THE ACCOUNT HAD MINIMAL FUNDS IN IT AND SIMON WAS NO LONGER ALIVE TO FUND IT. HE STATED THAT OTC OPENED UP THEIR OWN BFR TRUST ACCOUNT. HE SAID THAT WHEN THIS OCCURRED, THERE WAS APPROXIMATELY \$80,000 IN EACH OF ELIOT'S CHILDREN'S TRUSTS. HE SAID THAT ELIOT STARTED CALLING UP OTC ASKING FOR THEM TO PAY BILLS.

SPALLINA SAID THE PROBLEM IS THAT SINCE NEITHER ELIOT NOR HIS WIFE WERE WORKING, THEY WERE ALSO ASKING FOR THEIR CREDIT CARD BILLS TO BE PAID, ALONG WITH THE NORMAL LIVING EXPENSES. HE STATED THAT THE CREDIT CARD BILLS SHOWED CHARGES TO HIGH END RESTAURANTS, SUCH AS CAPITAL GRILL. SPALLINA SAID THAT DUE TO THE EXPENSES BEING PAID BY THE THREE CHILDREN'S TRUST, TO INCLUDE PRIVATE SCHOOL, THE TRUSTS WERE DRAINED BY AUGUST 2013.

SPALLINA STATED THAT TED BERNSTEIN IS THE TRUSTEE FOR SHIRLEY'S TRUST. HE SAID THAT SHIRLEY HAD A CONDO THAT WAS SOLD FOR \$1,400,000 AND THAT MONEY WENT INTO THE TRUST. HE SAID THAT TED DISCUSSED WITH HIS SIBLINGS, POSSIBLY

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EXCLUDING ELIOT, THAT THERE WAS CONCERN ABOUT A CREDITOR GETTING SOME OF THE MONEY. HE SAID THAT TED MADE A DISTRIBUTION TO SEVEN OF THE 10 GRANDCHILDREN'S TRUSTS. FOUR OF WHICH INCLUDE TED'S THREE CHILDREN AND PAM'S CHILD. SPALLINA SAID THAT TED ONLY FUNDED SEVEN OF THE GRANDCHILDREN, BECAUSE ELIOT REFUSED TO OPEN ACCOUNTS FOR HIS THREE KIDS SO THAT TED COULD FUND THEM. HE SAID THAT IN SEPTEMBER OF 2013, \$80,000 WAS DISTRIBUTED TO EACH OF THE SEVEN TRUSTS, WHICH IS A TOTAL OF \$560,000. SPALLINA REITERATED THAT TED WAS TOLD TO NOT MAKE DISTRIBUTIONS.

SPALLINA WAS ASKED AND CONFIRMED THAT THE ALTERED DOCUMENT REFERENCE SHIRLEY'S TRUST, IS THE ONLY MISTAKE THAT HE MADE. HE IS NOT AWARE OF ANY OTHER MISTAKES.

I WAS SUPPLIED A COPY OF THE ALTERED DOCUMENT BY SPALLINA ON 01/22/14.

THIS NARRATIVE IS NOT A VERBATIM ACCOUNT OF THE INTERVIEW WITH SPALLINA. FURTHER INVESTIGATION WILL CONSIST OF MEETING WITH SIMON AND SHIRLEY'S CHILDREN, IN ATTEMPT TO GAIN STATEMENTS FROM THEM.

THIS CASE REMAINS OPEN.

DETECTIVE RYAN W. MILLER #7704
01/24/14 @ 1153 HRS.

TRANS. VIA EMAIL/COPY/PASTE: 01/29/2014/MDR/#6405

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 DIVISION: DETECTIVE

911:
 ECONOMIC CRIMES * * *
 SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 01/29/14 THURSDAY
 ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021
 OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS
 EXCEPTION TYPE:
 INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700
 CITY: BOCA RATON STATE: FL ZIP: 33431
 NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
 LOCATION: OTHER
 NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

ON JAN. 28, 2014 I MET WITH TED BERNSTEIN WHO WAS ACCOMPANIED BY ATTORNEY ALAN ROSE. ROSE IS A CIVIL ATTORNEY, SPECIALIZING IN PROBATE AND BUSINESS LITIGATION. THIS INTERVIEW TOOK PLACE AT THE PALM BEACH COUNTY SHERIFF'S OFFICE, SPECIAL INVESTIGATIONS DIVISION'S CONFERENCE ROOM, LOCATED AT 3228 GUN CLUB ROAD, WEST PALM BEACH, FLORIDA 33406 AT 11:46 A.M. THE FOLLOWING IS A NON-VERBATIM ACCOUNT OF THE INTERVIEW:

TED STATED THAT HE AND HIS FATHER SIMON HAD AN OFFICE TOGETHER. HE TOLD ME THAT IN 2007 HE HAD NOTICED THAT TESCHER AND SPALLINA STARTED FREQUENTING THE OFFICE AND THEY CONTINUED TO VISIT THE OFFICE QUITE OFTEN INTO 2008. HE SAID THAT HE THEN REALIZED THAT HIS PARENTS WERE CONDUCTING THEIR ESTATE PLANNING. HE SAID THAT HE WAS NOT ASKED TO BE PART OF THE PLANNING, NOR DID HE INQUIRE ABOUT IT. TED TOLD ME THAT HE IS THE ELDEST CHILD OF FIVE, TO INCLUDE JILL, LISA, PAM, AND ELIOT. THE OFFICE FOR THE INSURANCE AGENCY THAT TED AND SIMON WORKED TOGETHER AT IS LOCATED AT 950 PENINSULA CORPORATE CIRCLE, BOCA RATON, FL 33487.

TED STATED THAT HE FOUND OUT UPON HIS FATHER'S DEATH, THAT HE WAS THE TRUSTEE FOR HIS MOTHER'S TRUST. HE TOLD ME THAT THE ATTORNEY'S (TESCHER AND SPALLINA) MADE HIM AWARE OF THIS. HE SAID HE WAS ALSO INFORMED HE WAS A CO-TRUSTEE FOR SOME OTHER ACCOUNT. HE TOLD ME THAT HE IS NOT GOING TO INHERIT AN INSURANCE AGENCY, BUT THAT HE AND HIS FATHER WERE PARTNERS. HE STATED THAT HE OWNS STOCK IN THE AGENCY WITH NO OPTION FOR HIM TO INHERIT OR PURCHASE HIS FATHER'S INTEREST IN THE COMPANY. HE COMMENTED ON THE FACT THAT THE BUSINESS MAKES LITTLE INCOME THESE DAYS.

TED STATED THAT IN THE FIRST PART OF 2012, HIS FATHER (SIMON) HAD A

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DISPOSITION: ZULU

DISCUSSION WITH HIM, REFERENCE AN ISSUE THAT PAM RAISED WITH SIMON ABOUT HOW THE DOCUMENTS FOR THE TRUSTS WERE DRAWN UP. HE TOLD ME THAT HE BELIEVED PAM HAD SENT SIMON SOME INFORMATION OR A BOOK RELEVANT TO HER VIEW ON HOW YOU DO ESTATE PLANNING WHEN CHILDREN AND GRANDCHILDREN ARE INVOLVED. HE SAID THAT HIS FATHER DID ASK HIM HIS OPINION ON THINGS AND TED TOLD HIM THAT HE DID FEEL THAT THE GRANDCHILDREN MAY NOT UNDERSTAND IT IF THEY DID NOT RECEIVE AN INHERITANCE. HE STATED THAT HIS FATHER TOLD HIM THAT HE MADE A REALLY GOOD POINT AND SOMETHING TO CONSIDER. TED SAID THAT SOON AFTER THAT CONVERSATION HIS FATHER ANNOUNCED THAT HE WANTED TO TALK WITH HIS CHILDREN ABOUT THE DISTRIBUTION OF HIS AND SHIRLEY'S ASSETS UPON HIS DEATH. HE TOLD ME THAT A CONFERENCE CALL MEETING TOOK PLACE INCLUDING HIS (SIMON'S) FIVE CHILDREN, SIMON, AND SPALLINA. HE SAID THAT THE CONVERSATION WENT REALLY WELL AND SIMON GOT TO PROVIDE HIS WISHES VERY CLEARLY.

HE STATED THAT SPALLINA EXPLAINED THE PROCESS LEGALLY, BUT HIS FATHER MADE A STATEMENT AND ASKED EACH CHILD DIRECTLY, HOW THEY FELT ABOUT IT. TED SAID THAT IT WAS TOLD TO HIM AND HIS SIBLINGS THAT SIMON WAS LEAVING ALL OF HIS WEALTH TO HIS 10 GRANDCHILDREN EQUALLY. HE SAID THAT SIMON TOLD THEM THAT THEY (THE CHILDREN) WERE EACH GETTING 1/5 OF A LIFE INSURANCE POLICY. TED SAID THAT IT WAS OBVIOUS THAT HIS FATHER WAS NOT ASKING FOR PERMISSION, BUT STATING CLEARLY WHAT HE THOUGHT WAS RIGHT. TED SAID THAT EACH CHILD STATED THEY FELT OK ABOUT THE DECISION AND THAT IT WAS HIS WEALTH TO MAKE DECISIONS WITH. TED STATED THAT HE BELIEVES THIS WAS THE SAME PHONE CALL WHERE HE WAS TOLD BY SPALLINA HE, AS WELL AS SIBLINGS, WOULD BE RECEIVING FORMS THEY NEEDED TO SIGN AND RETURN. HE STATED THAT SOON AFTER THIS CALL HE RECEIVED THE WAIVER OF ACCOUNTING FORM FOR HIS MOTHER'S ESTATE. THIS IS THE DOCUMENT DISCUSSED IN PBSO CASE # 13-097087.

TED STATED THAT HE WAS NOT INVOLVED IN ANY OTHER DISCUSSIONS REFERENCE ESTATES UNTIL HIS FATHER'S PASSING ON SEPTEMBER 13, 2012. HE SAID THAT TESCHER AND SPALLINA TOLD HIM AFTER HIS FATHER'S DEATH THAT HE WAS THE TRUSTEE FOR HIS MOTHER'S ESTATE. HE SAID OVER MANY IN PERSON MEETINGS AND PHONE CALLS HE WAS GIVEN GUIDANCE BY THE ATTORNEYS ON HOW TO PERFORM HIS DUTIES AS A TRUSTEE, BECAUSE THIS WAS ALL NEW TO HIM. HE HAD NEVER BEEN IN THIS ROLE BEFORE. HE STATED HE WAS NOT PROVIDED A CHECKLIST OR BOOK ON HOW TO PERFORM THESE DUTIES. TED SAID THAT HE MADE IT CLEAR TO HIS SIBLINGS THAT HE IS THE TRUSTEE ON SHIRLEY'S TRUST. TED STATED THAT HE WAS TOLD THAT SHIRLEY'S TRUST WAS TO BE DISTRIBUTED AMONGST HER 10 GRANDCHILDREN. TED STATED THAT HE DID NOT READ ALL OF SHIRLEY'S TRUST DOCUMENTS AND THAT SPALLINA AND TESCHER HAD BOTH TOLD HIM SEVERAL TIMES HOW SHIRLEY'S TRUST WAS TO BE DISTRIBUTED.

TED SAID THAT HE DID READ IN THE DOCUMENTS WHERE THE 10 GRANDCHILDREN WERE TO RECEIVE THE ASSETS FROM THE TRUST. HE SAID THAT HE DID ISSUE A PARTIAL DISTRIBUTION TO THE SEVEN OF THE 10 GRANDCHILDREN. HE DID NOT ISSUE

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P A L M B E A C H C O U N T Y S H E R I F F ' S O F F I C E PAGE 3
CASE NO. 14029489 SUPPLEMENT 1 O F F E N S E R E P O R T CASE NO. 14029489
DISPOSITION: ZULU

DISTRIBUTIONS TO ELIOT'S CHILDREN BECAUSE ELIOT REFUSED TO SET UP ACCOUNTS FOR THE FUNDS TO BE SENT TOO. HE ALSO TOLD ME THAT ELIOT TOLD JUDGE COLIN IN COURT THAT HE DID NOT WANT TO SET UP THE ACCOUNTS FOR HIS CHILDREN TO RECEIVE THE FUNDS, BECAUSE THE FUNDS BELONG TO HIM, NOT HIS CHILDREN. HE STATED THAT ELIOT HAD MENTIONED OTHER REASONS IN E-MAILS FOR NOT TAKING THE MONEY. HE ALSO STATED THAT ELIOT REFERENCED THE MONEY AS CRIME OR BLOOD MONEY.

HE STATED THAT SPALLINA TOLD HIM IT WAS OK TO DISTRIBUTE THE FUNDS. HE STATED THAT TESCHER AND SPALLINA RESPONDED VIA E-MAIL ON HOW TO RECEIVE THE FUNDS, SUCH AS SETTING UP TRUST ACCOUNTS FOR THE FUNDS TO GO INTO. TED TOLD ME THAT THERE WERE CONVERSATIONS, WHERE HE WAS TOLD THAT SIMON'S ASSETS COULD NOT BE DISTRIBUTED DUE TO CREDITORS FILING AGAINST THE ESTATE, BUT HE WAS LEAD TO BELIEVE IT WAS OK TO MAKE A PARTIAL DISTRIBUTION OF FUNDS FROM SHIRLEY'S ESTATE, BUT THAT THEY WOULD NEED TO BE CAREFUL IN REGARDS TO DISTRIBUTING FUNDS THAT WERE OBTAINED THROUGH LIQUIDATING HER JEWELRY AND PERSONAL PROPERTY. TED ALSO COMMENTED THAT ONE OF THE GOALS OF MAKING THE DISTRIBUTIONS WAS TO ASSIST ELIOT AND HIS FAMILY, BECAUSE THEY WERE RUNNING LOW ON FUNDS. HE STATED THIS DERIVED FROM ELIOT'S POTENTIAL MISUSE OF FUNDS THAT WERE IN HIS CHILDREN'S TRUSTS IN RELATION TO BERNSTEIN FAMILY REALITY (ELIOT'S HOME) AND ELIOT'S SPENDING AND EXPENSES.

TED CONFIRMED THAT HE DID NOT MAKE ANY DECISIONS IN RELATION TO SIMON'S INSURANCE POLICY GENERATED OUT OF CHICAGO, ILLINOIS. HE STATED THAT HE UNDERSTOOD THE POLICY TO BE OWNED BY SIMON PERSONALLY. HE STATED HE UNDERSTOOD THE POLICY TO READ AS, SHOULD SHIRLEY PASS BEFORE HIM, THE BENEFITS WOULD GO TO THE FIVE CHILDREN.

TED CONFIRMED THAT HE WAS NOT THE TRUSTEE FOR SIMON'S ESTATE, BUT THAT IT WAS EXPLAINED TO HIM, VERBALLY, THAT ALL 10 GRANDCHILDREN WILL RECEIVE THE ASSETS FROM THAT ESTATE IN AN EQUAL DISTRIBUTION AT SOME POINT IN TIME. WE DID DISCUSS THE POWER OF APPOINTMENT PUT IN THE TRUST DOCUMENTS. IT APPEARED AS IF TED WAS NOT AWARE OF ANYTHING CALLED A POWER OF APPOINTMENT, UNTIL THE LAST FEW WEEKS. THAT WAS WHEN SPALLINA NOTIFIED THE COURTS OF HIS WITHDRAW FROM BEING THE ATTORNEY FOR SIMON AND SHIRLEY'S ESTATES. IT APPEARS IT WAS EXPLAINED TO HIM AT THAT TIME.

TED TOLD ME THAT HE AND HIS FATHER HAD A GOOD BUSINESS AND PERSONAL RELATIONSHIP. HE SAID THAT HE HAS A GOOD RELATIONSHIP WITH ALL OF HIS SIBLINGS, EXCEPT FOR ELIOT. HE SAID THAT HE GOT ALONG WITH HIS MOTHER, PRIOR TO HER PASSING. HE TOLD ME THAT RACHEL WALKER WAS EMPLOYED BY HIS MOTHER AND FATHER. HE SAID THAT HE GOT ALONG WITH WALKER AND THAT SHE HELPED HIS MOTHER, SHIRLEY, PRIOR TO SHIRLEY'S PASSING. TED TOLD ME THAT MARITZA PUCCIO WAS SOMEONE THAT WORKED FOR HIM AND AS WELL AS HIS PARENTS. HE STATED THAT SHE HELPED AROUND THE HOMES, CLEANING AND/OR CARING FOR CHILDREN. HE STATED THAT HE MET HER AROUND 2003 OR 2005. HE SAID THAT HE NO LONGER HAS A RELATIONSHIP

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 4
CASE NO. 14029489 SUPPLEMENT 1 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU

WITH HER. HE SAID THAT SIMON DID HAVE AN INTIMATE RELATIONSHIP WITH PUCCIO AFTER SHIRLEY PASSED. HE STATED THAT PUCCIO DID RECEIVE SOME TYPE OF FINANCIAL BENEFIT FROM SIMON, PRIOR TO HIM PASSING. HE SAID THAT PUCCIO WAS LIVING WITH SIMON AND HER BILLS WERE BEING PAID FOR. THIS MAY OR MAY NOT BE THE FINANCIAL BENEFIT; TED DID NOT SEEM TO BE SURE. HE DID STATE THAT IT APPEARED THAT SIMON WAS GENUINELY INVESTED INTO THE RELATIONSHIP HE HAD WITH PUCCIO.

TED SAID THAT HE HAS NOT SPOKEN TO SPALLINA ABOUT HIM WITHDRAWING FROM BEING THE ATTORNEY FOR THE TRUSTS, BUT THAT HE DID SPEAK WITH TESCHER. HE SAID THAT TESCHER TOLD HIM HE HAD BEEN MADE AWARE OF A FABRICATED DOCUMENT THAT WAS POTENTIALLY PROBLEMATIC FOR THE ESTATES. HE SAID THAT TESCHER TOLD HIM THAT SPALLINA CREATED THE FABRICATED DOCUMENT AND IT ESSENTIALLY IMPACTED THE ABILITY FOR SIMON TO DISTRIBUTE FUNDS TO ALL 10 GRANDKIDS. TED SAID THAT TESCHER TOLD HIM THAT HE HAD ONLY RECENTLY BECOME AWARE OF THIS DOCUMENT, APPROXIMATELY THREE WEEKS AGO FROM TODAY (01/28/14).

ATTORNEY ALAN ROSE PROVIDED A STATEMENT, STATING HE WISHED TO CLARIFY SOME THINGS IN REGARDS TO HOW THE ESTATE DOCUMENTS READ IN HIS OPINION. HE STATED THAT SHIRLEY'S ASSETS WENT TO LISA, JILL, AND ELIOT OR THEIR LINEAL DECEDENTS. HE STATED THAT ONCE SHIRLEY PASSED HER ASSETS WENT INTO HER TRUST. HE STATED THAT SIMON WAS THE SOLE BENEFICIARY FOR HIS LIFE. HE STATED THAT SIMON DID HAVE A POWER OF APPOINTMENT THAT HE COULD EXERCISE; REFERENCE SHIRLEY'S TRUST, CHANGING THE BENEFITS TO LISA, JILL, AND ELIOT'S CHILDREN. SIMON COULD CHANGE HIS DOCUMENTS AT ANY TIME UP TO HIS DEATH. ALAN STATED THERE IS QUESTION AS TO WHETHER OR NOT SIMON HAD THE POWER TO DISTRIBUTE THE FUNDS FROM THE TRUST TO SIX GRANDCHILDREN OR 10. THE 10 WOULD INCLUDE THE CHILDREN OF ALL FIVE OF SIMON'S KIDS.

HE STATED THAT SHIRLEY'S ORIGINAL DOCUMENTS STATE THAT TED AND PAM AND THEIR LINEAL DECEDENTS ARE CONSIDERED PREDECEASED. HE STATED THAT WERE OTHER WAYS TO MAKE SIMON'S WISHES COME TRUE FOR THE ESTATES. HE SAID THAT CHANGES COULD HAVE BEEN MADE TO SIMON'S DOCUMENTS TO REFLECT SHIRLEY'S SO THAT EQUAL DISTRIBUTIONS WERE MADE AMONGST THE 10 GRANDCHILDREN. THIS EXPLANATION OF THE DOCUMENTS GENERATED A SIMILAR IF NOT THE SAME CONCLUSION AS THAT OF SPALLINA'S FROM LAST WEEK.

I ALSO COMMUNICATED WITH ELIOT BERNSTEIN SEVERAL TIMES THIS WEEK AND LAST WEEK IN ATTEMPT TO ARRANGE AN INTERVIEW WITH HIM IN PERSON. HE CANCELED THE LAST TWO MEETINGS WE HAD SET. AT THIS TIME HE HAS REFUSED TO SET A NEW MEETING DATE.

THIS CASE REMAINS OPEN.
DETECTIVE RYAN W. MILLER #7704
01/29/14 @ 1425 HRS.
TRANS. VIA EMAIL/COPY/PASTE: 01/29/2014/MDR/#6405

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1
CASE NO. 14029489 SUPPLEMENT 2 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU
DIVISION: DETECTIVE

911:
ECONOMIC CRIMES * * *
SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 01/31/14 THURSDAY
ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS
EXCEPTION TYPE:
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700
CITY: BOCA RATON STATE: FL ZIP: 33431
NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
LOCATION: OTHER
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

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ON 01/29/14 I ATTEMPTED TO MAKE CONTACT WITH LISA FRIEDSTEIN, JILL IANTONI, AND PAMELA SIMON VIA E-MAIL. THEY ARE THE THREE DAUGHTERS OF SIMON AND SHIRLEY BERNSTEIN. I USED THE INFORMATION THAT WAS PROVIDED TO ME BY ELIOT ON 09/10/13. I ATTACHED READ RECEIPTS TO THE E-MAIL. I RECEIVED A READ RECEIPT FROM PAMELA 01/30/14 AT 4:59 AM. ON 01/30/14 I PLACED PHONE CALLS TO JILL AND LISA, USING THE PHONE NUMBERS ELIOT HAD PROVIDED ME. I LEFT MESSAGES ASKING THEM TO CALL ME BACK. ON 01/31/14 I BRIEFLY SPOKE WITH LISA, BUT ASKED THAT SHE CALL BACK SO WE CAN FURTHER DISCUSS THIS CASE. TO DATE, I HAVE NOT RECEIVED A CALL OR E-MAIL FROM PAM OR JILL. THIS CONCLUDES MY SUPPLEMENTAL REPORT.

THIS CASE REMAINS OPEN.
DETECTIVE RYAN W. MILLER #7704
01/31/14 @ 1430 HRS.
TRANS. VIA EMAIL/COPY/PASTE: 02/04/2014/MDR/#6405

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1
CASE NO. 14029489 SUPPLEMENT 3 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU
DIVISION: DETECTIVE

911:
ECONOMIC CRIMES * * *
SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 02/12/14 THURSDAY
ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS
EXCEPTION TYPE:
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700
CITY: BOCA RATON STATE: FL ZIP: 33431
NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
LOCATION: OTHER
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

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ON 02/11/14 I REACHED OUT TO KIMBERLY MORAN IN ATTEMPT TO SPEAK WITH HER
REFERENCE THIS CASE. ON 02/12/14 I WAS INFORMED BY HER ATTORNEY THAT SHE
WISHES TO EXERCISE HER RIGHT TO NOT SPEAK WITH ME REFERENCE THIS CASE.
THIS CASE REMAINS OPEN.
DETECTIVE RYAN W. MILLER #7704
02/12/14 @ 0850 HRS.
TRANS. VIA EMAIL/COPY/PASTE: 02/13/2014/MDR/#6405

printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

P A L M B E A C H C O U N T Y S H E R I F F ' S O F F I C E PAGE 1
 CASE NO. 14029489 SUPPLEMENT 4 O F F E N S E R E P O R T CASE NO. 14029489
 DISPOSITION: ZULU
 DIVISION: DETECTIVE

911:
 ECONOMIC CRIMES * * *
 SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 02/12/14 THURSDAY
 ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021
 OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS
 EXCEPTION TYPE:
 INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700
 CITY: BOCA RATON STATE: FL ZIP: 33431
 NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
 LOCATION: OTHER
 NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

ON 02/12/14 I SPOKE WITH SAMUEL KAPLAN OF LOS ANGELES, CA. WE SPOKE OVER THE PHONE (818-501-7766). HE CONFIRMED HE WAS SIMON BERNSTEIN'S FRIEND OF MANY YEARS, GOING BACK TO TEENS. HE TOLD ME THAT THEY TALKED AT LEAST EVERY DAY, SOMETIMES TWICE A DAY. HE TOLD ME THAT FOR MANY MONTHS AHEAD OF SIMON'S PASSING SIMON TOLD HIM THAT HE WAS LEAVING EVERYTHING TO THE GRANDCHILDREN NOT HIS CHILDREN. KAPLAN SAID THAT SIMON TOLD HIM ON SEVERAL OCCASIONS THAT THE GRANDCHILDREN WERE GETTING AN INHERITANCE FROM THE ESTATE(S), NOT THE CHILDREN. HE SAID THAT SIMON DID NOT GET DOWN TO THE SPECIFICS OF WHAT ESTATE (SHIRLEY'S OR HIS), BUT HE TOOK IT AS EVERYTHING (BOTH ESTATES), DIDN'T REALLY ASK MUCH AS IT WAS NOT HIS BUSINESS. KAPLAN TOLD ME THAT HE FELT THAT SIMON WAS OF SOUND MIND AND HAD TO NO REASON TO BELIEVE OTHERWISE.

THIS CASE REMAINS OPEN.
 DETECTIVE RYAN W. MILLER #7704
 02/12/14 @ 1217 HRS.
 TRANS. VIA EMAIL/COPY/PASTE: 02/14/2014/MDR/#6405

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1
CASE NO. 14029489 SUPPLEMENT 5 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU
DIVISION: DETECTIVE

911:
ECONOMIC CRIMES * * *
SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 02/14/14 THURSDAY
ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS
EXCEPTION TYPE:
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700
CITY: BOCA RATON STATE: FL ZIP: 33431
NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
LOCATION: OTHER
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

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ON 02/06/14 I SPOKE WITH JILL IANTONI. HER ATTORNEY WILLIAM PEARSON WAS PRESENT WITH ME DURING THE PHONE CALL. IANTONI WAS NOT SURE IF SHE WAS AWARE THAT HER PARENTS WERE MEETING WITH TESCHER AND SPALLINA BACK IN 2007. SHE DOES NOT THINK SHE WAS AWARE IN 2008 THAT WILLS AND TRUSTS WERE DRAWN UP FOR HER PARENTS. SHE TOLD ME THAT SHE PROBABLY REALIZED THERE WERE WILLS AND TRUSTS ONCE HER DAD TOLD HER HE HAD CHANGED OR WAS CHANGING HIS TRUST OR IT WAS POSSIBLE SHE BECAME AWARE ONCE HER MOM PASSED, BUT SHE REALLY IS NOT CERTAIN. SHE TOLD ME THAT NO ONE CALLED HER AFTER HER MOM PASSED AWAY AND TOLD HER SPECIFICALLY SHE WAS RECEIVING AN INHERITANCE FROM HER MOTHER'S TRUST (THAT SHE REMEMBERS).

SHE SAID THAT SHE REMEMBERS BEING ON A CONFERENCE CALL WITH HER SIBLINGS, HER FATHER, AND ROBERT SPALLINA. SHE SAID THAT SPALLINA SPOKE ON BEHALF OF SIMON, STATING IT WAS NOT AN EASY CALL TO MAKE. SHE SAID SHE WAS TOLD THAT HER FATHER MADE A DECISION BASED ON CONVERSATIONS HE HAD WITH OTHER SIBLINGS, THAT HER FATHER WAS GOING TO CHANGE HIS TRUST AND/OR WILL (SAID NOT SURE WHICH). SHE SAID THAT SPALLINA DID NOT FEEL IT WAS A GOOD DECISION FOR SIMON TO MAKE. SHE SAID THAT SPALLINA STATED HE ADVISED AGAINST IT. SHE TOLD ME THAT SPALLINA SAID, HOWEVER IT WAS UP TO SIMON TO MAKE HIS OWN DECISIONS AND THAT SIMON FELT CHANGES NEEDED TO BE MADE.

SHE TOLD ME THAT SPALLINA SAID THAT SIMON WANTED EVERYTHING TO GO TO HIS 10 GRANDCHILDREN. SHE SAID THAT HER FATHER DID NOT ASK HER ON THIS PHONE CONVERSATION SPECIFICALLY IF SHE WAS OK WITH THIS. SHE SAID SHE DOES NOT REMEMBER WHAT SHE SAID DURING THE CONFERENCE CALL IN REGARDS TO AGREEING WITH IT. SHE TOLD ME THAT SHE MAY HAVE HOWEVER SIGNED SOME SORT OF DOCUMENT

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 2
CASE NO. 14029489 SUPPLEMENT 5 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU

AGREEING TO IT.

SHE SAID THAT CONVERSATIONS TOOK PLACE AFTER THE CONFERENCE CALL, WHICH SHED SOME LIGHT ON TO WHY HER FATHER WAS MAKING THE CHANGES. SHE SAID SHE UNDERSTOOD IT MORE THEN. SHE ALSO TOLD ME SHE WAS NEVER UNDER THE THOUGHT PROCESS THAT SHE WAS RECEIVING AN INHERITANCE, SO SHE WAS NOT DEVASTATED ONCE SHE FOUND OUT HER FATHER WAS MAKING CHANGES. SHE DID IMPLY THAT HER FATHER HAD CONVERSATIONS WITH HER SISTER, PAM, WHICH IN TURN INFLUENCED HIS DECISION TO CHANGE HIS TRUST. SHE TOLD ME THAT SHE DOES NOT REMEMBER IF SHE WAS TOLD DURING THE CONFERENCE CALL WHAT HER MOTHER'S TRUST SAID, NOR DOES SHE REMEMBER IF THEY TALKED ABOUT A LIFE INSURANCE POLICY DURING THIS CALL.

JILL TOLD ME THAT ONCE HER FATHER PASSED THERE WAS A PHONE CALL(S) WITH SPALLINA WHERE HE AGAIN STATED THAT HE ADVISED SIMON AGAINST WHAT HE DID AND WAS VERY ADAMANT THAT PAM WAS CUT OUT OF AN INHERITANCE. SHE SAID THAT ONCE TIME PASSED, SPALLINA'S STANCE SEEMED TO SOMEWHAT CHANGE. SHE STATED THAT SHE IS NOT SURE WHO REACHED OUT TO REFERENCE THE PARTIAL DISTRIBUTION OF FUNDS. SHE TOLD ME SHE DID NOT REALIZE HER MOTHER'S CONDO WAS UP FOR SALE, UNTIL IT SOLD. SHE STATED THAT, ALTHOUGH SHE ASKED FOR PAPERWORK, SHE NEVER RECEIVED IT REFERENCE THE SALE OF THE CONDO.

SHE TOLD ME THAT SHE BELIEVES SHE DID SIGN A PAPER REFERENCE RECEIVING THE PARTIAL DISTRIBUTION, BUT IS NOT REALLY SURE WHAT IT SAID. SHE STATED THAT HER BROTHER-IN-LAW, SKOOTER (PAM'S HUSBAND) DAVID SIMON, TED, AND SPALLINA ALL DISCUSSED TAKING THE PARTIAL DISTRIBUTIONS, DUE TO THE FACT THAT CREDITORS COULD HAVE CLAIM TO IT. SHE TOLD ME THAT SHE CANNOT REMEMBER WHAT WAS SAID WORD FOR WORD, BUT THAT DAVID SIMON SEEMED TO BE PUSHING THE ISSUE AND THAT TED MENTIONED NEEDING TO LOOK INTO IT MORE LEGALLY, REFERRING TO STANSBURY AND A CLAIM THEY MAY HAVE OR WAS COMING.

SHE STATED THAT SHE SUPPLIED A STATEMENT TO THE BEST AS SHE COULD REMEMBER IT. SHE SAID, SHE BELIEVES SHE WOULD WANT TO PURSUE CHARGES IF SOMETHING CRIMINAL CAME OF THIS AND SHE WAS THE VICTIM.

THIS CONCLUDED THE INTERVIEW. THIS CASE REMAINS OPEN.

DETECTIVE RYAN W. MILLER #7704

02/14/14 @ 1120 HRS.

TRANS. VIA EMAIL/COPY/PASTE: 02/24/2014/MDR/#6405

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1
 CASE NO. 14029489 SUPPLEMENT 6 OFFENSE REPORT CASE NO. 14029489
 DISPOSITION: ZULU
 DIVISION: DETECTIVE

911:
 ECONOMIC CRIMES * * *
 SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 02/14/14 THURSDAY
 ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021
 OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS
 EXCEPTION TYPE:
 INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700
 CITY: BOCA RATON STATE: FL ZIP: 33431
 NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
 LOCATION: OTHER
 NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

ON 02/14/14 I RECEIVED COPIES OF RECEIPT OF PARTIAL DISTRIBUTION FORM FROM ATTORNEY ALAN ROSE. I RECEIVED A FORM SIGNED BY PAMELA SIMON IN REGARDS TO MOLLY SIMON, SIGNED AUGUST 30, 2013. I RECEIVED ONE SIGNED BY JILL IANTONI IN REGARDS TO JULIA IANTONI SIGNED ON AUGUST 30, 2013. I RECEIVED THREE SIGNED BY TED BERNSTEIN, ONE FOR EACH MICHAEL, ALEXANDRIA, AND ERIC BERNSTEIN. THEY WERE NOT DATED.

THE FORM READS THAT THE AFOREMENTIONED GRANDCHILDREN (MOLLY, JULIA, MICHAEL, ALEXANDRIA, AND ERIC) OF SIMON BERNSTEIN ARE TO RECEIVE \$80,000 EACH INTO THEIR TRUSTS. IT ALSO STIPULATES THAT THE MONEY IS TO BE RETURNED IF THE COURTS DEEM THAT IT WAS IMPROPERLY DISTRIBUTED. IT REFERENCES THE SHIRLEY BERNSTEIN TRUST AGREEMENT.

THIS CASE REMAINS OPEN.
 DETECTIVE RYAN W. MILLER #7704
 02/14/14 @ 1457 HRS.
 TRANS. VIA EMAIL/COPY/PASTE: 02/20/2014/MDR/#6405

 printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

P A L M B E A C H C O U N T Y S H E R I F F ' S O F F I C E PAGE 1

CASE NO. 14029489 SUPPLEMENT 7 O F F E N S E R E P O R T CASE NO. 14029489

DISPOSITION: ZULU
DIVISION: DETECTIVE

911:
ECONOMIC CRIMES * * *
SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 02/18/14 THURSDAY
ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS
EXCEPTION TYPE:
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700
CITY: BOCA RATON STATE: FL ZIP: 33431

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
LOCATION: OTHER
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

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ON 02/18/14 I MET WITH PATRICIA FITZMAURICE, WHO WAS SIMON'S THERAPIST. SHE INFORMED ME THAT HER SESSIONS WITH HIM WERE CONFIDENTIAL AND SHE WOULD NOT DISCUSS THOSE. SHE DID STATE TO ME THAT HE HAD TOLD HER OUTSIDE OF A SESSION THAT HIS INTENTIONS WERE TO LEAVE HIS ESTATE TO HIS 10 GRANDCHILDREN. THIS CONCLUDED MY DISCUSSION WITH HER. THIS CASE REMAINS OPEN.
DETECTIVE RYAN W. MILLER #7704
02/18/14 @ 1115 HRS.
TRANS. VIA EMAIL/COPY/PASTE: 02/20/2014/MDR/#6405

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1
CASE NO. 14029489 SUPPLEMENT 8 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU
DIVISION: DETECTIVE

911:
ECONOMIC CRIMES * * *
SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 02/18/14 THURSDAY
ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS
EXCEPTION TYPE:
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700
CITY: BOCA RATON STATE: FL ZIP: 33431

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
LOCATION: OTHER
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

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THE FOLLOWING IS A NON-VERBATIM ACCOUNT OF AN INTERVIEW:
ON 02/06/14 I SPOKE WITH LISA FRIEDSTEIN. HER ATTORNEY, WILLIAM PEARSON, WAS PRESENT WITH ME DURING THE TIME I SPOKE WITH LISA. LISA TOLD ME THAT SHE WAS NOT AWARE IN 2007 THAT HER PARENTS MET WITH SPALLINA AND TESCHER. SHE STATED TO ME THAT IN 2008 SHE WAS NOT AWARE OF THE FACT THAT HER PARENTS HAD WILLS AND TRUSTS DRAWN UP. SHE TOLD ME THAT SHE BECAME AWARE OF THE WILLS AND TRUSTS ONCE HER MOTHER PASSED AWAY. SHE SAID THAT ONCE HER MOTHER PASSED, HER FATHER TOLD HER THAT HER MOTHER'S TRUST READ THAT SHE, ELIOT, AND JILL WERE TO RECEIVE AN INHERITANCE FROM HER MOTHER'S ESTATE. SHE SAID THIS CONVERSATION CAME ABOUT BECAUSE PAM SENT SIMON A LETTER QUESTIONING HOW ESTATES WERE TO BE DISTRIBUTED. LISA SAID THAT HE TOLD HER FATHER TO MAKE ANY CHANGES HE FELT NECESSARY, SUGGESTING TO MAKE IT EQUAL ALL IF HE THOUGHT IT SHOULD BE. SHE STATED TO ME THAT THIS WAS A ONE ON ONE CONVERSATION SHE HAD WITH HER FATHER.
LISA TOLD ME THAT SHE REMEMBERS THE CONFERENCE CALL THAT WAS MENTIONED BY HER OTHER SIBLINGS. SHE TOLD ME THAT SPALLINA STARTED THE CONFERENCE CALL AND MENTIONED AT THE BEGINNING OF THE CALL THAT HE WAS AGAINST WHAT SIMON WAS DOING, BUT IT WAS UP TO SIMON TO MAKE HIS OWN DECISIONS. SHE SAID THAT SIMON DECIDED TO CHANGE HOW THE MONEY WAS GOING TO BE DISTRIBUTED FROM THE THREE TO KIDS TO 10 GRANDKIDS. SHE STATED THAT IS AT LEAST HOW SHE UNDERSTOOD IT. SHE TOLD ME THAT HER REACTION TO THIS NEWS WAS SOMETHING SIMILAR TO, OK, THANK YOU FOR LETTING ME KNOW. SHE SAID THAT ELIOT DID QUESTION WHAT WAS HAPPENING, NOT BECAUSE HE DID NOT AGREE, BUT BECAUSE IT WAS OBVIOUS THAT HE DID NOT KNOW HOW THE TRUST READ UNTIL THAT TIME. SHE TOLD ME THAT ULTIMATELY EVERYONE DID AGREE TO WHAT SIMON SAID OR AT LEAST THAT NO ONE DISAGREED.

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CASE NO. 14029489 SUPPLEMENT 8 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU

LISA FIRST TOLD ME THAT SHE DID NOT SIGN ANY OTHER DOCUMENT OTHER THAN THE WAIVER OF ACCOUNTING IN PBSO CASE # 13-097087. THEN SHE TOLD ME THAT SHE REALLY WAS NOT AWARE NOR DID SHE TOTALLY UNDERSTAND WHAT ALL WAS GOING ON. SHE TOLD ME THOUGH THAT SHE REALLY IS NOT CERTAIN EXACTLY WHAT ALL SHE SIGNED AND IT IS POSSIBLE SHE SIGNED BITS AND PIECES OF WHAT WAS SENT TO HER. SHE SAID IT IS VERY POSSIBLE THAT SHE DID NOT SEND BACK ALL THAT WAS SENT TO HER TO SIGN; SHE IS JUST NOT 100% CERTAIN. LISA SAID AFTER HER FATHER PASSED A PHONE CALL TOOK PLACE WITH SPALLINA. SHE SAID THAT SPALLINA STATED WHO WAS THE TRUSTEE OF WHAT ESTATE AND MENTIONED THERE WAS A LIFE INSURANCE POLICY THAT EXISTED BUT THAT THE DOCUMENTS FOR IT WERE MISSING. LISA STATED THAT SHE WAS IN AGREEANCE WITH THE DISTRIBUTIONS OF FUNDS TO THE TEN GRANDKIDS AND FELT SHE HAD NO REASON NOT BE. SHE STATED SHE WAS UNDER THE IMPRESSION THE DISTRIBUTIONS WERE COMING FROM THE SALE OF HER MOTHER'S CONDO AND HER FATHER WANTED THINGS TO BE DISTRIBUTED TO THE 10 GRANDCHILDREN.

SHE STATED THAT SHE DID SIGN SOME SORT OF DOCUMENT WHEN THE DISTRIBUTION WAS BEING MADE. SHE SAID THAT SHE DOES NOT REMEMBER WHAT THE DOCUMENTS SAID, BUT THAT SHE DID RECEIVE THE DOCUMENT FROM TED. SHE SAID SOMEONE DID STATE THAT IT WAS BEST TO MAKE THE DISTRIBUTIONS SO THAT CREDITORS CANNOT GET TO IT, BUT SHE DID NOT THINK THIS WAS SAID BY TED. SHE WAS NOT REALLY CERTAIN WHO SAID THIS.

LISA SWORE TO HER STATEMENT AND SAID SHE WOULD PURSUE CRIMINAL CHARGES IF I FOUND PROBABLE CAUSE FOR AN ARREST AND SHE WAS THE VICTIM.
DETECTIVE RYAN W. MILLER #7704
02/18/2014
TRANS. VIA EMAIL/COPY/PASTE: 02/24/2014/MDR/#6405

printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1
CASE NO. 14029489 SUPPLEMENT 9 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU
DIVISION: DETECTIVE

911:
ECONOMIC CRIMES * * *
SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 02/20/14 THURSDAY
ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS
EXCEPTION TYPE:
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700
CITY: BOCA RATON STATE: FL ZIP: 33431

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
LOCATION: OTHER
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

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ON 02/20/14 I SPOKE WITH RICHARD NACLERIO. HE TOLD ME THAT HE AND HIS WIFE WERE FRIENDS WITH SIMON AND SHIRLEY BERNSTEIN FOR MANY DECADES. HE TOLD ME THAT HE AND SIMON SPOKE ON A REGULAR BASIS. HE TOLD ME THAT HE FELT THAT SIMON WAS HURTING AFTER THE LOSS OF SHIRLEY. HE STATED THAT SIMON TOLD HIM HE (SIMON) WAS VERY HURT BY HOW HIS CHILDREN WERE TREATING HIM AFTER SHIRLEY HAD PASSED. HE SAID IT MAY HAVE HAD SOMETHING TO DO WITH THE RELATIONSHIP SIMON HAD WITH PUCCIO, BUT WAS NOT 100% CERTAIN. HE TOLD ME THAT SIMON TOLD HIM THAT HE (SIMON) WAS LEAVING THE ESTATE TO THE GRANDCHILDREN, NOT HIS CHILDREN.

HE SAID THAT IN HIS OPINION SIMON WAS OF SOUND MIND DURING THE LATTER PART OF HIS LIFE WHEN MAKING ALL HIS DECISIONS RELATING TO HIS ESTATE. HE SAID THAT THE DECISIONS MAY HAVE BEEN MADE OUT OF ANGER, BUT HE IS NOT CERTAIN. NACLERIO ALSO TOLD ME THAT HE DID NOT PRY INTO SIMON'S PERSONAL BUSINESS, BUT WAS JUST A FRIEND LENDING AN EAR WHEN NEEDED.

THIS CASE REMAINS OPEN.
DETECTIVE RYAN W. MILLER #7704
02/20/14 @ 1144 HRS.
TRANS. VIA EMAIL/COPY/PASTE: 02/24/2014/MDR/#6405

printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1
 CASE NO. 14029489 SUPPLEMENT 10 OFFENSE REPORT CASE NO. 14029489
 DISPOSITION: ZULU
 DIVISION: DETECTIVE

911:
 ECONOMIC CRIMES * * *
 SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 02/20/14 THURSDAY
 ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021
 OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS
 EXCEPTION TYPE:
 INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700
 CITY: BOCA RATON STATE: FL ZIP: 33431
 NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
 LOCATION: OTHER
 NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

THIS IS A NON-VERBATIM ACCOUNT OF AN INTERVIEW:
 ON OR ABOUT 02/13/14 I SPOKE WITH RACHEL WALKER. SHE TOLD ME THAT SHE STARTED WORKING FOR SIMON AND SHIRLEY BERNSTEIN IN MAY 2007. SHE TOLD ME THAT SHE ORIGINALLY WORKED FOR SHIRLEY BERNSTEIN UNTIL SHIRLEY PASSED IN 2010, THEN SHE WORKED FOR SIMON. SHE SAID THAT SHE STARTED STAYING AT THE BERNSTEIN'S RESIDENCE WHEN SHIRLEY TOOK ILL. SHE STATED THAT ONCE SHIRLEY PASSED SIMON TOLD HER TO JUST MOVE INTO THE HOME FULLY. SHE SAID THAT SIMON TOLD HER SHE COULD THEN SAVE MONEY ON RENT AND SHE COULD JUST TAKE CARE OF THINGS AROUND HIS HOME. SHE SAID THAT MARITZA PUCCIO ENDED UP MOVING INTO THE HOME. SHE TOLD ME THAT SHE AND PUCCIO DID NOT GET ALONG VERY WELL.
 WALKER TOLD ME THAT SHE REMEMBERS SIGNING SOME DOCUMENTS AS A WITNESS FOR SHIRLEY AND ROBERT SPALLINA. SHE TOLD ME THAT SPALLINA HAD COME OVER TO THE HOME AND THAT SHIRLEY TOLD HER TO SIGN THE DOCUMENTS AS A WITNESS. SHE SAID THAT SHE THINKS IT HAD SOMETHING TO DO WITH SHIRLEY'S WILL, BUT WAS NOT CERTAIN. SHE STATED THAT SOMEONE ELSE WAS WITH SPALLINA, BUT SHE WAS NOT SURE WHO WAS WITH HIM. SHE STATED THAT SHE IS NOT SURE WHAT DOCUMENT THIS WAS, NOT SURE EXACTLY WHEN THIS WAS, AND SHE IS SURE THAT MORAN WAS NOT AT THE HOUSE DURING THIS TIME. SHE STATED THAT THIS MAY HAVE HAPPENED IN 2009, BUT IS NOT CERTAIN.
 I ASKED WALKER IF SHE KNOWS WHAT SHIRLEY'S SIGNATURE LOOKED LIKE. SHE SAID YES, SHE SAID SHE EVEN KIND OF ADOPTED IT. SHE APPEARED TO BE FOND OF SHIRLEY'S SIGNATURE. SHE TOLD ME IT WAS VERY SIMILAR TO A CIRCLE. SHE ADDED HER (SHIRLEY'S) AND SIMON'S WERE BOTH LIKE THAT. SHE TOLD ME THAT SHE DID NOT WITNESS ANY DOCUMENTS (REFERRING TO WILL & TRUST) SIGNED BY SIMON. SHE TOLD

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CASE NO. 14029489 SUPPLEMENT 10 OFFENSE REPORT CASE NO. 14029489
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ME THAT SIMON ALWAYS HANDLED THAT TYPE OF BUSINESS AT HIS OFFICE. SHE TOLD ME THAT SPALLINA DID NOT COME OUT TO SIMON'S HOME TO SIGN ANY DOCUMENTS JUST PRIOR TO HIS DEATH, BUT SHE DID STATE THAT SHE BELIEVES SIMON AND SPALLINA HAD A LUNCH MEETING JUST PRIOR TO HIS DEATH TO GO OVER AND SIGN SOME DOCUMENTS. SHE APPEARED TO BE REFERRING TO THE CHANGES IN SIMON'S TRUST, THE DOCUMENTS DATED JULY 25, 2012.

WALKER TOLD ME THAT PRIOR TO SHIRLEY'S DEATH; SHIRLEY TOLD HER SHE WAS LEAVING HER ESTATE TO LISA, JILL, AND ELIOT. SHE STATED THAT SHIRLEY TOLD HER THAT SHE (SHIRLEY) AND SIMON HAD GIVEN BOTH TED AND PAM BUSINESSES AND THAT THEY SHOULD BE ALL SET FROM THAT. WALKER TOLD ME THAT AFTER SHIRLEY HAD PASSED AND SIMON ENTERED INTO AN INTIMATE RELATIONSHIP WITH PUCCIO, SOME OF HIS CHILDREN AND GRANDCHILDREN BECAME UPSET WITH HIM. SHE SAID THAT IT APPEARED THEY WERE UPSET WITH SIMON OVER THE RELATIONSHIP HE HAD WITH PUCCIO. SHE TOLD ME THAT SIMON DECIDED THAT IT WAS BEST TO LEAVE ESTATE TO THE GRANDCHILDREN AND NOT HIS CHILDREN OVER THE ISSUES THAT WERE GOING ON WITH HIS CHILDREN.

SHE STATED TO ME THAT SIMON TOLD HER HE FELT IT WAS BEST TO HAND EVERYTHING DOWN TO HIS GRANDCHILDREN TO KEEP PEACE AMONGST HIS CHILDREN. WALKER TOLD ME THAT SHE UNDERSTOOD IT AS BOTH ESTATES, SINCE SHIRLEY'S ASSETS BECAME SIMON'S ONCE SHE PASSED. SHE STATED THAT SIMON TOLD HER ON MULTIPLE OCCASIONS THAT HE WANTED HIS ESTATE TO GO TO HIS GRANDCHILDREN. SHE STATED THAT SHE WAS EITHER PRESENT OR OVERHEARD HIM (SIMON) AND SPALLINA DISCUSSING THIS ON MULTIPLE OCCASIONS AS WELL. WALKER TOLD ME THAT SHE WAS PRESENT DURING THE CONFERENCE CALL THAT TOOK PLACE IN MAY OF 2012 WHERE HE (SIMON) TOLD HIS CHILDREN OF HIS WISHES FOR THE ESTATE TO GO TO THE GRANDCHILDREN. SHE TOLD ME THAT ONCE SIMON, THROUGH SPALLINA, REVEALED WHAT CHANGES WERE BEING MADE, ALL HIS CHILDREN SEEMED TO BE COMPLIANT.

WALKER INFORMED ME THAT ALTHOUGH SIMON WAS A FUNCTIONING PERSON AND WENT TO WORK, HE SEEMED DIFFERENT THE LAST TWO MONTHS OF HIS LIFE. SHE SAID THAT HE WOULD COME UP WITH "WEIRD" AND "STRANGE" IDEAS. SHE STATED HE WAS ON MEDICATION FOR HIS ILLNESSES AND ALSO COMPLAINED OF SHOULDER PAIN QUITE OFTEN. SHE TOLD ME THAT HE WAS ON TWO DIFFERENT MEDICATIONS AND SHE HAS SINCE LEARNED AT LEAST ONE OF THOSE MEDICATIONS "MESSES WITH YOUR BRAIN", SO IT MAKES MORE SENSE TO HER NOW, AS TO WHY HE WAS ACTING DIFFERENT AT TIMES. SHE CITED ONE OF THE THINGS THAT SHE CONSIDERED TO BE DIFFERENT WAS THE FACT THAT HE WAS OFF TRAVELING ALL THE TIME WITH HIS GIRLFRIEND. THEN SHE STATED, HE WAS JUST NOT BEING HIMSELF. SHE SAID HE HAD HIS GOOD DAYS AND BAD DAYS. SHE TOLD ME THAT SHE FELT THAT SIMON MADE THE CHANGES TO HIS TRUST OUT OF HIS OWN FREE WILL, BECAUSE HE COULD NOT BE TALKED INTO ANYTHING AND HE DID WHAT HE WANTED TO DO ON A NORMAL BASIS.

WALKER CONCLUDED HER STATEMENT BY SWEARING TO IT. THIS CASE REMAINS

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DISPOSITION: ZULU

OPEN.
DETECTIVE RYAN W. MILLER #7704
02/20/14 @ 0725 HRS.
TRANS. VIA EMAIL/COPY/PASTE: 02/24/2014/MDR/#6405

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1
CASE NO. 14029489 SUPPLEMENT 11 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU
DIVISION: DETECTIVE

911:
ECONOMIC CRIMES * * *
SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 02/21/14 THURSDAY
ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS
EXCEPTION TYPE:
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700
CITY: BOCA RATON STATE: FL ZIP: 33431

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
LOCATION: OTHER
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

ON 02/14/14 RACHEL WALKER SEND ME AN E-MAIL, INCLUDING AN ATTACHMENT SHE RECEIVED FROM ELIOT. IN HER E-MAIL TO ME SHE RESPONDED TO STATEMENTS MADE BY ELIOT IN HIS ATTACHMENT. THE ATTACHMENT WAS TITLED PETITION TO FREEZE ESTATES, WHICH WAS FILED WITH THE PALM BEACH COUNTY CLERK & COMPTROLLER'S OFFICE (SOUTH COUNTY BRANCH) ON MAY 6, 2013. IT IS REGARDING THE ESTATES OF SHIRLEY AND SIMON BERNSTEIN.

THE FOLLOWING IS A COPY OF THE E-MAIL SHE SENT TO ME. I INSERTED THE EXCERPT FROM ELIOTS ATTACHMENT (CAPTURED FROM DOCUMENT), THAT CORRESPONDS WITH WALKER'S RESPONSE. BOTH WERE CUT AND PASTED INTO THIS REPORT EXACTLY HOW THEY WERE WRITTEN BY THE ORIGINATORS.
(P.12 PP.14)

CAPTURED FROM DOCUMENT

14. THAT THE THREE CHILDREN THAT ARE THE DESIGNATED BENEFICIARIES UNDER THE 2008 TRUSTS OF SIMON AND SHIRLEY ARE PETITIONER, JILL AND LISA AND THEIR SIX CHILDREN WHO ALSO WERE BENEFICIARIES. THAT IN PETITIONER'S INSTANCE EVEN PRIOR TO THE PROPOSEDCHANGES, SIMON AND SHIRLEY HAD INTENDED TO LEAVE ALMOST ALL OF HIS INHERITANCE TO HIS THREE CHILDREN DIRECTLY TO PROTECT PETITIONER'S FAMILY FOR SPECIFIC SAFETY REASONS FURTHERDEFINED HEREIN.

(WALKER'S RESPONSE)

THE CHANGE OF BENEFICIARIES WAS NOT DONE AS INTENT FOR PROTECTION. IT WAS DONE THAT WAY TO BE FAIR ACCORDING TO SHIRLEY AND SIMON.
(P.15PP.28)

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CASE NO. 14029489 SUPPLEMENT 11 O F F E N S E R E P O R T CASE NO. 14029489
DISPOSITION: ZULU

CAPTURED FROM DOCUMENT

28. THAT IN FACT, SIMON'S PHYSICAL AND MENTAL HEALTH RAPIDLY DECLINED AND HE NEVER RECOVERED FROM THESE NEW MORE SERIOUS SYMPTOMS THAT STARTED ALMOST EXACTLY WHEN HE SUPPOSEDLY SIGNED THESE NEAR DEATHBED CHANGES ON JULY 25, 2012 TO ALLEGEDLY AMEND AND RADICALLY ALTER HIS EARLIER 2008 TRUST ("2008 TRUST") AND CREATE A NEW ALLEGED 2012 TRUST ("AMENDED TRUST"). COPIES OF THAT ALLEGED 2012 AMENDED TRUST ARE ATTACHED FURTHER HEREIN AND WILL EVIDENCE THAT THAT THE ALLEGED AMENDED TRUST DOCUMENT WAS NOT NOTARIZED, WITNESSED AND EXECUTED PROPERLY IN ACCORDANCE WITH LAW AND PART OF A LARGER SCHEME INVOLVING ALLEGED FORGED AND FRAUDULENT ESTATES DOCUMENTS, AS EVIDENCED AND EXHIBITED FURTHER HEREIN.

(WALKER'S RESPONSE)

THOUGH SIMON SIGNED THE PAPERWORK TO CHANGE BENEFICIARIES IN JULY, HE HAD MADE THE DECISION TO DO SO WELL BEFORE THE MAY 10, 2012 FAMILY CONFERENCE CALL.

(P.17PP.42)

CAPTURED FROM DOCUMENT

42. THAT UPON THIS VISIT, PETITIONER'S SISTERS TOOK NOT ONLY ALL OF SHIRLEY'S CLOTHING AND PERSONAL EFFECTS BUT ALSO TOOK 50 YEARS OF JEWELRY AND OTHER VALUABLES SIMON AND SHIRLEY HAD ACCUMULATED WORTH AN ESTIMATED SEVERAL MILLION DOLLARS AND WERE ASSETS OF THE ESTATES.

(WALKER'S RESPONSE)

THE SISTERS DIDN'T JUST "TAKE" SHIRLEY'S BELONGINGS AND JEWELRY. SIMON ADMINISTERED EACH PIECE TO EACH GIRL AS HE KNEW WERE SHIRLEY'S WISHES AND FAIR. I WAS THERE AND WITNESSED IT.

(P.17PP.45)

CAPTURED FROM DOCUMENT

45. THAT SIMON STATED TO PETITIONER THAT HE HAD NEVER GIFTED, SOLD OR TRANSFERRED THE JEWELRY AND OTHER ITEMS THEY TOOK OUT OF THE ESTATES AND THEREFORE EVERYTHING THEY TOOK THAT WAS PART OF THE ESTATES WOULD ALL STILL BE PART OF THE ESTATES UPON HIS DEATH FOR DISTRIBUTION ACCORDING TO THE ESTATES PLANS TO THE PROPER BENEFICIARIES. SIMON STATED THAT PETITIONER'S SISTERS HAD INVENTORY LISTS OF THE JEWELRY AND THERE WAS AN INSURANCE POLICY ON THE ITEMS THAT THEY TOOK AND ALL WOULD BE RETURNED WHEN HE PASSED FOR EQUITABLE DISTRIBUTION TO THE BENEFICIARIES OF THE ESTATES.

(WALKER'S RESPONSE)

SIMON MAY HAVE TOLD ELIOT THAT, AFTER HE LEARNED OF THE DIVISION OF SHIRLEY'S BELONGINGS, TO CALM ELIOT AFTER LEARNING THIS UPSET HIM.

(P.17PP46)

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 3
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DISPOSITION: ZULU

CAPTURED FROM DOCUMENT

THAT PETITIONER DID NOT LEARN FROM THEODORE UNTIL AFTER SIMON'S DEATH THAT THEODORE WAS EXTREMELY ANGRY AT SIMON, PAMELA, LISA AND JIL UPON LEARNING THAT PETITIONER'S SISTERS TOOK SHIRLEY'S ENTIRE PERSONAL EFFECTS AND JEWELS AND LEFT HIM AND HIS CHILDREN NONE OF IT, NOT EVEN A KEEPSAKE.

(WALKER'S RESPONSE)

NOT TRUE. THERE IS A RING THAT WAS LEFT TO ALLY THAT EVERYONE KNOWS ABOUT.

(P.18PP.47)

CAPTURED FROM DOCUMENT

47. THAT UPON TRYING TO RECRUIT PETITIONER'S IMMEDIATE FAMILY TO JOIN AN ONGOING BOYCOTT AGAINST SIMON A FEW MONTHS AFTER SHIRLEY DIED, IT WAS TOLD TO PETITIONER BY THEODORE'S CHILDREN, ERIC BERNSTEIN ("ERIC"), MICHAEL BERNSTEIN ("MICHAEL") AND HIS STEP SON MATTHEW LOGAN ("MATTHEW") THAT THE REASON ALL THE CHILDREN AND GRANDCHILDREN HAD JOINED TOGETHER TO BOYCOTT SIMON, ACCORDING TO THEODORE AND PAMELA, WAS NOW DUE TO HIS COMPANION, PUCCIO.

(WALKER'S RESPONSE)

A "BOYCOTT" WAS NEVER PLANNED NOR INTENDED FOR THE SITUATION. THOSE KIDS HAD A PAST WITH MARITZA THAT ELIOT AND HIS FAMILY WERE UNAWARE OF. THEY HAD ILL FEELINGS AND EXPERIENCES WITH HER WHICH LED THEM TO DETEST HER RETURN INTO THEIR FAMILY'S LIFE AND RIGHTFULLY SO.

(P.18PP.48)

CAPTURED FROM DOCUMENT

48. THAT THEODORE'S CHILDREN WERE URGING PETITIONER AND HIS FAMILY TO GET ON BOARD AS THEY WERE ENABLING SIMON, AS PUCCIO THEY CLAIMED WAS AFTER HIS MONEY, STEALING HIS MONEY, HAD STOLEN MONEY FROM SHIRLEY AND SIMON IN THE PAST AND WAS NOW PHYSICALLY AND MENTALLY ABUSING SIMON AND OTHER HORRIBLE ALLEGATIONS ABOUT HER. THEY CLAIMED THEY KNEW THINGS ABOUT PUCCIO'S PAST FROM WHEN SHE WORKED FOR THEIR FATHER AS A NANNY. THEY ALLEGED SHE HAD SWINDLED MONEY FROM SIMON REGARDING BREAST IMPLANT MONEY WHEN PUCCIO WORKED FOR SIMON AND SHIRLEY AND MORE. THEY STATED THEY HATED PUCCIO AND REFUSED TO ATTEND ANY FAMILY OCCASIONS WITH HER AS SHE WAS ONLY AFTER SIMON'S MONEY AND HE WAS TOO ENAMORED BY HER TO SEE CLEARLY. THEY STATED THAT SHIRLEY WAS ROLLING OVER IN HER GRAVE AS PUCCIO WOULD DESECRATE THEIR HOME AND ROB SIMON AND THAT PETITIONER MUST JOIN THE BOYCOTT.

(WALKER'S RESPONSE)

TRUE. THEY WERE CORRECT, HOWEVER, IT WASN'T A "BOYCOTT". THEY INFORMED

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 4
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ELIOT OF OF THEIR EXPERIENCES WITH MARITZA, WHICH ELIOT HAD NO CLUE ABOUT SINCE HIS FAMILY WERE NOT IN THE PICTURE DURING THAT TIME.
 (P.18.PP.49)

CAPTURED FROM DOCUMENT

49. THAT PETITIONER AND CANDICE REFUSED TO PARTICIPATE IN SUCH A HURTFUL SCHEME AGAINST SIMON AND PUCCIO AND TOLD THEODORE'S CHILDREN THAT SIMON AND SHIRLEY WOULD BE ASHAMED OF THEIR BIZARRE AND CRUEL BEHAVIOR AND THAT THEY SHOULD NOTCONTINUE TO BOYCOTT SEEING SIMON AS IT WAS BREAKING HIS HEART AND DEPRESSING HIM AND TO TELL THEODORE AND ANYONE ELSE INVOLVED THAT WE THOUGHT THIS WAS A BAD IDEA. ESPECIALLY DISTURBING IS THAT THEODORE'S CHILDREN WERE PARTIALLY RAISED BY SIMON AND SHIRLEY, EVEN WHENTHEY WERE NOT WELL PHYSICALLY, FOR MANY YEARS AND EVEN MOVING THEODORE AND HIS CHILDREN INTO THEIR HOME FOR SEVERAL YEARS. THEY RAISED THEODORE'S CHILDREN DURING A LENGTHY PERSONAL AND FINANCIAL CRISIS THEODORE WENT THROUGH RESULTING IN HIS DECLARING BANKRUPTCY, DIVORCE, LOSS OF HIS HOME AND EVENTUAL TRAGIC OVERDOSE DEATH OF HIS EX-WIFE AND RESULTINGLOSS TO THE CHILDREN OF A MOTHER.

(WALKER'S RESPONSE)

THEY DID NOT "BOYCOTT" SEEING SIMON, THEY REFUSED TO SEE SIMON WHEN HE WAS WITH MARITZA. THEY HAD MANY DATES WITH SIMON WITHOUT MARITZA. SIMON TRIED TO PUSH MARITZA ON EVERYONE IN A VERY UNCOMFORTABLE WAY ESPECIALLY NOT TAKING THEIR PERSONAL FEELINGS INTO ACCOUNT. HE WAS VERY MENTALLY MIXED UP AFTER SHIRLEY PASSED.
 (P.18PP.51)

CAPTURED FROM DOCUMENT

51. THAT AFTER LEARNING OF THIS EXACT PLOY AGAINST SIMON BY ALL OF PETITIONER'S SIBLINGS, THEIR SPOUSES AND EVEN THEIR CHILDREN, PETITIONER WROTE LETTERS AT SIMON'S REQUEST TO THEODORE, TO HAVE HIM STATE EXACTLY WHAT WAS GOING AND WHY HE WAS NOT ATTENDING THE JEWISH HOLIDAY OF PASSOVER WITH HIS FATHER WHO WAS STILL IN MOURNING AT PETITIONER'S HOUSE. THAT THESE CORRESPONDENCES ARE ATTACHED HEREIN AS, EXHIBIT 1 - EMAIL CORRESPONDENCES THEODORE AND ELIOT, AND WHEREIN THEODORE CL *MS, "MY PRIMARY FAMILY IS DEBORAH AND OUR FOUR CHILDREN. THEY COME FIRST, BEFORE ANYTHING AND ANYONE. THE FAMILY I WAS BORN INTO IS NO LONGER, THAT IS JUST A FACT, IT IS NOT A MATTER OF OPINION, IT JUST IS."

(WALKER'S RESPONSE)

IT'S NOT A CRAZY NOTION. THEY ALL TOLD SIMON THAT HE WAS WELCOMED BUT MARITZA IS NOT. SO, ULTIMATELY, IT WAS SIMON'S DECISION TO CHOSE MARITZA OVER HIS FAMILY.
 (P.19PP.53)

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 5
 CASE NO. 14029489 SUPPLEMENT 11 OFFENSE REPORT CASE NO. 14029489
 DISPOSITION: ZULU

 CAPTURED FROM DOCUMENT

53. THAT THE BOYCOTT BY SIMON'S OTHER FOUR CHILDREN AND SEVEN GRANDCHILDREN SENT SIMON INTO DEEP DEPRESSION, WHICH HE BEGAN PSYCHOTHERAPY TO ATTEMPT TO COPE WITH. PETITIONER'S IMMEDIATE FAMILY INCREASED THEIR WEEKLY VISITS TO FILL THE LOSS AND SO BEGAN SEEING SIMON 2-3 TIMES A WEEK OR MORE, TRYING TO SPEND AS MUCH TIME WITH HIM AS HE WAS NOW NOT ONLY SUFFERING FROM THE LOSS OF SHIRLEY WHOM HE LOVED PROFUSELY BUT NOW SUFFERED THE CATASTROPHIC LOSS OF ALMOST HIS ENTIRE FAMILY SUPPOSEDLY OVER HIS GIRLFRIEND.

WALKER'S RESPONSE

THIS IS SIMPLY UNTRUE. SIMON WAS PERPLEXED BY MORE THAN THAT. HE WAS ULTIMATELY DEPRESSED BY THE LOSS OF SHIRLEY AND DIDN'T KNOW HOW TO COPE AND THEREFORE COVERED HIS PAIN WITH THIS MADE UP FANTASY OF HIS RELATIONSHIP WITH MARITZA.

P.19PP.56

CAPTURED FROM DOCUMENT

56. THAT DURING THE TIME FROM SHIRLEY'S DEATH TO SIMON'S DEATH ALL OF SIMON'S CHILDREN BUT PETITIONER BOYCOTTED THEIR FATHER AND HATED ON PUCCIO INCESSANTLY, EVEN AFTER THE MAY 12, 2012 MEETING WITH TS WHERE ALL OF THESE MATTERS WERE TO BE PUT TO REST BY THE PROPOSED CHANGES TO THE 2008 TRUST OF SIMON. AFTER THE MAY 12, 2012 MEETING IT IS BELIEVED THAT JILL FLEW OUT ONCE MORE TO SEE SIMON WITH HER DAUGHTER AND WOULD NOT STAY WITH SIMON IN HIS HOME BECAUSE OF PUCCIO AND THE TRIP WENT SOUR AS SIMON REFUSED TO LEAVE HIS GIRLFRIEND PUCCIO AT HOME.

(WALKER'S RESPONSE)

NOT TRUE. JILL, JULIA AND I ALL STAYED AT THE CONDO. JILL MADE A VALIANT EFFORT TO SEE HER FATHER AND NOT LET HIS PERSONAL RELATIONSHIP WITH MARITZA TAINT THEIRS. WE ALL WENT TO LUNCH TOGETHER AND PUCCIO SHOWED UP LATE AND THEN LEFT BEFORE SITTING AT THE TABLE DUE TO HER OWN INSECURITIES. THAT SAME EVENING WE ALL WENT TO DINNER TOGETHER, INCLUDING MARITZA, AND EVERYTHING WAS FINE. SIMON ACTUALLY CHOSE TO HAVE FATHER'S DAY BRUNCH THE NEXT MORNING WITH MARITZA AND HER FRIENDS INSTEAD OF HIS OWN DAUGHTER AND GRANDDAUGHTER.

(P.19PP.57)

 CAPTURED FROM DOCUMENT

57. THAT THE EXCLUSION FROM THE ESTATES APPEARS NOW TO HAVE BEEN THE BANE OF THEODORE AND PAMELA'S ANGER ALL ALONG AND THE REAL CAUSE OF THEIR BOYCOTT OF SIMON, NOT PUCCIO, NOR WALKER, AND IT APPEARS THEY HAD RECRUITED LISA AND JILL INTO THE SCHEME ALSO BASED ON CONCERN OVER PUCCIO HURTING AND ROBBING THEIR FATHER, NOT ON THE FACT THEY WERE ANGRY OVER THE ESTATES PLANS. HAVING PUCCIO AS THE FOCUS OF THE BOYCOTT COULD GET ALL THE

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CHILDREN TO PARTICIPATE IN THE BOYCOTT IN CONCERN ND DESIGNED TO MAKE SIMON SUFFER WHOLLY THROUGH THE TOTAL LOSS OF HIS CHILDREN AND GRANDCHILDREN AND ALLEGEDLY TRY TO FORCE HIM TO MAKE CHANGES TO THE ESTATES PLANS OR SUFFER NEVER SEEING OR TALKINGTO ANY OF THEM AGAIN.

(WALKER'S RESPONSE)

THIS IS ONLY SPECULATION OF ELIOT

(P.20 PP.58)

CAPTURED FROM DOCUMENT

58. THAT IN THE MAY 12, 2012 MEETING, SIMON CLEARLY STATED THAT THE REASON HE WAS MAKING THESE CHANGES WAS TO RESOLVE FAMILY PROBLEMS CAUSED BY THE EXCLUSION OF THEODORE AND PAMELA THAT WERE CAUSING HIM TOO MUCH STRESS. CLEARLY SIMON WAS UNDER UNDUE PRESSURE TO CONTEMPLATE MAKING THESE CHANGES, DESPERATE TO SEE HIS CHILDREN AND GRANDCHILDREN AND PHYSICALLY AND MENTALLY BEATEN DOWN. AT THIS MAY 12, 2012 MEETING, PETITIONER LEARNED THAT THIS ASSAULT MAY HAVE BEEN DUE TO THEODORE AND PAMELA'S ANGER OVER THEIR EXCLUSION AND CLAIMING THE BUSINESSES THEY HAD ACQUIRED WERE NOT DOING AS WELL AS WHEN THEY ACQUIRED THEM AND THEY WANTED BACK IN ON THE REMAINING ESTATES ASSETS.

(WALKER'S RESPONSE)

THE CHANGES WEREN'T MADE BECAUSE HE HADN'T SEEN HIS FAMILY MEMBERS. HE HADN'T SEEN HIS FAMILY MEMBERS BECAUSE HE CHOSE PUCCIO OVER SEEING THEM. HE MADE THE CHANGES BECAUSE EVEN THOUGH HE AND SHIRLEY ALREADY AGREED THEIR PLAN WAS FAIR, HE DECIDED TO SKIP THE CHILDREN DUE TO ARGUMENTS AND FELT IT WAS FAIR FOR THE GRANDCHILDREN WITHOUT ANY FURTHER ARGUMENTS.

(P.21 PP.71II)

CAPTURED FROM DOCUMENT

71. THAT IN THE EIGHT WEEKS FROM JULY 15, 2012 WHEN SIMON ALLEGEDLY SIGNED THE IMPROPERLY NOTARIZED AND IMPROPERLY WITNESSED ALLEGED 2012 AMENDED TRUST AND THE TIME SIMON PASSED ON SEPTEMBER 13, 2012, HIS HEALTH WENT WHOLLY DOWNHILL TO HIS SUDDEN AND UNEXPECTED DEATH. IN THE EIGHT WEEKS AFTER HE SUPPOSEDLY SIGNED THE ALLEGED 2012 AMENDED TRUST, SIMON,

II. WAS DELIRIOUS, CONFUSED AND SUFFERING FROM HALLUCINATIONS AND FAINTING SPELLS,

(WALKER'S RESPONSE)

FAINTING AND DIZZY SPELLS DIDN'T HAPPEN UNTIL LATE AUGUST/EARLY SEPTEMBER.

(P.21PP.71IV)

CAPTURED FROM DOCUMENT

71 . THAT IN THE EIGHT WEEKS FROM JULY 15, 2012 WHEN SIMON ALLEGEDLY

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SIGNED THE IMPROPERLY NOTARIZED AND IMPROPERLY WITNESSED ALLEGED 2012 AMENDED TRUST AND THE TIME SIMON PASSED ON SEPTEMBER 13, 2012, HIS HEALTH WENT WHOLLY DOWNHILL TO HIS SUDDEN AND UNEXPECTED DEATH. IN THE EIGHT WEEKS AFTER HE SUPPOSEDLY SIGNED THE ALLEGED 2012 AMENDED TRUST, SIMON,

IV. WAS GIVEN AN IMPROPER PILL OF AMBIEN BY PUCCIO, ALONG WITH AN UNKNOWN AMOUNT OF PRESCRIBED PAIN MEDICINE ON SEPTEMBER 08, 2012, CAUSING PUCCIO TO PANIC AND STATE THAT SHE MAY HAVE CAUSED HIM HARM. PUCCIO CALLED PETITIONER'S HOME WORRIED AS ALL NIGHT AS HE HAD NOT SLEPT WATCHING OVER SIMON AND NOW WANTED TO RUSH SIMON TO THE HOSPITAL. PUCCIO ASKED CANDICE TO COME TO THE HOME IMMEDIATELY AS SHE THOUGHT HE MAY BE DYING AND EVALUATE HIS CONDITION. PUCCIO CLAIMED HE WAS HALLUCINATING AND DELIRIOUS AND SPEAKING TO HIS MOTHER ON THE BED, PROMPTING CANDICE TO IMMEDIATELY GO TO SIMON'S HOME TO ASSESS HIS HEALTH. SIMON THEN WENT TO DR. IRA PARDO, MD ("PARDO") OF BOCA RATON WITH PUCCIO WHERE WHERE SIMON WAS CLEARED OF ANY DANGER AND LET HOME BY PARDO ACCORDING TO BY PARDO ACCORDING TO PUCCIO.

(WALKER'S RESPONSE)

THIS WAS THE SUNDAY PRIOR TO SIMON'S PASSING THAT I WAS CALLED TO COME OVER AND SIMON WAS TOTALLY OUT OF IT. THIS IS THE DAY I TOOK ALL OF HIS MEDICATIONS AND HID THEM FROM HIM BECAUSE HE COULDN'T REMEMBER WHAT OR WHEN HE DID ANYTHING. I LEFT A LIST FOR MARITZA TO ADMINISTER HIS MEDS WHEN AND HOW MUCH AND NOT TO LEAVE HIM ALONE AT THE HOUSE OR IN A ROOM AS HE COULD HARM HIMSELF. I ALSO FOUND VICODIN IN HIS LITTLE HEART PILL CONSOLE HE KEEPS ON HIM AT ALL TIMES. I ACTUALLY STILL HAVE A 30 MINUTE RECORDING ON MY PHONE WHICH I LEFT IN THE KITCHEN SECRETLY WITH MARITZA AND SIMON AS I WENT UPSTAIRS TO GATHER HIS MEDICINES. I CAN'T REALLY HEAR MUCH OF WHAT IS SAID ON IT BUT MAYBE A PROFESSIONAL CAN IF YOU THINK THIS WOULD BE PRUDENT TO THE CASE.
(P.22PP76)

CAPTURED FROM DOCUMENT

76. THAT SIMON WAS TAKEN TO THE HOSPITAL SUFFERING FROM PAIN, BLOATING, DIZZINESS AND MENTAL CONFUSION AND DISORIENTATION AND IN SEVERE PAIN. HE SPENT THE DAY DOING TESTS AND MEETING WITH HEART AND INFECTIOUS DISEASE PHYSICIANS. AT FIRST, EARLY IN THE DAY, DOCTORS ADVISED PETITIONER THAT HIS FATHER HAD SUFFERED A HEART ATTACK. PETITIONER IMMEDIATELY CONTACTED HIS SIBLINGS TO NOTIFY THEM OF THE PERIL SIMON WAS IN AND HAVE THEM GET TO THE HOSPITAL ASAP. JILL AND LISA IMMEDIATELY HOPED ON THE NEXT PLANE OUT OF CHICAGO AND ARRIVED SEVERAL HOURS LATER. THEODORE CLAIMED TO HAVE TO ATTEND A MEETING BEFORE COMING AND ARRIVED BOCA SEVERAL HOURS LATER AND BEGAN TO REQUEST A VARIETY OF CARDIOLOGISTS PERSONALLY KNOWN TO HIM TO TREAT SIMON AND NONE OF THEM CAME, DELAYING GETTING ANYTHING DONE FOR A FEW MORE HOURS. SIMON'S NORMAL CARDIOLOGIST, SETH J. BAUM, MD, FACC, FACPM, FAHA, FNLA COULD

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NOT HANDLE THE CASE DUE TO SOME FORM OF CONFLICT WITH THE HOSPITAL BUT HE WAS TO HAVE SENT HIS MEDICAL RECORDS TO THE HOSPITAL. IN THE END THE HOSPITAL'S CARDIOLOGIST WAS APPOINTED AS ATTENDING CARDIOLOGIST.

(WALKER'S RESPONSE)

DR. BAUM WAS WEIRDLY UNAVAILABLE FOR SEVERAL HOURS BEFORE LEARNING THAT HE COULDN'T TREAT SIMON AT THAT HOSPITAL. WE CALLED MANY TIMES STATING AN EMERGENCY AND REQUESTING DOCUMENTS AND HE IGNORED. COMPLETELY OUT OF CHARACTER FOR HIM.

(P.24PP.86)

CAPTURED FROM DOCUMENT

86. THAT THE HOSPITAL STATED THAT WITHOUT PAPERS TO THE CONTRARY, PETITIONER WAS THE DESIGNATED PERSON IN CHARGE OF ANY MEDICAL DECISIONS FOR SIMON AND SOPETITIONER STATED THAT THEY SHOULD CONTINUE TO RESUSCITATE SIMON, AT LEAST UNTIL A DOCTORCOULD ARRIVE TO DETERMINE HIS CONDITION AND MAKE DETERMINATION AS TO WHAT WAS CAUSING THISSUDDEN AND BIZARRE MELTDOWN OF HIS VITAL ORGANS.

(WALKER'S RESPONSE)

UPON ARRIVAL TO THE HOSPITAL THAT MORNING, ELIOT HAD TAKEN IT UPON HIMSELF TO DESIGNATE HIMSELF AS SIMON'S HEALTH CARE PROXY. IT IS KNOWN TO ALL THE FAMILY THAT SIMON'S LIVING WILL STATES TO NOT RESUSCITATE IF QUALITY OF LIFE DETERIORATES.

(P.24PP.87)

CAPTURED FROM DOCUMENT

87. THAT SEVERAL MORE RESUSCITATIONS WERE NECESSARY AND ALL OF THE OTHER SIBLINGS WANTED PETITIONER TO "PULL THE PLUG" INSTANTLY WITH NO FURTHER LIFESAVING EFFORTS AND LET HIM DIE, CLAIMING HE WANTED TO BE WITH SHIRLEY AND SO NO FURTHER EFFORTS SHOULD BE MADE TO SAVE HIS LIFE AND TELLING HIM TO GO BE WITH HER AND MORE.

(WALKER'S RESPONSE)

THE AMOUNT OF RESUSCITATIONS DONE BY STAFF AND DOCTORS WAS BEYOND THEIR EXPERT ADVICE BUT WITHOUT SIMON'S LIVING WILL IN HAND ELIOT KEPT MAKING THE DECISION TO RESUSCITATE UNTIL THE DOCTOR FINALLY CAME OUT AND SAID THAT ITS NEARLY ABUSE TO HIS BODY AT THIS POINT. THOUGH IN ELIOT'S DEFENSE HE WAS IN COMPLETE DESPAIR AND UNABLE TO TAKE IN THE HORRIBLE REALITY CLOUDED HIS DECISION MAKING.

(P.24PP.89)

CAPTURED FROM DOCUMENT

89. THAT UNBEKNOWNST TO PETITIONER, DURING THE LIFE SAVING EFFORTS WALKER ALLEGEDLY WAS ORDERED TO GO TO THE HOME AND RETRIEVE WILLS AND TRUSTS OF SIMON BY THEODORE THAT MIGHT HAVE A LIVING WILL AND ADVANCE DIRECTIVES FOR

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MEDICAL DECISIONS, AS THE SIBLINGS FELT THAT PETITIONER WOULD NOT STOP WHEN SIMON WOULD HAVE WANTED THEM TO STOP AND LET HIM DIE WITHOUT FURTHER ATTEMPTS AT RESUSCITATION. THE SITUATION WAS NOT HOWEVER LIKE SIMON WAS IN A VEGETATIVE STATE FOR A PERIOD OF TIME AND WE WERE DECIDING TO DISCONTINUE LIFE SUPPORT AFTER CAREFUL CONSIDERATION. PETITIONER ALSO WAS UNAWARE THAT CANDICE HAD BEEN SENT TO SIMON'S TO ACCOMPANY WALKER.

(WALKER'S RESPONSE)

TRUE. SIMON WAS IN A VEGETATIVE STATE AS ADVISED BY THE ER DOCTOR.
(P.25PP.92)

CAPTURED FROM DOCUMENT

92. THAT WITHIN MINUTES AFTER SIMON'S DEATH, PETITIONER WAS INSTRUCTED BY THEODORE TO GO IMMEDIATELY TO SIMON'S HOUSE TO MAKE SURE THAT HIS COMPANION PUCCIO WAS NOT ROBBING THE HOUSE, WHICH SEEMED STRANGE TO PETITIONER. PETITIONER WONDERED WHY PUCCIO, CANDICE AND WALKER HAD LEFT THE HOSPITAL IN THE FIRST PLACE PRIOR TO SIMON'S PASSING AND THEODORE CLAIMED PUCCIO WAS GOING TO ROB THE SAFE AND HOME AND HAD LEFT SOME TIME AGO AND HE HAD SENT WALKER AND CANDICE TO WATCH HER AND GET SOME PAPERWORK HE NEEDED FROM THE HOME FOR THE HOSPITAL.

(WALKER'S RESPONSE)

IT WASN'T WEIRD TO GO AND KEEP AN EYE ON MARITZA. EARLIER IN THE DAY I HAD OVERHEARD MARITZA TRY TO MAKE A COUPLE OF STUPID EXCUSES TO LEAVE THE HOSPITAL BEDSIDE OF HER SUPPOSED LOVE/BF AND I CALLED HER OUT ON IT AND SO THEN MADE SURE I WENT TO THE HOUSE BEFORE SHE HAD A CHANCE TO AND GATHERED ALL CHECKS, CHECKBOOKS, AND SIMON'S WALLET FOR SAFEKEEPING.
(P.25PP.95)

CAPTURED FROM DOCUMENT

95. THAT IN THE PARKING LOT OF THE HOSPITAL WALKER STATED TO PETITIONER THAT SHE WAS INSTRUCTED TO GET DOCUMENTS TO GIVE THEODORE, ANY DOCUMENTS REGARDING THE WILLS AND TRUSTS SHE WAS TO REMOVE FROM THE ESTATE AND NOW HELD IN HER HANDS. SHE CLAIMED THEODORE NEEDED THEM AS THEY CONTAINED IMPORTANT ESTATE AND OTHER DOCUMENTS FOR THE HOSPITAL. WALKER THEN URGED PETITIONER AND CANDICE TO RETURN TO THE HOME TO WATCH OVER PUCCIO, AS WALKER CLAIMED SHE HAD TO BRING THEODORE THE DOCUMENTS IMMEDIATELY FOR THE HOSPITAL PAPERWORK AND DID NOT TRUST PUCCIO. THAT WALKER WAS CONVINCED AT THAT TIME THAT PUCCIO MAY HAVE MURDERED SIMON THROUGH POISON OR OVERDOSE.

(WALKER'S RESPONSE)

ABSOLUTELY UNTRUE.
(P.26PP.102)

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102. THAT SHORTLY AFTER THE SHERIFFS ARRIVED AT SIMON'S, THEODORE, JILL AND LISA SHOWED UP AT SIMON'S HOUSE WITH WALKER, IN ORDER TO GIVE STATEMENTS REGARDING THE ACCUSATIONS THAT PUCCIO HAD MURDERED SIMON BY POISONING HIM OR OVERDOSING HIM WITH MEDICATIONS. THAT WALKER CLAIMED THAT PUCCIO WAS SWITCHING PAIN PILLS WITH HIS NITRO PILLS WITH INTENT WHILE HE WAS CONFUSED AND THAT TOO MANY PAIN PILLS WERE BEING MIXED WITH OTHER UNKNOWNNS.

(WALKER'S RESPONSE)

YES, TRUE AND CANDICE HAD ALSO INFORMED ME THAT MARITZA SNEAKILY GAVE SIMON A BIG WHITE PILL THAT LOOKED LIKE THE VICODIN, THINKING NO ONE WAS WATCHING.

(P.27PP.104)

CAPTURED FROM DOCUMENT

104. THAT LATER THAT AFTERNOON ON SEPTEMBER 13, 2012, THEODORE STATED THAT HE HAD JUST SPOKEN WITH TESCHER AND SPALLINA AND THAT HE WAS APPOINTED TO ACT AS THE PERSONAL REPRESENTATIVE/EXECUTOR/SUCCESSOR OF THE ESTATES FOR THE REAL ESTATE AND PERSONAL PROPERTIES AND TESCHER AND SPALLINA WERE ALSO PERSONAL REPRESENTATIVES. THAT ACCORDING TO THEODORE THE ALLEGED 2012 AMENDED TRUST OF SIMON NOW GAVE TS, SPALLINA AND TESCHER, THE AUTHORITY TO ACT AS TRUSTEES AND PERSONAL REPRESENTATIVE SOVER THE ESTATES AND HE CLAIMED THEY HAD CHOSEN HIM AS A PERSONALREPRESENTATIVE/EXECUTOR/SUCCESSOR TRUSTEE BECAUSE HE WAS THE OLDEST SURVIVING CHILD.

(WALKER'S RESPONSE)

TO MY KNOWLEDGE, BEFORE THE PASSING OF SHIRLEY OR SIMON, TED HAS ALWAYS BEEN THE FIDUCIARY OF SHIRLEY'S ESTATE AND THE PROPERTIES THAT WERE IN HER NAME.

(P.28PP.114)

CAPTURED FROM DOCUMENT

114. THAT UP UNTIL THE DAY OF SIMON'S DEATH, WALKER MAINTAINED KEYS AND ALARM CODES TO HIS HOME, AS SHE HAD DONE FOR SEVERAL YEARS PRIOR, HOWEVER SUDDENLY ON THE DAY SIMON DIED SHE STATED SHE NO LONGER HAD THE HOUSE KEYS, THE ALARM CODES AND DID NOT HAVE THE RIGHT COMBINATION TO OPEN THE PERSONAL SAFE OF SIMON, CLAIMING SIMON MUST HAVE JUST CHANGED THE CODE ON HIS SAFE DAYS BEFORE HIS DEATH AND SHE HAD LOST HER KEYS.

WALKER'S RESPONSE

CORRECT. THE CODE TO THE SAFE HAD BEEN CHANGED WITHOUT MY NOTICE. HOWEVER, I STILL HAD KEYS, COMBINATIONS AND GARAGE DOOR OPENERS UNTIL CHANGED BY THE FAMILY, WHICH VERY WELL COULD'VE BEEN THE NEXT DAY I DON'T REMEMBER.

(P.28PP.115)

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115. THAT WALKER HAD BEEN RESIDING IN SHIRLEY AND SIMON'S HOME UNTIL SEVERAL WEEKS BEFORE SIMON'S DEATH AND HAD MOVED FROM THE HOME DUE TO PROBLEMS THAT HAD ARISEN WITH HER AND PUCCIO AND SIMON COULD NO LONGER HANDLE THE ADDITIONAL STRESS. WHERE WALKER HAD JOINED WITH SIMON'S OTHER CHILDREN AND GRANDCHILDREN IN HATING ON PUCCIO AND BEGAN CLAIMING SHE WAS AFTER HIS MONEY, ABUSING HIM AND MORE. THAT THIS FEUDING LED TO WALKER AND SIMON ATTENDING THERAPY TOGETHER AND FINALLY WALKER MOVING OUT. SIMON FELT BETRAYED BY WALKER WHO HE HAD CONSIDERED LIKE A DAUGHTER SIDING WITH HIS CHILDREN AND GOING AGAINST PUCCIO WITH SUCH ANGER, YET HE KEPT HER EMPLOYED AND SHE SHOWED UP AT HIS HOME ALMOST DAILY UNTIL HIS DEATH FOR WORK.

(WALKER'S RESPONSE)

I DID NOT MOVE OUT BECAUSE OF PROBLEMS WITH MARITZA. NOR DID MY RELATIONSHIP PHASE SIMON AT ALL OR CAUSE HIM ANY STRESS. I MOVED OUT BECAUSE SIMON THOUGHT IT WAS TIME FOR ME TO LIVE MY OWN LIFE AND NOT WORRY ABOUT HIM ANY LONGER AND WAS HAVING MARITZA MOVE IN. I DIDN'T JOIN ANY SAID "BOYCOTT". I SAW SIMON'S RELATIONSHIP WITH MARITZA MORE THAN ANYONE ELSE AND HAD GOOD REASON TO DISAPPROVE OF HIM INVESTING SO MUCH INTO HER. SIMON NEVER FELT BETRAYED BY ME. HE KNEW I WANTED WHAT WAS BEST FOR HIM, WHICH EXCLUDED MARITZA, BUT BEING THE STUBBORN PERSON HE WAS HE DID WHAT HE ULTIMATELY WANTED TO DO AND NO ONE COULD INFLUENCE HIM OTHERWISE, RIGHT OR WRONG.
(P.30PP.127)

CAPTURED FROM DOCUMENT

127. THAT PETITIONER LEARNED LATER FROM WALKER THAT SOME OF THE DOCUMENTS SHE REMOVED FROM THE ESTATE INCLUDED A CONTRACT SIMON HAD MADE PERTAINING TO PUCCIO AND A CHECK MADE OUT TO HER.

(WALKER'S RESPONSE)

IT WASN'T DAYS LATER. THE NIGHT SIMON WAS IN THE HOSPITAL AND WE WERE SENT HOME UNTIL THE NEXT SET OF VISITING HOURS CANDICE, ELIOT AND I WENT TO DINNER AND I SHOWED THEM THE DOCUMENT AND ASKED WHAT TO DO WITH IT. THEY ADVISED ME TO HANG ONTO IT AND THAT IT'S NOT SIGNED AND WAS CREATED WHILE SIMON WAS COMPLETELY PSYCHOTIC SO IT HELD NO WORTH. THE CHECK WAS NOT MADE OUT TO HER, IT WAS COMPLETELY BLACK AND TAKEN FROM THE BACK OF THE CHECKBOOK.
(P.30PP.128)

CAPTURED FROM DOCUMENT

128. THAT LATER UPON QUESTIONING THEODORE AGAIN ABOUT THE CONTENTS OF THE PACKAGE AND IF HE HAD DOCUMENTS FOR PUCCIO, HE INITIALLY DENIED HE HAD ANY PUCCIO DOCUMENTS UNTIL PETITIONER NOTIFIED THEODORE THAT WALKER HAD TOLD HIM OF DOCUMENTS FOR PUCCIO THAT SHE HAD TAKEN FROM THE HOME AND GIVEN TO HIM AND

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FURTHER THAT WALKER CLAIMED SHE HAD
DISCUSSED THEM WITH HIM AT THE HOSPITAL.

(WALKER'S RESPONSE)

DIDN'T DISCUSS WITH TED AT THE HOSPITAL

(P.30PP.130)

CAPTURED FROM DOCUMENT

130. THAT PETITIONER THEN NOTIFIED THEODORE THAT SIMON HAD PERSONALLY
INFORMED PETITIONER OF A DOCUMENT AND CHECK FOR PUCCIO IN THE HOSPITAL ON
SEPTEMBER 12, 2012 THAT HE WANTED HER TO HAVE IN THE EVENT ANYTHING HAPPENED
TO HIM IN THE HOSPITAL.

(WALKER'S RESPONSE)

THIS PARAGRAPH IS EITHER A BLATENT LIE OR COMPLETELY MISCONSTRUED MEMORY
OF ELIOT'S. SIMON NEVER SAID SUCH A THING TO ELIOT NOR DID ELIOT OR CANDICE
HAVE ANY IDEA OF SUCH DOCUMENT UNTIL I SHOWED THEM AT DINNER. THEY WERE IN
DISAGREEMENT OF THE DOCUMENT THAT NIGHT ALSO SO I DON'T KNOW HOW THIS MEMORY
WAS CHANGED IN THEIR HEADS. ALL SIMON SAID TO ALL OF US CONSTANTLY WHILE HE
WAS IN THE HOSPITAL BED WAS TO MAKE SURE "THEY" DIDN'T HURT HER. THEY BEING
HIS FAMILY MEMBERS.

(P.31PP.135)

CAPTURED FROM DOCUMENT

135. THAT IN THE PARKING LOT OF THE HOSPITAL WALKER ALSO EXCHANGED WHAT
SHE THOUGHT WAS A GIFT SHE HAD FOR PETITIONER AND WHEN CANDICE OPENED IT ON
THE WAY TO SIMON'S IT HAD 5-6 LARGE RED PILLS INSIDE. THAT WHEN THEY
CONTACTED WALKER ON THE WAY TO SIMON'S TO FIND OUT WHAT THESE PILLS WERE AND
WHO THEY WERE FOR, SHE CLAIMED THAT THEY WERE HER PILLS, NOT SIMON'S AND
STATED SHE GAVE PETITIONER THE WRONG PACKAGE AND TO THROW THEM AWAY.

(WALKER'S RESPONSE)

NOT TRUE. ONLY BIG RED PILLS I HAVE EVER TAKEN WERE DIET PILLS AND IF I
DID GIVE SOME TO CANDICE THAT WASN'T OUT OF THE ORDINARY. I NEVER SAID TO
FORGET IT AND THAT THOSE PILLS WERE MEANT FOR SOMEONE ELSE THOUGH. ANOTHER
MISCONSTRUED MEMORY OF ELIOT'S.

(P.31PP.136)

CAPTURED FROM DOCUMENT

136. THAT PETITIONER ON SEPTEMBER 13, 2012 UPON TRYING TO LOG IN TO
SIMON'S COMPUTER AT HIS HOME TO GET HIS PERSONAL FRIENDS CONTACT INFORMATION
TO NOTIFY THEM OF SIMON'S PASSING NOTICED THAT THE HARD DRIVES ON ALL OF
SIMON'S COMPUTERS IN HIS HOME WERE MISSING OR SCRUBBED AND PETITIONER FOUND
THIS HIGHLY IRREGULAR. THEODORE STATED HE WOULD LOOK INTO WHERE THEY HAD GONE
AND QUESTION SEVERAL PEOPLE WHO HANDLED SIMON'S COMPUTERS AT HIS OFFICE AND

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HOME IF THEY KNEW ANYTHING. TO THIS DATE THOSE ITEMS APPEAR TO HAVE BEEN TAKEN FROM THE ESTATE AND NEVER RECOVERED.

(WALKER'S RESPONSE)

NOT TRUE. ONLY THE COMPUTER IN THE OFFICE ON THE SECOND FLOOR SEEMED THAT WAY AS IT WAS NEW BECAUSE THE OLD COMPUTER HAD CRASHED. HOWEVER, OUR IT GUY, KEITH RESIG, WAS ABLE TO RETRIEVE MOST OF THE INFORMATION FROM THE OLD COMPUTER AND WAS ON A DROPBOX WHICH JUST NEEDED TO BE DOWNLOADED TO THE NEW COMPUTER.

(P.31PP.139)

 CAPTURED FROM DOCUMENT

139. THAT ACCORDING TO SPALLINA A HERITAGE UNION LIFE INSURANCE COMPANY INSURANCE POLICY NO. 1009208 ON SIMON ("HERITAGE POLICY") WAS ALSO NOW MISSING FROM THE ESTATES RECORDS. SEE EXHIBIT 6 - EMAILS REGARDING LOST HERITAGE POLICY. THAT THE HERITAGE POLICY IS REINSURED BY REASSURE AMERICAN LIFE INSURANCE COMPANY ("RALIC"), WHO HAS BECOME INVOLVED IN THE INSURANCE MATTERS.

(WALKER'S RESPONSE)

DON'T KNOW HOW ANY DOCUMENTS FROM HERITAGE UNION LIFE INSURANCE COMPANY WERE MISSING. WE HAD JUST HAD DIANA SEND IN A CHECK TO THEM IN AUGUST BEFORE THE POLICY RAN OUT FOR NON PAYMENT.

(P.55PP.266)

 CAPTURED FROM DOCUMENT

266. THAT ACCORDING TO PATRICIA FITZMAURICE, L.C.S.W., P.A., ("FITZMAURICE") SIMON'S THERAPIST, IN A SESSION WITH PETITIONER AND CANDICE INFORMED THEM THAT SIMON HAD CONVEYED TO HER THAT HIS NET WORTH WAS APPROXIMATELY US\$30,000,000.00 SHORTLY BEFORE HIS DEATH.

(WALKER'S RESPONSE)

FITZMAURICE IS MISTAKEN OR ELIOT HEARD HER INCORRECTLY AS SIMON SAYING HE WAS ONCE WORTH THAT MUCH. SINCE THE CRASH OF 2008 THE BERNSTEIN'S HAD TO TAKE OUT A LINE OF CREDIT A COUPLE OF TIMES TO MAKE ENDS MEET AND SINCE THEN HE WAS NEVER WORTH MORE THAN \$10 MILLION. I CAN TELL YOU THAT SIMON AT ALL TIMES HAD ABOUT \$3MILLION INVESTED THROUGH JP MORGAN IN ADDITION TO OTHER ACCOUNTS WITH THOUSANDS OF DOLLARS. THE DAY HE PASSED HE HAD \$70,000.00 SOMETHING IN HIS MAIN CHECKING ACCOUNT (WHICH I PAID BILLS WITH). THEN APPARENTLY AFTER HANDING ALL THE INFO OVER TO THE ESTATE WE WERE TOLD THERE IS NOTHING.

(P.55PP.267)

 CAPTURED FROM DOCUMENT

267. THAT ACCORDING TO PUCCIO, SIMON HAD TOLD HER THAT THE ESTATE WAS WORTH BETWEEN US\$20,000,000.00 TO \$30,000,000.00 AT VARIOUS TIMES, WITH

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MONIES ALREADY PUT AWAY AND PROTECTED FOR PETITIONER AND HIS FAMILY FOR SCHOOL, HOME AND OTHER ITEMS.

(WALKER'S RESPONSE)

SIMON WAS PROBABLY EMBELLISHING FOR HIS EGO. HE DID NOT POSSESS THAT MUCH IN ASSETS AT ONCE FOR YEARS. HOWEVER, SHIRLEY AND SIMON HAD ALWAYS TOLD ME THAT THERE IS A SEPARATE, ACCOUNT/TRUST/SOMETHING SET UP TO TAKE CARE OF THEIR GRANDCHILDREN'S SCHOOL AND HOME SHOULD THEY PASS ON.
(P.57PP.279)

CAPTURED FROM DOCUMENT

279. THAT SIMON HAD AN ESTIMATED TENS OF MILLIONS OF DOLLARS IN STANFORD GROUP COMPANY INVESTMENT ACCOUNTS HANDLED BY PRIVATE BANKING REPRESENTATIVE, CHRISTOPHER R. PRINDLE WHO IS NOW WITH J.P. MORGAN PRIVATE BANK

(WALKER'S RESPONSE)

I DON'T WANT TO COMMENT TOO MUCH ON THE FINANCIALS MANAGED OUTSIDE OF MY EVERYDAY DUTIES BUT TO MY KNOWLEDGE THROUGH CONVERSATIONS WITH BOTH SHIRLEY AND SIMON, THAT STANFORD NO LONGER HOLDS ANY MONEY OF THE BERNSTEINS BECAUSE OF THE LOSSES DUE TO STANFORD'S PONZI SCHEME AROUND 2008/2009.
P.89PP.406

CAPTURED FROM DOCUMENT

406. THAT THE FIRST THING THAT MAKES NO SENSE IN THE ACCUSATIONS BY PETITIONER'S SIBLINGS OF MURDER BY PUCCIO IS THAT PUCCIO APPEARED TO HAVE NO BENEFICIAL INTEREST IN THE ESTATES OF SIMON AND SHIRLEY AND THUS NO KNOWN MOTIVE OR BENEFIT FOR MURDER.

(WALKER'S RESPONSE)

MARITZA HAD NO ESTATE INTERESTS, HOWEVER THE ESTATE WAS DEPLETING WEEKLY AS, IN LAYMANS TERMS, SHE WAS BEING PAID BY THE ESTATE TO "BE WITH" SIMON. MONEY WAS TRANSFERRED TO SABADELL BANK WHERE SIMON KEPT AN ACCOUNT FOR HER IN HIS NAME. THIS ACCOUNT WAS USED TO FUND HER FAMILY IN VENEZUELA AND HERSELF. SHE ALREADY MADE MANY "AGREEMENTS" FOR LARGE SUMS OF MONEY FOR "DATING" SIMON BERNSTEIN. BUT MONTHS LEADING UP TO SIMON'S DEATH SHE WAS REPULSED BY HIM TO WHERE SHE COULDN'T BE IN THE SAME ROOM AS HIM, DIDN'T SLEEP IN THE SAME ROOM AS HIM ANYMORE AND CONSTANTLY MADE UP EXCUSES TO LEAVE THE HOUSE WITHOUT HIM. SHE CONFIDED IN ME THAT SHE COULDN'T STAND TO BE AROUND HIM ANYMORE AND WANTED TO LEAVE BUT FINANCIALLY COULDN'T DO THAT TO HERSELF OR HER FAMILY SO SHE "PUT UP WITH HIM".
(P.89PP.407)

CAPTURED FROM DOCUMENT

407. THAT LATER, AFTER THE SHERIFF HAD LEFT, WALKER TOLD PETITIONER AND CANDICE THAT IN THE ESTATES DOCUMENTS SHE REMOVED FROM THE HOME THERE WAS A

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P A L M B E A C H C O U N T Y S H E R I F F ' S O F F I C E PAGE 15
 CASE NO. 14029489 SUPPLEMENT 11 OFFENSE REPORT CASE NO. 14029489
 DISPOSITION: ZULU

CHECK AND AN AGREEMENT SIMON HAD EXECUTED FOR PUCCIO, THAT INURED AN ESTIMATED \$100,000.00 TO PUCCIO IF SIMON WERE TO DIE, WHICH WALKER THEN REMOVED BOTH DOCUMENTS FROM THE ESTATES AND TRANSFERRED THEM TO THEODORE THE NIGHT OF SIMON'S DEATH, WHO THEN ALLEGEDLY TRANSFERRED THEM TO SPALLINA A FEW WEEKS LATER, AS ALREADY DISCUSSED HEREIN.

(WALKER'S RESPONSE)

THIS SAID DOCUMENT WAS NOT CREATED IN SOUND MIND BY SIMON. CHECK WAS NEVER FILLED OUT, IT WAS BLANK, AND THE TERMS OF THE CONTRACT WERE NEVER MET SO IT'S NULL AND VOID.
 (P.89PP.408)

 CAPTURED FROM DOCUMENT

408. THAT WHEN THE SHERIFF CAME ON SEPTEMBER 13, 2012, DESPITE WALKER KNOWING OF THIS DOCUMENT AND THEODORE KNOWINGLY IN POSSESSION OF THE DOCUMENT, NEITHER ONE OF THEM MENTIONS THIS DOCUMENT TO THE SHERIFF'S OR TURNS IT OVER AS EVIDENCE OF A POSSIBLE MOTIVE THAT PUCCIO MURDERED SIMON.

(WALKER'S RESPONSE)

IT WAS NEVER MENTIONED PROBABLY BECAUSE IT DIDN'T POSSESS ANY REAL QUALITY AND BY THAT MORNING AFTER NO SLEEP FOR DAYS I WAS SOLELY CONCERNED ABOUT THE MISUSE OF DRUGS THAT WAS ADMINISTERED TO SIMON BY MARITZA.
 (P.90PP.413)

 CAPTURED FROM DOCUMENT

413. THAT INSTEAD OF GIVING THE DOCUMENTS TO INVESTIGATORS, SPALLINA MET WITH PUCCIO AND HER COUNSEL DENYING HER CLAIM AND TELLING HER SHE WOULD GET NOTHING, OPPOSITE OF SIMON'S DESIRES AND ALLEGEDLY THREATENING HER THAT SHE WAS A SUSPECT IN A MURDER INVESTIGATION AND SHOULD GO AWAY OR ELSE, FURTHER FRIGHTENING PUCCIO WHO HAS SINCE APPARENTLY ABANDONED HER CLAIM AGAINST THE ESTATE. NO INFORMATION REGARDING THIS CLAIM AGAINST THE ESTATE HAS BEEN SENT BY TS, SPALLINA AND TESCHER TO THE BENEFICIARIES.

(WALKER'S RESPONSE)

IT WAS SAID BY SIMON MANY TIMES TO MYSELF AND OTHERS- MARITZA DOES NOT RECEIVE ANYTHING FINANCIALLY OR BY HIS ESTATE AFTER HE PASSES, THAT SHE GETS WHAT IS GIVEN TO HER WHILE HE IS ALIVE AND SHE IS HIS "GIRLFRIEND".

THIS CONCLUDES THE E-MAIL AND SUPPLEMENT. A COPY OF THE ATTACHMENT AND E-MAIL WERE PUT INTO PBSO EVIDENCE. THIS CASE REMAINS OPEN.

DETECTIVE RYAN W. MILLER #7704
 02/21/14 @ 1451 HRS.

TRANS. VIA EMAIL/COPY/PASTE: 02/24/2014/MDR/#6405

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1
CASE NO. 14029489 SUPPLEMENT 12 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU
DIVISION: DETECTIVE

911:
ECONOMIC CRIMES * * *
SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 02/27/14 THURSDAY
ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS
EXCEPTION TYPE:
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700
CITY: BOCA RATON STATE: FL ZIP: 33431

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
LOCATION: OTHER
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

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ON 02/11/14 SGT. DAVID GROOVER AND I RESPONDED TO THE PALM BEACH COUNTY SHERIFF'S OFFICE WEST BOCA SUB-STATION FOR THE PURPOSE OF INTERVIEWING ELIOT AND CANDICE BERNSTEIN IN REGARD TO THIS INVESTIGATION. THE INTERVIEW LASTED APPROXIMATELY THREE HOURS AND WAS MEMORIALIZED ON DIGITAL RECORDERS. BELOW IS A BRIEF SYNOPSIS OF THE INTERVIEW. FOR COMPLETE AND ACCURATE DETAILS OF THE STATEMENTS MADE BY ELIOT AND CANDICE DURING THE SWORN INTERVIEW, AUTHORIZED PERSONS MAY REVIEW THE AUDIO CD COPY, WHICH IS MAINTAINED AT THE PALM BEACH COUNTY SHERIFF'S OFFICE EVIDENCE FACILITY.

ELIOT STATED HE IS UNDER THE BELIEF THAT DONALD TESCHER AND ROBERT SPALLINA BECAME ACQUAINTED WITH HIS PARENTS IN 2008. HE BASES THIS BELIEF ON COPIES OF DOCUMENTS HE HAS EXAMINED AS WELL AS STATEMENTS MADE TO HIM BY HIS BROTHER THEODORE. ELIOT TOLD ME HE UNDERSTANDS THAT THERE WERE INDIVIDUAL TRUSTS AND WILLS CREATED FOR HIS PARENTS, SHIRLEY AND SIMON, IN 2008 BUT QUESTIONS THE ORIGINS OF MANY OF THE DOCUMENTS. ELIOT STATED HE HAS NOT BEEN PROVIDED MANY OF THE ESTATE DOCUMENTS THAT HE BELIEVES HE SHOULD HAVE SEEN BY NOW.

ELIOT STATED THAT SHIRLEY'S ORIGINAL TRUST STATES HE, ALONG WITH HIS SISTERS LISA AND JILL WERE TO HAVE THE ASSETS DISTRIBUTED AMONGST THEM; STATING IT ALSO REFERENCED THEIR (ELIOT, LISA, & JILL'S) LINEAL DESCENDANTS. ELIOT SAID HE HAS RECENTLY LEARNED THROUGH A LETTER FROM DONALD TESCHER THAT THERE WERE POSSIBLY TWO FIRST AMENDMENTS TO HIS MOTHER'S TRUST. HE CLAIMED THAT ACCORDING TO TESCHER'S LETTER ONE OF THE AMENDMENTS OCCURRED IN JANUARY 2013, BUT AFTER VIEWING THE LETTER I FOUND THIS WAS NOT HOW IT READ. I ASKED FOR A COPY OF THE LETTER TO BE E-MAILED TO ME, BUT TO DATE I DON'T FIND THAT

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