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IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT OF FLORIDA,

IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: Case No. 502012CP004391XXXXNBIH

ESTATE OF SIMON L. BERNSTEIN,

Deceased.

_____/

**ELIOT I. BERNSTEIN, AS A BENEFICIARY OF THE ESTATE OF SIMON L. BERNSTEIN WITH STANDING AND AN INTERESTED PERSON UNDER LAW, MAKES THIS MOTION TO;**

A. **Motion under Florida Rules of Civil Procedure 1.540(b)(3) and 1.540(b)(4) to Vacate-Amend-Modify in part the Case Management Conference Order of Dec. 13, 2016 based upon Newly Discovered Evidence, Discovered on Feb. 9th 2017 involving Admissions-Statement of PR Fiduciary Brian O'Connell, also an Officer of the Court, proving ongoing Fraud Upon the Court in general and upon this very Court of Judge Scher of the Northern Branch of Palm Beach County by Attorney Alan Rose and with such Case Management Order issued upon Fraud upon the Court without consideration of the Schedule and Motions submitted by Estate Beneficiary Eliot I. Bernstein;**
B. **Establish the Orderly Structure for Evidentiary Hearings including Discovery and Depositions, Witness Lists, Exhibits and proper time allotted for the Evidentiary Hearings;**

C. **In Opposition to the Motions by Trustee Ted Bernstein, Attorney Alan Rose and PR O'Connell to Retain Alan Rose and the "Rose law firm" to Represent the Estate in any capacity and in opposition to Appointment of Ted Bernstein as Administrator Ad litem for the Estate in any capacity and in opposition to all relief sought by Trustee Ted Bernstein, Alan Rose, the Rose law firm and PR O'Connell on behalf of the Estate of Simon Bernstein;**

D. **Motion for Continuance under Florida Rules of Civil Procedure _____ to permit Discovery and Depositions in advance of the Hearings and based upon ongoing severe Medical-Dental issues of Eliot I. Bernstein.**

E. **Motion to Stay and Freeze all Assets and Discovery;**

F. **Granting leave to permit Eliot I. Bernstein sufficient time to file comprehensive Motions to Vacate prior Orders and Judgments of Judge Phillips and-or Judge Colin including the Removal of Ted Bernstein in any Fiduciary capacity and removal of PR Brian O'Connell in any fiduciary capacity;**

G. **And for such other relief as law and justice requires.**

COMES NOW Eliot I. Bernstein, a Beneficiary of the Estate of Simon Bernstein according to the terms of the purported 2012 Will of Simon Bernstein and upon the Newly Discovered Admissions of PR Brian O'Connell discovered on Feb. 9, 2017 but WITHHELD from Judge Scher and this Court and Eliot Bernstein for at least 49 Days and also as an interested person and beneficiary with standing pro se who respectfully pleads and shows this court as follows:

I am Eliot Ivan Bernstein ("Eliot") acting pro se.

1. I am a natural born child to Shirley and Simon Bernstein, now deceased and a beneficiary of the Estate of Simon Bernstein upon the express terms of a purported 2012 Will of Simon Bernstein

purported to be “valid” at a Dec. 15, 2015 “Validity” Trial held by Northern Branch Judge John Phillips.

2. It is noted for this Court that no reference to the purported 2012 Will of Simon Bernstein allegedly “validated” at a “Validity Trial” of Dec. 15, 2015 shall be deemed or construed as an admission by Eliot Bernstein that proper Testamentary documents and Trusts have been provided to this Court and Eliot I. Bernstein reserves any and all rights to file further motions herein challenging such “Testamentary” documents and moving to Vacate other Judgments and Orders herein based upon fraud upon the Court and that such Orders and Judgments are void under law.
3. Thus, all references to any estate and trust documents that were produced or referenced herein by former Fiduciaries and counsel Tescher and Spallina are not deemed validated and confirmation of such documents is not admitted to by Eliot I,. Bernstein of the authenticity of said documents or the force and effect of such documents as there are No “Original” documents at this time to validate them against despite a Court Order of Feb. 18, 2014 by former Judge Martin Colin for the prior co-Personal Representatives and Counsel-Attorneys at law Robert Spallina and Donald Tescher of the Tescher & Spallina law firm and CO-TRUSTEES and Fiduciaries of the Trusts to turn over all records upon their resignation which was steeped in admissions of Fraud Upon the Court and Fraud upon the Beneficiaries and where fraudulent documents have already been proven to be used in these proceedings by Court appointed Fiduciaries and counsel,

4. I first respectfully remind this Court of its duties and obligations under the Canons of Judicial Conduct and under the Statewide Court Fraud Policy[1] and ***as shown herein by clear and convincing evidence*** as this Case Management Order itself of Dec. 13, 2016 was issued upon Fraud upon the Court by attorney Alan Rose, Fiduciary Trustee Ted Bernstein, and PR Fiduciary Brian O'Connell, ***this Court must now Vacate in substantial part the Case Management Conference Order and grant Discovery to Eliot I,. Bernstein and Hearings based upon the fraud prior to any further action according to the existing Case Management Order.***

5. "This court and others have held that if a party files a motion pursuant to rule 1.540(b)(3), pleads fraud or misrepresentation with particularity, and shows how that fraud or misrepresentation affected the judgment, the trial court is required to conduct an evidentiary hearing to determine whether the motion should be granted.[7]See Seal v. Brown, 801 So. 2d 993, 994-95 (Fla. 1st DCA 2001); St. Surin v. St. Surin, 684 So. 2d 243, 244 (Fla. 2d DCA *782 1996); Estate of Willis v. Gaffney, 677 So. 2d 949 (Fla. 2d DCA 1996); Dynasty Exp. Corp. v. Weiss, 675 So. 2d 235, 239 (Fla. 4th DCA 1996); Townsend v. Lane, 659 So. 2d 720 (Fla. 5th DCA 1995); S. Bell Tel. & Tel. Co. v. Welden, 483 So. 2d 487, 489 (Fla. 1st DCA 1986)".

6. ("[W]here the moving party's allegations raise a colorable entitlement to rule 1.540(b)(3) relief, a formal evidentiary hearing on the motion, as well as permissible discovery prior to the hearing, is required."); Kidder v. Hess, 481 So. 2d 984, 986 (Fla. 5th DCA 1986); Stella v. Stella, 418 So. 2d 1029 (Fla. 4th DCA 1982); see also Robinson. Moreover, the courts have held that the hearing requirement applies when fraud is asserted as a grounds for relief under either rule 1.530 or 1.540, Florida Rules of Civil Procedure. See Stella. The motion filed by

[1] Florida Court Statewide Fraud Policy
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20120927%20Florida%20State%20Courts%20System%20Fraud%20on%20the%20Court%20Policy%20Procedure.pdf

Robinson sufficiently alleges fraud and demonstrates how it affected the judgment, thereby satisfying the requirement for an evidentiary hearing under either rule 1.530 or 1.540."

7. The requisite fraud on the court occurs where "it can be demonstrated, clearly and convincingly, that a party has sentiently set in motion some unconscionable scheme calculated to interfere with the judicial system's ability impartially to adjudicate a matter by improperly influencing the trier of fact or unfairly hampering the presentation of the opposing party's claim or defense." Aoude v. Mobil Oil Corp., 892 F.2d 1115, 1118 (1st Cir. 1989) .
8. The trial court has the inherent authority, within the exercise of sound judicial discretion, to dismiss an action when a plaintiff has perpetrated a fraud on the court, or where a party refuses to comply with court orders. See, Kornblum v. Schneider, 609 So. 2d 138, 139 (Fla. 4th DCA 1992).
9. The plaintiff's false or misleading statement given under oath concerning issues central to her case amounted to fraud. See Cox v. Burke, 706 So. 2d 43, 47 (Fla. 5th DCA 1998).
10. Courts throughout this state have repeatedly held "that a party who has been guilty of fraud or misconduct in the prosecution or defense of a civil proceeding should not be permitted to continue to employ the very institution it has subverted to achieve her ends." Metropolitan Dade County v. Martinsen, 736 So. 2d 794, 795 (Fla. 3d DCA 1999) (quoting Hanono v. Murphy, 723 So. 2d 892, 895 (Fla. 3d DCA 1998)); see also Cox v. Burke, 706 So. 2d 43, 47 (Fla. 5th DCA 1998); O'Vahey v. Miller, 644 So. 2d 550, 551 (Fla. 3d DCA 1994); Kornblum v. Schneider, 609 So. 2d 138, 139 (Fla. 4th DCA 1992).
11. Respectfully, this Court is shown herein by ***clear and convincing evidence*** that Fiduciaries and Officers of the Court Attorney Alan M. Rose and PR Fiduciary Attorney Brian M. O'Connell and alleged Fiduciary Ted Bernstein have "sentiently set in motion some unconscionable

scheme calculated to interfere with the judicial system's ability impartially to adjudicate a matter by improperly influencing the trier of fact or unfairly hampering the presentation of the opposing party's claim or defense." See, Aoude v. Mobil Oil Corp., 892 F.2d 1115, 1118 (1st Cir. 1989) .

12. This Court must now perform its Mandatory Duties and obligations to address and correct such Frauds and Vacate in substantial part the Case Management Order of Dec. 13, 2016 and should in fact DISMISS the Motions Filed by Ted Bernstein, Alan Rose and Brian O'Connell ***in their entirety, issue a Stay and Continuance in the case and a Stay and Injunction over all Assets and Discovery and remove such Fiduciaries from the Cases and Report the Attorneys-Officers of the Court to proper authorities according to law and grant such other relief as is just and proper.***

**Newly Discovered Evidence Submitted "Last Minute" by Attorney Officer of the Court Alan Rose on Feb. 9, 2017- PR O'Connell's "Undated" Statement-Waiver First Discovered by Eliot I. Bernstein on the Afternoon of Thursday, Feb. 9, 2017 Contains Admission Against Interest showing Fraud by Alan Rose-Ted Bernstein against Eliot Bernstein as Beneficiary for Over One Year - Other Parts of PR O'Connell's Statement make O'Connell Material and Necessary Fact Witness if Alan Rose is Not Disqualified as a Matter of Law prior to Any Hearing**

13. As this Court is and should be actually aware, Attorney and Officer of the Court Alan Rose who is now seeking to come in and represent the Estate of Simon Bernstein in an action against alleged Creditor William Stansbury has repeatedly made False Statements and committed Fraud

upon this Court by falsely claiming Eliot Bernstein is not a Beneficiary of the Estate of Simon Bernstein and lacks standing and is not a beneficiary anywhere.

14. In fact, **as clear and convincing proof that this scheme to defraud set in motion before this Court is Central to the proceedings and thus Fraud on the Court standards met now triggering this Court's duty to act, *this Court of Judge Scher's own Case Management Order of Dec. 13, 2016 which set the schedule for why we are all present in Court today on Feb. 16, 2017 in fact recites and relied upon the Fraud and False statements of Alan Rose attorney in the Case Management Order itself Paragraph 4 showing-claiming "Ted S. Bernstein as Successor Trustee of Trust which is Sole Beneficiary of the Estate { DE 473 }."***.
15. Upon information and belief, Alan Rose is an attorney licensed to practice in the State of Florida under Florida Bar No. 961825.
16. Alan Rose as an Attorney and Officer of the Court has actual knowledge that this is not true and is False before this Court and in fact his own Submission before this Court at the "last minute" of Feb. 9, 2017 in the afternoon on the last day of submissions finally discloses a Statement and Waiver of PR O'Connell, another fiduciary and Officer of the Court which proves Alan Rose's repeated actions as false, fraudulent and a Fraud upon the Court for which this Court must now act.
17. Ashley Bourget of the Rose Law Firm sent this Email at Thursday, February 9, 2017 1:32 PM containing a Spiral Notebook to Judge Scher on 2-9-17 and according the Chart in this Spiral Notebook Attorney Alan Rose sent an email to Attorney and Officer of the Court Peter Feaman enclosing the PR O'Connell Statement on Dec. 22, 2016 ***which goes Contrary to the positions of Alan Rose and Ted Bernstein before both Judge Scher and contrary to the fraud by Alan Rose and Ted Bernstein for over a year with Judge Phillips as the O'Connell Statement***

***shows that the Will of Simon Bernstein of 2012 makes the Children of Simon Bernstein "devisees" and I am one of those children and a Devisee and thus a Beneficiary with Standing which Alan Rose and Ted Bernstein have falsely denied before this Court through Fraud upon the Court which has been aided and abetted and gone along uncorrected for a year by PR O'Connell and not acted upon by Attorney Peter Feaman amounting to 49 Days of withholding the proof of this fraud from this Court and myself justifying my Motions herein as timely.*** See Spiral Notebook and PR O'Connell Statement.

18. Attorney Alan Rose continued his prior fraud upon the Court before Judge Phillips again falsely claiming in a Footnote 1 to this Court in his Nov. 28, 2016 filing which incorporates his Sept,. 14, 2016 Omnibus report before Judge Phillips falsely and fraudulently claiming "Introduction The overarching issue in these cases is Eliot Bernstein. He is not named as a beneficiary of anything; yet he alone has derailed these proceedings for more than two years and has harassed and attacked the prior judges, fiduciaries and their counsel." See, Nov. 28m 2016 Omnibus Report to Judge Scher and Sept. 14, 2015 Omnibus Report to Judge Phillips.
19. A simple plain reading of the Will of Simon Bernstein clearly shows that the Children of Simon Bernstein are "Devisees" and thus Beneficiaries with Standing and yet Alan Rose and Ted Bernstein have continued a fraud before the Court illegally denying my Standing which the PR O'Connell has gone along with amounting to sufficient grounds to Strike ALL of their Motions, Vacate the current Case Management Order and remove all of these fiduciaries or grant leave to file detailed motions for their removal.
20. My standing as a Beneficiary under the Estate of Simon Bernstein was already acknowledged and admitted by Attorney Mark Manceri who is Added to the Witness list who admitted before Judge Colin on Sept,. 13, 2013, **September 13, 2013 Hearing Transcript**

Page 23
16 MR. MANCERI: The ten grandchildren shares
17 -- and I want to be clear on this, this
18 gentleman is only a tangible personal property
19 beneficiary. He and his own proper person.
20 And the mother. That's all he's entitled to.

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8 THE COURT: Well, I don't know what
9 documents --
10 MR. ELIOT BERNSTEIN: I was a beneficiary,
11 unlike they said, me, my brother was cut out of
12 my mother's estate and my older sister.
13 THE COURT: They said you were a
14 beneficiary of personal property.
15 MR. ELIOT BERNSTEIN: No, I was the third
16 beneficiary to the entire estate.
17 THE COURT: All right, I don't know.
18 MR. SPALLINA: At one point he was.

21. Thus now in addition to the Will itself and the admission by PR O'Connell there is also the Notice of Administration document filed by prior Fiduciaries Tescher and Spallina who must

now be witnesses who listed me as a Beneficiary in the Estate of Simon:

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL

IN RE: ESTATE OF PROBATE DIVISION 12

SIMON L. BERNSTEIN, File No. 502012 CP00 4391 XXXXSB

Deceased.

2012 OCT -2 AM 8:58
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CTY BRANCH-FILED

**PETITION FOR ADMINISTRATION**
(testate Florida resident)

Petitioners, ROBERT L. SPALLINA and DONALD R. TESCHER, allege:

1. Petitioners have an interest in the above estate as the named co-personal representatives under the decedent's Will. The Petitioner's addresses are 7387 Wisteria Avenue, Parkland, FL 33076 and 2600 Whispering Oaks Lane, Delray Beach, FL 33445, respectively, and the name and office address of petitioners' attorney is set forth at the end of this Petition.

2. Decedent, SIMON L. BERNSTEIN, whose last known address was 7020 Lions Head Lane, Boca Raton, Florida 33496, whose age was 76, and whose social security number is [redacted], died on September 13, 2012, at his home at 7020 Lions Head Lane, Boca Raton, Florida 33496, and on the date of death decedent was domiciled in Palm Beach County, Florida.

3. So far as is known, the names of the beneficiaries of this estate and of decedent's surviving spouse, if any, their addresses and relationship to decedent, and the dates of birth of any who are minors, are:

| NAME | ADDRESS | RELATIONSHIP | BIRTH DATE (if Minor) |
|---|---|---|---|
| Ted S. Bernstein | 880 Berkeley Street<br>Boca Raton, FL 33487 | son | adult |
| Pamela B. Simon | 950 North Michigan Ave.<br>Suite 2603<br>Chicago, IL 60606 | daughter | adult |
| Eliot Bernstein | 2753 NW 34th St.<br>Boca Raton, FL 33434 | son | adult |
| Jill Iantoni | 2101 Magnolia Lane<br>Highland Park, IL 60035 | daughter | adult |

| | | | |
|---|---|---|---|
| Lisa S. Friedstein | 2142 Churchill Lane<br>Highland Park, IL 60035 | daughter | adult |
| Robert L. Spallina and Donald R. Tescher, co-Trustees of the Simon L. Bernstein Amended and Restated Trust Agreement dated July 25, 2012 | 4855 Technology Way,<br>Suite 720<br>Boca Raton, FL 33431 | Trust | |

4. Venue of this proceeding is in this county because decedent was a resident of Palm Beach County at the time of his death.

5. Robert L. Spallina and Donald R. Tescher, whose addresses are listed above, and who are qualified under the laws of the State of Florida to serve as co-personal representatives of the decedent's estate are entitled to preference in appointment as co-personal representatives because they are the persons designated to serve as co-personal representatives under the decedent's Will.

6. The nature and approximate value of the assets in this estate are: tangible and intangible assets with an approximate value of less than $ Unknown .

7. This estate will not be required to file a federal estate tax return.

8. The original of the decedent's last will, dated July 25, 2012, is being filed simultaneously with this Petition with the Clerk of the Court for Palm Beach County, Florida.

9. Petitioner is unaware of any unrevoked will or codicil of decedent other than as set forth in paragraph 8.

Petitioner requests that the decedent's Will be admitted to probate and that Robert L. Spallina and Donald R. Tescher be appointed as co-personal representatives of the estate of the decedent.

Under penalties of perjury, we declare that we have read the foregoing Petition for Administration, and the facts alleged are true, to the best of our knowledge and belief.

Signed on Oct. 1, 2012.

Respectfully Submitted,
TESCHER & SPALLINA, P.A.

By: _____
ROBERT L. SPALLINA, ESQUIRE
Attorney for Petitioner
Florida Bar No. 0497381
4855 Technology Way, Ste. 720
Boca Raton, FL 33431
561-997-7008
Email: rspallina@tescherspallina.com

_____
Robert L. Spallina, Petitioner

_____
Donald R. Tescher, Petitioner

I hereby incorporate by reference the arguments, statements, memorandums and documents filed by Creditor William Stansbury through counsel Peter Feaman seeking to Disqualify Alan Rose and the law firm of Page, Mrachek, Fitzgerald, Rose, Konopka, Thomas & Weiss, P.A, hereinafter the "Rose law firm" as if specifically attached and re-stated herein.

22. I respectfully submit to this Court that not only must the Court disqualify Alan Rose and the Rose law firm from representing the Estate, but further that Alan Rose is a "material fact witness" to many of the prior frauds upon this Court and the proper beneficiaries and that Alan Rose has further committed fraud upon this Court in the very filings which bring these matters to the Specially Set Hearing referenced by this Court's Case-Management Order dated Dec. 13, 2016 and the very acts of these "further frauds upon the court" are such that Alan Rose and the Rose law firm must be permanently enjoined from representing the Estate of Simon L. Bernstein.

**ALAN ROSE AS ATTORNEY FOR TED BERNSTEIN AS "TRUSTEE" FRAUDULENT FILING TO DENY AND UNLAWFULLY REMOVE ELIOT BERNSTEIN'S "STANDING" AND REMOVE ELIOT BERNSTEIN AS A BENEFICIARY OF THE SIMON L. BERNSTEIN ESTATE**

23. Upon information and belief, Alan Rose is an attorney licensed to practice in the State of Florida under Florida Bar No. 961825.

24. Just one part of the "frauds' Alan Rose has perpetrated in these proceedings is a filing before prior Judge Phillips falsely denying my Standing dated Jan. 04, 2016, Filing # 36122958 E-Filed 01/04/2016 04:32:05 PM. See Exhibit 5 of EXHIBIT LIST - Trustee Filing Jan 04, 2016.

25. This filing occurred just 2 weeks after a "Validity Trial" that is on Appeal and contested by Eliot Bernstein and which purports to determine the "validity" of various Wills and Trusts of

Shirley Bernstein and Simon Bernstein and was filed by Alan Rose as an attorney under Bar No. 961825.

26. Paragraph 1 of this filing states in part as follows, "By its ruling at the trial held on December 15th, the Court upheld the 2012 Will and Trust of Simon L. Bernstein and the 2008 Will and Trust of Shirley Bernstein. ***As a result of upholding these documents, the Court has determined that Eliot Bernstein, individually, is not a beneficiary of either Simon's or Shirley's Trusts or Estates.*** Instead, his three sons are among the beneficiaries of both Simon's and Shirley's Trusts, in amounts to be determined by further proceedings. Eliot lacks standing to continue his individual involvement in this case." ( emphasis added ).
27. This statement was a ***knowingly false and fraudulent statement as an Officer of the Court by Alan Rose before the Court as Judge Phillips had not made any such Ruling or Determination as of January 4, 2016, no such Ruling or Determination was contained in the Final Judgement*** of the Validity Trial on Appeal, ***nor was any such Ruling or determination made upon the Record of Proceedings*** at the Validity Trial on Dec. 15, 2015. See, Final Judgement Dec. 15, 2015 - EXHIBIT 4 of EXHIBIT LIST; See Exhibit C Transcript of Validity Trial - Filing # 52565600 E-Filed 02/16/2017 06:58:04 AM EXHIBIT 25 of EXHIBIT LIST.
28. Attorney Alan Rose, as an Officer of the Court had actual knowledge that Judge Phillips had never held a "Construction" hearing as of this date to determine the construction of any of the documents, and further had actual knowledge as an Officer of the Court that Judge Phillips Order setting a Trial of Sept. 24, 2015 only set for Trial the Amended Count II Validity and otherwise had stayed hearing on Count I for Construction or anything else that day consistent with prior Judge Colin's Order reference by Judge Phillips and dated Oct. 6, 2014. See Exhibit 3 of EXHIBIT LIST - Sept. 24, 2015 Phillips Order setting Trial.

29. Attorney Alan Rose and Ted Bernstein knew the improperly scheduled “Validity Trial” itself was not about “Construction” even before the Trial was held and again confirmed at the Trial and thus there has been No hearing on the Meaning of the Testamentary documents, something known to Rose, Ted, O’Connell and Feaman and thus grounds to Vacate the current Management Order and remove the Fiduciaries.

**September 15, 2015 Case Management Transcript Excerpts**

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And then there's -- I think the main thing we need to discuss is what order we're going to do the hearings in because along with the guardian ad litem it's our position the first thing we should decide, since almost every motion you're going to hear on Mr. O'Connell's

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list is filed by Eliot Bernstein, is he's not a beneficiary. We have a one-count complaint to determine the validity of the documents. And under the documents, as drafted, he's disinherited. He's not a beneficiary under any way and if you remove his standing then I believe we can go to mediation and resolve almost all of these motions without taking up, probably, two or three weeks of the Court's time

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So what we filed was a one-count complaint to determine those documents. We actually filed a trust construction action. Judge Colin advised us to file -- to add a count. We added one count to determine the validity of those documents. It's been answered by everybody, and what Judge Colin did was he severed that one count from everything else and he stayed everything else until we resolved that one count. That's the issue that we believe, if

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THE COURT: What is the name or where is

the document to be found that has this single count for determination of validity of estate documents or trust documents that was severed out by Judge Colin?

MR. ROSE: It's in case 5020143698

THE COURT: All right. And then at some point in time you say Judge Colin severed out this count and said it should be heard separately. Is that --

MR. ROSE: He severed it and stayed --

THE COURT: Do you know when the order was entered on that?

MR. ROSE: 10-6 according to the chart from --

THE COURT: 10-6-14?

MR. ROSE: Yes. It says order on amendments to pleadings. There might be an order that predates that

THE COURT: -- the trustees believe the first thing that needs to be done is the resolution of this order that was entered by Judge Colin severing out the count and the amended complaint that deals with the validity of the testamentary documents, correct?

MR. ROSE: Yes, sir.

THE COURT: Let me ask this: How is it that there is an order by Judge Colin severing out this count about the validity of some estate documents in the Simon Bernstein case if the documents in question were filed in a different estate? Maybe the trustee can address that.

MR. ROSE: Sure.

THE COURT: What's up with that?

MR. ROSE: We have a trust construction count that was to determine the validity and then the construction of the Shirley Bernstein trust. Within that claim, because there's an overlap of issues there, the standing issue is

the same in both. What Judge Colin ordered me to do was to file an additional count into that complaint. Everyone was properly noticed. We

already had the jurisdiction over all the beneficiaries, those that answered, those that did not. Nobody moved to dismiss upon the ground that it's not properly in one case, and so because there's a direct overlap between documents that were executed and the validity of those documents, and the validity of the will of Simon directly relates to the validity of the exercise of power of appointment because he exercised his power through his will. So what Judge Colin did was he ordered me to file a simple one-count complaint, as simple as it could be, list the four documents and allege that they're all valid and enforceable. In the context of trying that issue you will decide whether, for example, Simon Bernstein was unduly influenced, if that's an allegation, to execute the power of appointment. The power of appointment is what deprives Mr. Eliot Bernstein of standing. Judge Colin ordered us all put it all in this count. He then stayed everything else and severed that and we're supposed to try that and we get bogged down constantly in - -

Is it true that Judge Colin issued a stay order on the other parts of the litigation and it intended -- somehow he manifested an intention to resolve the validity of the estate documents? Is there an order that says that somewhere?

MR. ROSE: I think that goes too far. There are multiple proceedings. He severed this count --

THE COURT: I got that.

MR. ROSE: It's our view that that should be what is decided --

THE COURT: I know. But you said a minute ago that he stayed other proceedings. Is there an order that says that? Where do I find that

order?
MR. ROSE: It's the one that you looked at, October 6th. It stays the rest of the proceedings inside the Shirley Bernstein trust construction case. It doesn't stay everything in the Simon Bernstein side.

Well, then there's no reason for me not to set a trial on that Count II of the amended complaint, right? I'll do that whether everybody wants me to do or not that way I'll get something done and that way we'll move down the road. That will be done. Court to order set. How much time you think we need to try that?
MR. ROSE: Normally I would think we can try the case within a day.
THE COURT: Okay. Anybody think we need a different amount of time?
MR. ELIOT BERNSTEIN: Yeah. I think it will take several days.
THE COURT: Why?

MR. ELIOT BERNSTEIN: Well, you're going to have to first start with is Ted Bernstein a valid trustee to argue the case. So that's --
THE COURT: No, I won't have to decide that.
MR. ELIOT BERNSTEIN: You want somebody to argue who's not valid --
THE COURT: What else? Any other issue? Is there any other issue that's going to take more than a day?
MR. ELIOT BERNSTEIN: Well, it's very complicated.
THE COURT: No, this isn't going to be complicated.
MR. ELIOT BERNSTEIN: Okay.
THE COURT: It's not. There's documents, pieces of paper that somebody claims were executed or not executed.
MR. ELIOT BERNSTEIN: There's been fraud in the document.
THE COURT: I was explaining to you

something. If you interrupt me you can be held in contempt. If I interrupt you I'm keeping order in my courtroom. You see the difference there? This is not a conversation. Okay. No

need for me to explain anything further. I intend to set this for trial. I intend to set it for a day. I intend that issue of the validity of the estate documents will be resolved in that trial. Is there any reason to not think I can do that in a day other than what Mr. Eliot Bernstein has mentioned?

THE COURT: I'm confused too. Welcome to my world.
MR. ELIOT BERNSTEIN: Welcome to mine.
THE COURT: We're going to eliminate some of the confusion by trying some of these things

pled in this case and one of them that's been pled is Count II of the amended petition of Docket Entry 26 that Judge Colin severed out and said is going to be tried separately.

**December 15, 2015 Validity Hearing Transcript Excerpts on limiting hearing**

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MR. ROSE: We are asking you to decide whether five testamentary documents are valid, authentic and enforceable. And that is set forth in count two of the amended complaint in this action. The five documents are a 2008 will of Shirley

Bernstein, a 2008 trust of Shirley Bernstein, and an amendment by Shirley Bernstein to her 2008 trust.

So for Shirley, there are three documents that count two seeks you to determine are valid, authentic and enforceable according to their terms.
And for Simon Bernstein, he has a 2012 will,

18· ·and a 2012 amended and restated trust agreement.
19· ·And we're asking that these five documents be
20· ·validated today.

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15· · · · · ·THE COURT:· Sustained.
16· · · · · ·Here's what I'm going to decide at the end of
17· · · the day; I'm going to decide whether Shirley's 2008
18· · · will and trust and 2008 amendment are valid and
19· · · enforceable.· I'm going to decide whether Simon's
20· · · 2012 will and 2012 trust documents are valid and
21· · · enforceable.· You have a lot more on your mind than
22· · · I have on mine.· You do.· Right?· But those are the
23· · · things that I'm working on.· So I'm focused like a
24· · · laser and you're focused more like a shotgun.· I'm…

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25· · · · · ·MR. ROSE:· Your Honor, can I just -- I don't

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1· ·want to go out of order, but this is only relevant
·2· ·if the documents are valid.· And if he's -- the
·3· ·whole point is the documents are valid.· And he
·4· ·wants to argue the second part, of what they mean,
·5· ·then we should not have wasted a whole day arguing
·6· ·over the validity of these five documents.
·7· · · · THE COURT:· Well, waste of time is what I do
·8· ·for a living sometimes.· Saying we shouldn't be
·9· ·here doesn't help me decide anything.
10· · · · I thought I was supposed to decide the
11· ·validity of the five documents that have been
12· ·pointed out; some of them might be valid and some
13· ·of them might be invalid.· And I'm struggling to
14· ·decide what's relevant or not relevant based upon
15· ·the possibility that one of them might be invalid
16· ·or one of them might not.· And so I'm letting in a
17· ·little bit more stuff than I normally think I
18· ·would.
19· · · · MR. ROSE:· I'm concerned we're arguing the
20· ·second -- the second part of this trial is going to
21· ·be to determine what the documents mean and what
22· ·Simon's power of attorney could or couldn't do.
23· ·And this document goes to trial two and not trial
24· ·one, although I didn't object to its admissibility.

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

·4· · · · · · ·I'm not called to rule upon that stuff.· I'm
·5· · · · called to rule upon the validity of these five
·6· · · · paper documents.· That's what I'm going to figure
·7· · · · out at the end of the day.

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9· · · · MR. ROSE:· Okay.· Thank you.· May it please
10· ·the Court.
11· · · · We're here on a very narrow issue.· And
12· ·we -- you know, I apologize to the extent I put on
13· ·a little bit of background.· We've had an extensive
14· ·litigation before Judge Colin.· This is our first
15· ·time here.· And if any of my background bored you,
16· ·I apologize.
17· · · · There are five documents that are at issue,
18· ·which we talked about before we started; the 2008
19· ·will and trust of Shirley Bernstein, as well as the
20· ·amendment that she signed, and then the 2012 will
21· ·and trust of Simon Bernstein.

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[Rose]
11· · · · But what we're here to decide is, are these
12· ·documents valid and enforceable?· And there are
13· ·self-proving affidavits attached to the documents.
14· ·And by themselves, if you find the self-proving
15· ·affidavits to be valid, then the wills themselves
16· ·are valid and enforceable.

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[Rose]
17· · · · And we would ask that you uphold the five
18· ·documents and determine, as we have pled, that the
19· ·five testamentary documents that are in evidence, I
20· ·believe, as 1, 2, 3, 4, and 5 be upheld and
21· ·determined to be the valid and final testamentary
22· ·documents of Simon and Shirley Bernstein.· To the
23· ·extent there's any question the document that has
24· ·been admitted to be not genuine be determined to be
25· ·an inoperative and ungenuine document, we would ask

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·1· ·that you enter judgment for us on Count II and
·2· ·reserve jurisdiction to deal with the rest of the
·3· ·issues as swiftly as we can.
·4· · · · THE COURT:· All right.· Thank you.

Thus, attorneys and fiduciaries Rose, Ted, O'Connell and Feaman all know NO Construction hearing occurred, all know I am a Child of Simon Bernstein and was named in the Notice of Admin Document filed and in the Will itself and yet all have gone along with the Fraud upon the Court denying my Standing in the Estate for nearly a year.

Even if I am allegedly only a "TPP" Beneficiary, because the Estate has allegedly been so poorly managed and has minimal funds due to misconduct, if Stansbury were to get a $2.6 Million judgement then it is possible the Court and proper Fiduciaries will have to look to the TPP to satisfy the Creditor and thus I should have full standing for all of Simon's Estate and these hearings including Removing the current Fiduciaries and PR and denying Alan Rose from Representing the Estate or trusts due to the frauds upon the Court.

30. This Court had ample information from my Nov. 21, 2016 filing in Opposition to the current actions of Rose, Ted and PR O'Connell to Order different hearings and yet none of my claims have been heard by this Court nor any of my submitted Schedule of issues for these hearings considered which must now be changed.
31. This filing included the Federal all Writs act which shows specific areas of Monies unaccounted for by Ted, Rose and O'Connell and Stansbury and Counsel have also been aware of this and have yet to go after these funds or accountings either and the misconduct should be sufficent to permanently disqualify Ted, Rose and O'Connell from further action in these cases as fiduciaries.
32. From Par. 6 of All Writs Act Injunction filed in Federal District Court of the Northern District of Illinois on Feb. 24, 2016 and submitted to THIS Court as an Exhibit in support of the Nov. 21, 2016 Motion in Opposition, see Exhibit 11 of EXHIBIT LIST - Exhibit #5 of Filing, to the latest fraud by Ted Bernstein and his Counsel Alan Rose,

"Just one "piece-meal" disclosed item of documentary evidence shown later herein documents approximately $2.8 Million in just one of Simon Bernstein's accounts at the time of his passing which to this day has never been accounted for which also does not include millions from other accounts and the millions of worth of Shirley Bernstein where in 5 years there has never been an accounting yet the core parties who brought this original action to your Court try to portray my parents as virtual paupers where all their records and financials and critical documents are "lost" which is a fraud itself."

33. This refers to funds held in a Wilmington Trust Account, see Exhibit 8 of EXHIBIT LIST, at the time of Simon Bernstein's passing which ***have never been accounted for to this very day years later and never addressed by PR O'Connell despite being served a copy of the All Writs Act motion in Feb. of 2016.***
34. Not only has PR O'Connell never once addressed this or sought to determine the whereabout and accounting of these funds, but PR O'Connell has taken no action to obtain such information from Trustee Ted Bernstein or his Counsel Alan Rose.
35. Likewise, "Creditor" William Stansbury and his Counsel Peter Feaman have known about the existence of these funds for well over a year and done nothing to pursue these funds whatsoever.
36. "Creditor" Counsel Feaman was made aware of these specific funds by the All Writs Act filing by being provided a copy and "Creditor" William Stansbury has had discussions about these funds since on or about the summer of 2015 ***even before the "Validity Trial" of Dec. 2015*** as it was William Stansbury who had pointed out that the $2.8 Million ONLY referred to Simon Bernstein's half of the BFR investments ***and that Shirley Bernstein's half of BFR would also likely represent another $2.8 Million and likewise there has never been Any Accounting of***

***these funds in the Shirley Bernstein case either and again "Creditor" William Stansbury has taken no action to pursue these matters.***

37. Par. 7 of the All Writs, see Exhibit 11 of EXHIBIT LIST - Exhibit #5 of Filing, showed ***which this Court received as part of the Nov. 21, 2016 filings in Opposition to the actions of Ted Bernstein and Alan Rose and yet this Court with Judge Scher presently has taken No Action on even in the Scheduling of Hearings***, "As shown throughout this complaint, the Discovery Abuses in the parallel State proceedings which justify exercise of this Court's injunctive powers at this time are such that there has never been any coherent, complete disclosure of "Original" Trusts, Wills and related instruments nor any coherent presentation of the Estates and how these were managed despite sophisticated lawyers working in these cases Billing hundreds of thousands of dollars a clip."

**O'Connell is a Material and Necessary Fact Witness if Alan Rose is Not Disqualified as a Matter of Law prior to Any Hearing and PR O'Connell is Unqualified to give any Waiver or act for the Estate**

A. O'Connell and Rose's Office are already Material Fact Witnesses on Missing TPP and from Rose's last Minute "Discovery" of "Duplicate Originals" in May of 2015. See, Phillips Trial Motion and New Trial motion; All Writs Fed Court; Nov. 21, 2016 Filing with this Court.

B. O'Connell claims in his UNDATED Statement first disclosed Feb,. 9, 2017, see Exhibit 10 of EXHIBIT LIST, that he was "Advised" by the Rose law firm that there are no Conflicts. This is an inconclusive improper Statement that does Not show that PR O'Connell actually knows there is No Conflict based upon due diligence professional review on behalf of the Estate

C. Under ( iii ) O'Connell says "I have no personal knowledge or involvement in the matter" referring to the Stansbury case as an alleged basis to Agree to Appoint Ted. Yet, if PR O'Connell has NO Personal Knowledge or involvement in the matter, then PR O'Connell has no basis to make a waiver on behalf of the Estate and the Beneficiaries.

D. PR O'Connell has failed to obtain the LIC Holdings and Arbitrage International Statements. The LIC Holding Tax Returns - Last years Provided by T&S, see Exhibit 7 of EXHIBIT LIST - 2007-2008 Tax Returns[2] ) 2007 Alleged- $38.4 Million with $2.7 Million to Ted and $2.38 Million to Stansbury yet Only $400K to Simon - 2008 - $39.4 Million with $5.2 Million to Ted and $3.7 Million to Simon and $420K to Stansbury. Yet PR O'Connell has None of the Statements since and thus No proper knowledge of what was going on with LIC to make a Waiver.

E. Further, See Sept. 19th 2014 Email from Ben Brown, see Exhibit 30 from EXHIBIT LIST - Ben Brown confirms there are NO Statements for Shirley or EITHER TRUSTS - Still Waiting on IRS Tax Returns. Yet, PR O'Connell never Follows up, never gets any LIC info; never gets Tax Returns.

F. IF PR O'Connell never gets any of that info, how can he determine what is Best Interests of the Estate? IF he hAS that INFO and DISCOVERY then there are Discovery Violations as he never turned Over these items to myself and turned over 3 Partially Filled Boxes in August of 2015 supposed to be representing Simon's Business Etc for someone in Business for 50 years,

G. O'Connell as PR for the Estate of Simon has conflicting interest with Ted Bernstein as a Defendant in the Stansbury lawsuit, as Ted is a defendant in the lawsuit who has only

[2] 2007-2008 LIC Tax Returns UNSIGNED
http://iviewit.tv/Simon%20and%20Shirley%20Estate/tax%20returns%202007%202008%20LIC.pdf

been let out of the lawsuit by Stansbury, not the Estate, not BFR and Ted is alleged to have committed most of the egregious acts alleged by Stansbury, including fraud. The Estate should be claiming that Ted was responsible for virtually all of the claims Stansbury alleges and therefore should be held personally liable for ALL OF THE DAMAGES and not shift burden of liabilities from Ted to the Estate beneficiaries only.

H. If Ted's counsel Rose were to defend the Estate would he be capable of alleging his client Ted is responsible for the fraud or aid and abet Ted in shifting the liabilities and allowing Ted out of the damages? Especially due to Rose's previous involvement in a conflicted and fraudulent settlement with Stansbury that was done with Ted having conflicts of interest, adverse interests and conflicting financial interests to the parties he was representing as a fiduciary and Rose knowing these conflicts and adversity settled the matter to allow his client Ted individually out of the lawsuit and thereby shifted the entire burden of liabilities to the Simon Estate and Simon Trust where his client Ted has no financial interest. This previous settlement constructed with such a diabolical conflict shows this Court that Ted again has ignored his fiduciary responsibilities to the parties he represents and put himself before them at their expense. Beneficiaries and this Court were never given information relating to the settlement that allowed Ted Bernstein out of the Stansbury lawsuit.

I. Brian O'Connell has been repeatedly informed of this conflict of interest and adverse interest of Ted Bernstein but yet somehow now is allowing the breaches to continue without even informing this Court of the fraud that is occurring and in fact, further enabling the fraud by allowing Ted's counsel to replace him in the litigation without raising adequate defenses to quash this fraud from continuing..

**Current Case Management Order has No Orderly Structure for Hearings; Witness Lists; Exhibits etc - Insufficient Time scheduled for Proper Hearings**

The current case management Order had no Orderly structure for the hearings, Witness lists or Exhibit lists and has insufficient time and must be Vacated in substantial part, amended and modified.

**Ted's Inherent Conflicts as Responsible Party in Stansbury Litigation Shifting Burden of Liability to the Estate for Acts he May be Responsible For; Attorney Alan Rose "integral" part of this Inherent Conflict**

A. Terms of Settlement with Ted Bernstein Unknown in general and are "Hidden" from this Court and All of the Beneficiaries of the Estate. This Court should make No determinations on Rose or Ted without full disclosure of the Terms of the Settelement with Ted on the Record and to All Beneficiaries of the Estate including Eliot Bernstein.
B. PR O'Connell as PR could not make Proper waiver or determination in absence of determination of Ted's Responsibility and Liability.
C. The Court should note that attorney Feaman and the Creditor Stansbury started off their attempts to collect the $2.6 million by Certified Letter to Ted Bernstein, NOT Simon Bernstein and the Complaints and Amended Complaints filed by Stansbury focused conduct on Ted Bernstein who had inherent conflicts in Settling as Fiduciary shifting liabilities to the Estate Beneficiaries and must now be denied all motions, strike all motions and removed as fiduciary or leave for full motions on removal to be filed.
D.

**OTHER FRAUD UPON THE COURT BY ATTORNEY ALAN ROSE, FIDUCIARY TED BERNSTEIN THAT FIDUCIARY PR BRIAN O'CONNELL HAS GONE ALONG WITH AND ATTORNEY OFFICER OF THE COURT PETER FEAMAN HAS REFUSED TO ADDRESS; THUS THE COURT SHOULD GRANT LEAVE FOR A FULL MOTION TO VACATE THE "FINAL JUDGMENT" OF VALIDITY TRIAL HEREIN IF IT DOES NOT DO SO ON THE CURRENT PAPERS.**

Florida Rules of Civil Procedure 1.200 provides in part that, "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." ( emphasis added ).

Procedural due process is a constitutional guarantee. See, e.g., Vollmer v. Key Dev. Props., 966 So.2d 1022 (Fla. 2 nd DCA 2007).

Starting in the same pattern as now shown before this Court, Attorney Alan Rose actually knew on Sept. 15, 2015 that a Case Management Conference was only called in the Simon Bernstein Estate case as filed by PR O'Connell's office but instead "moved" the Court of Judge Phillips to set a Trial in the Shirley Bernstein case after submitting a "last minute" Omnibus Report "after business hours" the day before which clearly showed he was aware that No Case Management Conference had been issued in the Shirley Trust or cases other than Simon's Estate and in fact had requested a last minute additional hour for Case Management on those cases but no such hour was granted and no Notice of Case Management in the other cases occurred.

Fiduciary and Officer of the Court Attorney Brian O'Connell continued with this fraud and went along not moving to correct and neither did Attorney Officer of the Court Peter Feaman.

Attorney and Officer of the Court Peter Feaman even admitted in a phone conference shortly before the improperly scheduled “Validity” Trial of Dec. 15, 2015 that UNIFORM Pre-Trial Procedures exist in the 15th Judicial but these had not been Ordered by Judge Phillips and yet has taken no action to correct ever since or come forward with an Affidavit in this matter. Peter Feaman must be added to the Witness List for Hearings in this case under a new Case management Order.

The right to be heard is so instrumental that error need not be preserved. “[T]he denial of a party's right to be heard — even if unpreserved — constitutes per se reversible error and, therefore, can be raised at any time.”K.G. v. Fla. Dep’t of Children & Families, 66 So. 3d 366 (Fla. 1st DCA 2011), citing Vollmer v. Key Dev. Props., Inc., 966 So. 2d 1022, 1027 (Fla. 2d DCA 2007).

"The constitutional guarantee of due process requires that each litigant be given a full and fair opportunity to be heard… The violation of a litigant’s due process right to be heard requires reversal.” Vollmer v, Key Dev. Props., 966 So.2d 1022, 1027 (Fla. 2nd DCA 2007). See also, Minakan v. Husted, 27 So. 3d 695 (Fla. 4th DCA 2010)”.

“The goals of these procedural rules are "to eliminate surprise, to encourage settlement, and to assist in arriving at the truth." Spencer v. Beverly, 307 So.2d 461, 462 (Fla. 4th DCA 1975) (Downey, J., concurring), cert. denied, 314 So.2d 590 (Fla. 1975). We recently reiterated those goals. “A search for truth and justice can be accomplished only when all relevant facts are before the judicial tribunal. Those relevant facts should be the determining factor rather than gamesmanship, surprise, or superior trial tactics. Dodson v. Persell, 390 So.2d 704, 707 (Fla. 1980).

",

According to Hendrix v. Department Stores National Bank, 4D14-1612 (Fla. App. 4 Dist. 9- 30-2015) citing Infante v. Vantage Plus Corp., 27 So.3d 678, 680 (Fla. 3d DCA 2009), "A judgment is void if, in proceedings leading up to the judgment, there is [a] violation of the due process guarantee of notice and an opportunity to be heard." See, Hendrix v. Department Stores National Bank, 4D14-1612 (Fla. App. 4 Dist. 9- 30-2015) citing Infante v. Vantage Plus Corp., 27 So.3d 678, 680 (Fla. 3d DCA 2009

"A judgment is void if, in the proceedings leading up to the judgment, there is [a] violation of the due process guarantee of notice and an opportunity to be heard." Tannenbaum v. Shea, 133 So.3d 1056, 1061 (Fla. 4th DCA 2014) (internal quotations and citations omitted); see also Viets v. Am. Recruiters Enterprises, Inc., 922 So.2d 1090, 1096 (Fla. 4th DCA 2006) (a denial of due process "voids the default, and derivatively the default judgment."). See, Tannenbaum v. Shea, 133 So.3d 1056, 1061 (Fla. 4th DCA 2014) (internal quotations and citations omitted); see also Viets v. Am. Recruiters Enterprises, Inc., 922 So.2d 1090, 1096 (Fla. 4th DCA 2006)

As the 4th DCA said in JOELLE SAWAYA, Appellant, v. MORRIS KENT THOMPSON, Appellee. No. 4D15-841 [November 30, 2016], "By failing to hold an evidentiary hearing on the petition and motions, the trial court violated Appellant's due process rights. There was a denial of procedural due process in the instant case because the trial court summarily denied Appellant's petition without holding an evidentiary hearing.1 Such a summary denial violates a petitioner's right to be heard. Murphy v. Ridgard, 757 So. 2d 607, 608 (Fla. 5th DCA 2000)." Further, " As this Court explained in Sperdute v. Household Realty Corp., 585 So. 2d 1168 (Fla. 4th DCA 1991), "the purpose of an evidentiary hearing is to allow a party to 'have a fair opportunity to contest' the factual issues . . . . [I]t is reversible error for a trial court to deny a party an evidentiary hearing to which he is entitled." Id. at 1169 (quoting Malzahn v. Malzahn,

541 So. 2d 1359, 1360 (Fla. 4th DCA 1989)). See, Sperdute v. Household Realty Corp., 585 So. 2d 1168 (Fla. 4th DCA 1991)

Eliot I. Bernstein was Summarily denied any Evidentiary hearing on the motions to oppose the lack of standing, wholly denied any Evidentiary Hearing for proper "Construction" of the allegedly "valid" "Testamentary" documents, denied a proper due process evidentiary hearing on Guardianship and summarily denied an evidentiary hearing on counterclaims herein and throughout these proceedings.

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Thus, not only should this Court grant Leave to file a comprehensive Motion to Vacate the "Final Judgment" on Validity, but should also Order Standard, Uniform Pre Trial Order for the new Hearings and grant further leave to file comprehensive motions to Vacate all of the Orders and or Judgements of of Judge Phillips and Orders of Judge Colin and other relief as law and justice requires.

**This Court Must Now Restructure the Case Management Order and Order Producton of Discovery and Depostions before Hearings to Address the pervasive Fraud upon the Court by Alan Rose, Ted Bernstein and "gone along with" by PR Brian O'Connell**

38. Pre-trial depositions in Trust and Will construction and validity cases are proper and the lower tribunal abused its discretion by denying these pre-trial Discovery procedures. Although in the following case there existed the additional factor of witnesses in jeopardy of passing away before trial to also support the pre-trial deposition request, the Court noted, "The depositions were plainly within the general scope of discovery relating to the allegations in the second amended

complaint. Fla. R. Civ. P. 1.280(b).". See, Toomey v. the Northern Trust Co., Etc., 15-2813 (Fla. Dist. Ct. App. 2016).

39. This Court is respectfully Petitioned to Amend and Modify the Case Management Order to permit Discovery and Depositions of the parties listed in the submitted Witness List already on file with this Court on this day of Feb, 16, 2017 and restructure the Order of the Hearings so All Fraud upon the Court is addressed and removed first.

**A Continuance of the Hearings Should Further be Granted Considering the serious Medical-Dental issues of Eliot Bernstein while repeatedly faced with Fraud Upon the Court by Fiduciaries and Attorneys**

40. "Factors to be considered in determining whether the trial court abused its discretion in denying the motion for continuance include whether the denial of the continuance creates an injustice for the movant; whether the cause of the request for continuance was unforeseeable by the movant and not the result of dilatory practices; and whether the opposing party would suffer any prejudice or inconvenience as a result of a continuance." Fleming v. Fleming, 710 So.2d 601 (Fla. 4th DCA 1998)

41. In determining whether the trial court has abused this broad discretion, the appellate courts consider the following three factors stated previously:
"1) whether the movant suffers injustice from the denial of the motion; 2) whether the underlying cause for the motion was unforeseen by the movant and whether the motion is based on dilatory tactics; and 3) whether prejudice and injustice will befall the opposing party if the motion is granted. Baron v. Baron, 941 So.2d 1233,

1235-36 (Fla. 2d DCA 2006) (quoting Myers v. Seigel, 920 So.2d 1241, 1242 (Fla. 5 th DCA 2006))."

42. In this case, it was Unforeseen that PR O'Connell would finally come out with an Admission against the Interests of Ted Bernstein and Alan Rose now proving the FRAUD Upon the Court that these parties have perpetrated for over a year.
43. It was these "Fiduciaries" and "Attorneys" who WITHHELD this Information from the Court and Judge Scher and myself until the "last minute" filing of Feb. 9th, 2017.
44. These parties can not claim Prejudice as a result of their own Fraud Upon the Court.
45. For these reasons and the attached Doctor's statement showing serious Medical-Dental issues of Eliot I. Bernstein, a Continuance of at least 3 weeks should be granted but any such Order should also consider the time needed to obtain necessary Discovery and Depositions of these parties and those on the attached Witness list.

**O'Connell Material and Necessary Fact Witness if Alan Rose is Not Disqualified as a Matter of Law prior to Any Hearing**

J. O'Connell and Rose's Office already Material Fact Witnesses on Missing TPP; last Minute "Discovery" of "Duplicate Originals" etc - Phillips Trial Motion; All Writs Fed Court; Nov. 21, 2016 Filing with this Court etc

K. O'Connell claims in an UNDATED Statement, see Exhibit 10 of EXHIBIT LIST, he was "Advised" by the Rose law firm that there are no Conflicts - Inconclusive Improper Statement that does Not show the PR O'Connell actually knows there is No Conflict Based upon Due Diligence Professional Review on Behalf of the Estate

L. Under ( iii ) O'Connell says "I have no personal knowledge or involvement in the matter" as a basis to Agree to Appoint Ted - YET, IF he has NO Personal Knowledge or

Involvement in the Matter then PR O'Connell has No Basis to Make a Waiver on behalf of the Estate and the Beneficiaries.

M. *** LIC Holding Tax Returns - Last years Provided by T&S, see Exhibit 7 of EXHIBIT LIST - 2007-2008 Tax Returns[3] ) 2007 Alleged- $38.4 Million with $2.7 Million to Ted and $2.38 Million to Stansbury yet Only $400K to Simon - 2008 - $39.4 Million with $5.2 Million to Ted and $3.7 Million to Simon and $420K to Stansbury - See Sept. 19th 2014 Email from Ben Brown, see Exhibit 30 from EXHIBIT LIST - NO Statements for Mother or EITHER TRUSTS - Still Waiting on IRS Tax Returns - O'Connell Never Follows up - NEVER Gets Any LIC info - Never Gets Tax Returns - IF Never Gets ANY of that Info, HOW Can he Determine what is Best Interests of the Estate - IF he HAS that INFO, DISCOVERY Violations as Never Turned Over to Eliot - Turned over 3 Partially Filled Boxes in August of 2015 Supposed to Be Representing Simon's Business Etc for Someone in Business for 50 years -

N. O'Connell as PR for the Estate of Simon has conflicting interest with Ted Bernstein as a Defendant in the Stansbury lawsuit, as Ted is a defendant in the lawsuit who has only been let out of the lawsuit by Stansbury, not the Estate, not BFR and is alleged to have committed most of the egregious acts alleged by Stansbury, including fraud. The Estate should be claiming that Ted was responsible for virtually all of the claims Stansbury alleges and therefore should be held personally liable for ALL OF THE DAMAGES and not shift burden of liabilities from Ted to the Estate beneficiaries only.

O. If Ted's counsel Rose where to defend the Estate would he be capable of alleging his client Ted is responsible for the fraud or aid and abet Ted in shifting the liabilities and

[3] 2007-2008 LIC Tax Returns UNSIGNED
http://iviewit.tv/Simon%20and%20Shirley%20Estate/tax%20returns%202007%202008%20LIC.pdf

allowing Ted out of the damages? Especially due to Rose's previous involvement in a conflicted and fraudulent settlement with Stansbury that was done with Ted having conflicts of interest, adverse interests and conflicting financial interests to the parties he was representing as a fiduciary and Rose knowing these conflicts and adversity settled the matter to allow his client Ted individually out of the lawsuit and thereby shifted the entire burden of liabilities to the Simon Estate and Simon Trust where his client Ted has no financial interest. This previous settlement constructed with such a diabolical conflict shows this Court that Ted again has ignored his fiduciary responsibilities to the parties he represents and put himself before them at their expense. Beneficiaries and this Court were never given information relating to the settlement that allowed Ted Bernstein out of the Stansbury lawsuit.

P. Brian O'Connell has been repeatedly informed of this conflict of interest and adverse interest of Ted Bernstein but yet somehow now is allowing the breaches to continue without even informing this Court of the fraud that is occurring and in fact, further enabling the fraud by allowing Ted's counsel to replace him in the litigation without raising adequate defenses to quash this fraud from continuing..

WHEREFORE, it is respectfully prayed for an Order Vacating in substantial part the Case Management Order and amending and modifying same, Disqualifying Rose, Ted and O'Connell from all fiduciary capacities or granting leave for formal motions to remove all fiduciaries, granting Discovery and Depositions and Orderly trial procedures and a continuance and other relief as requested herein.

**Dated: February 16, 2017**

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

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to counsel of record and the proper parties on the attached Service List via the Court's e-portal system or Email Service on this 16th day of February, 2017.

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

## SERVICE LIST

| | | |
|---|---|---|
| Pamela Beth Simon<br>950 N. Michigan Avenue<br><br>Apartment 2603<br>Chicago, IL 60611<br>psimon@stpcorp.com | Alan B. Rose, Esq.<br>Page, Mrachek, Fitzgerald & Rose, P.A.<br>505 South Flagler Drive, Suite 600<br>West Palm Beach, Florida 33401<br>(561) 355-6991<br>arose@pm-law.com<br>and<br>arose@mrachek-law.com<br>mchandler@mrachek-law.com | John J. Pankauski, Esq.<br>Pankauski Law Firm PLLC<br>120 South Olive Avenue<br>7th Floor<br>West Palm Beach, FL 33401<br>(561) 514-0900<br>courtfilings@pankauskilawfirm.com<br>john@pankauskilawfirm.com |

| | | |
|---|---|---|
| Robert L. Spallina, Esq.,<br>Tescher & Spallina, P.A.<br>Boca Village Corporate Center I<br>4855 Technology Way<br>Suite 720<br>Boca Raton, FL 33431<br>rspallina@tescherspallina.com<br>kmoran@tescherspallina.com<br>ddustin@tescherspallina.com | Lisa Friedstein<br>2142 Churchill Lane<br>Highland Park, IL 60035<br>Lisa@friedsteins.com<br>lisa.friedstein@gmail.com<br>lisa@friedsteins.com | Irwin J. Block, Esq.<br>The Law Office of Irwin J. Block PL<br>700 South Federal Highway<br>Suite 200<br>Boca Raton, Florida 33432<br>ijb@ijblegal.com<br>martin@kolawyers.com |
| Mark R. Manceri, Esq., and<br>Mark R. Manceri, P.A.,<br>2929 East Commercial Boulevard<br>Suite 702<br>Fort Lauderdale, FL 33308<br>mrmlaw@comcast.net<br>mrmlaw1@gmail.com | Donald Tescher, Esq., Tescher & Spallina, P.A.<br>Boca Village Corporate Center I<br>4855 Technology Way<br>Suite 720<br>Boca Raton, FL 33431<br>dtescher@tescherspallina.com<br>dtescher@tescherspallina.com<br>ddustin@tescherspallina.com<br>kmoran@tescherspallina.com | Jill Iantoni<br>2101 Magnolia Lane<br>Highland Park, IL 60035<br>jilliantoni@gmail.com |
| Peter Feaman, Esquire<br>Peter M. Feaman, P.A.<br>3615 Boynton Beach Blvd.<br>Boynton Beach, FL 33436<br>pfeaman@feamanlaw.com<br>service@feamanlaw.com<br>mkoskey@feamanlaw.com | Kimberly Moran<br>kmoran@tescherspallina.com | Julia Iantoni, a Minor<br>c/o Guy and Jill Iantoni,<br>Her Parents and Natural Guardians<br>210 I Magnolia Lane<br>Highland Park, IL 60035<br>jilliantoni@gmail.com |
| Carley & Max Friedstein,<br>Minors<br>c/o Jeffrey and Lisa Friedstein<br>Parents and Natural Guardians<br>2142 Churchill Lane<br>Highland Park, IL 6003<br>Lisa@friedsteins.com<br>lisa.friedstein@gmail.com | Lindsay Baxley<br>aka Lindsay Giles<br>lindsay@lifeinsuranceconcepts.com | Brian M. O'Connell, Esq.<br>Joielle A. Foglietta, Esq.<br>Ciklin Lubitz Martens & O'Connell<br>515 N. Flagler Dr., 20th Floor<br>West Palm Beach, FL 33401<br>561-832-5900-Telephone<br>561-833-4209 - Facsimile<br>Email: boconnell@ciklinlubitz.com;<br>ifoglietta@ciklinlubitz.com;<br>service@ciklinlubitz.com;<br>slobdell@ciklinliibitz.com |

**SERVICE LIST**

| | |
|---|---|
| John P. Morrissey, Esq.<br>330 Clematis Street, Suite 213<br>West Palm Beach, FL 33401 | Lisa Friedstein<br>2142 Churchill Lane Highland Park, IL 60035<br>lisa@friedsteins.com |

| | |
|---|---|
| (561) 833-0766-Telephone<br>(561) 833-0867 -Facsimile<br>Email: John P. Morrissey<br>(iohn@jrnoiTisseylaw.com) | |
| Peter M. Feaman, Esq.<br>Peter M. Feaman, P.A.<br>3695 West Boynton Beach Blvd., Suite 9<br>Boynton Beach, FL 33436<br>(561) 734-5552 -Telephone<br>(561) 734-5554 -Facsimile<br>Email: service@feamanlaw.com:<br>mkoskey@feamanlaw.com | Jill Iantoni<br>2101 Magnolia Lane Highland Park, IL 60035<br>jilliantoni@gmail.com |
| Gary R. Shendell, Esq.<br>Kenneth S. Pollock, Esq.<br>Shendell & Pollock, P.L.<br>2700 N. Military Trail,<br>Suite 150<br>Boca Raton, FL 33431<br>(561)241-2323 - Telephone (561)241-2330-Facsimile<br>Email: gary@shendellpollock.com<br>ken@shendellpollock.com<br>estella@shendellpollock.com<br>britt@shendellpollock.com<br>grs@shendellpollock.com | Counter Defendant<br>Robert Spallina, Esq.<br>Donald Tescher, Esq.<br>Tescher & Spallina<br>925 South Federal Hwy., Suite 500<br>Boca Raton, Florida 33432 |
| Brian M. O'Connell, Esq.<br>Joielle A. Foglietta, Esq.<br>Ciklin Lubitz Martens & O'Connell<br>515 N. Flagler Dr., 20th Floor<br>West Palm Beach, FL 33401<br>561-832-5900-Telephone<br>561-833-4209 - Facsimile<br>Email: boconnell@ciklinlubitz.com;<br>ifoglietta@ciklinlubitz.com;<br>service@ciklinlubitz.com;<br>slobdell@ciklinliibitz.com | Counter Defendant<br>John J. Pankauski, Esq.<br>Pankauski Law Firm PLLC<br>120 South Olive Avenue<br>7th Floor<br>West Palm Beach, FL 33401<br>courtfilings@pankauskilawfirm.com<br>john@pankauskilawfirm.com |
| Counter Defendant<br>Mark R. Manceri, Esq., and<br>Mark R. Manceri, P.A.,<br>2929 East Commercial Boulevard<br>Suite 702<br>Fort Lauderdale, FL 33308<br>mrmlaw@comcast.net | Counter Defendant<br>Donald Tescher, Esq.,<br>Tescher & Spallina, P.A.<br>Wells Fargo Plaza<br>925 South Federal Hwy Suite 500<br>Boca Raton, Florida 33432<br>dtescher@tescherspallina.com |

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|---|---|
| Theodore Stuart Bernstein<br>880 Berkeley<br>Boca Raton, FL 33487<br>tbernstein@lifeinsuranceconcepts.com | Counter Defendant<br>TESCHER & SPALLINA, *P.A.*.<br>Wells Fargo Plaza<br>925 South Federal Hwy Suite 500<br>Boca Raton, Florida 33432<br>dtescher@tescherspallina.com |
| Theodore Stuart Bernstein<br>Life Insurance Concepts, Inc.<br>950 Peninsula Corporate Circle<br>Suite 3010<br>Boca Raton, FL 33487<br>tbernstein@lifeinsuranceconcepts.com | Counter Defendant<br>Alan B. Rose, Esq.<br>PAGE, MRACHEK, FITZGERALD, ROSE, KONOPKA, THOMAS & WEISS, P.A.<br>505 South Flagler Drive, Suite 600<br>West Palm Beach, Florida 33401<br>561-355-6991<br>arose@pm-law.com<br>arose@mrachek-law.com |
| Pamela Beth Simon<br>950 N. Michigan Avenue<br>Apartment 2603<br>Chicago, IL 60611<br>psimon@stpcorp.com | Counter Defendant<br>L. Louis Mrachek, Esq.<br>PAGE, MRACHEK, FITZGERALD, ROSE, KONOPKA, THOMAS & WEISS, P.A.<br>505 South Flagler Drive, Suite 600<br>West Palm Beach, Florida 33401<br>561-355-6991<br>lmrachek@mrachek-law.com |
| Jill Iantoni<br>2101 Magnolia Lane<br>Highland Park, IL 60035<br>jilliantoni@gmail.com | Counter Defendant<br>Pankauski Law Firm PLLC<br>120 South Olive Avenue<br>7th Floor<br>West Palm Beach, FL 33401 |
| Lisa Sue Friedstein<br>2142 Churchill Lane<br>Highland Park, IL 60035<br>lisa.friedstein@gmail.com<br>lisa@friedsteins.com | Dennis McNamara<br>Executive Vice President and General Counsel<br>Oppenheimer & Co. Inc.<br>Corporate Headquarters<br>125 Broad Street<br>New York, NY 10004<br>800-221-5588<br>Dennis.mcnamara@opco.com<br>info@opco.com |
| Dennis G. Bedley<br>Chairman of the Board, Director and Chief Executive Officer<br>Legacy Bank of Florida<br>Glades Twin Plaza | Hunt Worth, Esq.<br>President<br>Oppenheimer Trust Company of Delaware<br>405 Silverside Road<br>Wilmington, DE 19809 |

| | |
|---|---|
| 2300 Glades Road<br>Suite 120 West – Executive Office<br>Boca Raton, FL 33431<br>info@legacybankfl.com<br>DBedley@LegacyBankFL.com | 302-792-3500<br>hunt.worth@opco.com |
| James Dimon<br>Chairman of the Board and Chief Executive Officer<br>JP Morgan Chase & CO.<br>270 Park Ave. New York, NY 10017-2070<br>Jamie.dimon@jpmchase.com | Neil Wolfson<br>President & Chief Executive Officer<br>Wilmington Trust Company<br>1100 North Market Street<br>Wilmington, DE 19890-0001<br>nwolfson@wilmingtontrust.com |
| William McCabe<br>Oppenheimer & Co., Inc.<br>85 Broad St Fl 25<br>New York, NY 10004<br>William.McCabe@opco.com | STP Enterprises, Inc.<br>303 East Wacker Drive<br>Suite 210<br>Chicago IL 60601-5210<br>psimon@stpcorp.com |
| Charles D. Rubin<br>Managing Partner<br>Gutter Chaves Josepher Rubin Forman Fleisher Miller PA<br>Boca Corporate Center<br>2101 NW Corporate Blvd., Suite 107<br>Boca Raton, FL 33431-7343<br>crubin@floridatax.com | Ralph S. Janvey<br>Krage & Janvey, L.L.P.<br>Federal Court Appointed Receiver<br>Stanford Financial Group<br>2100 Ross Ave, Dallas, TX 75201<br>rjanvey@kjllp.com |
| Kimberly Moran<br>Tescher & Spallina, P.A.<br>Wells Fargo Plaza<br>925 South Federal Hwy Suite 500<br>Boca Raton, Florida 33432<br>kmoran@tescherspallina.com | Lindsay Baxley aka Lindsay Giles<br>Life Insurance Concepts<br>950 Peninsula Corporate Circle<br>Suite 3010<br>Boca Raton, FL 33487<br>lindsay@lifeinsuranceconcepts.com |
| Gerald R. Lewin<br>CBIZ MHM, LLC<br>1675 N Military Trail<br>Fifth Floor<br>Boca Raton, FL 33486 | CBIZ MHM, LLC<br>General Counsel<br>6480 Rockside Woods Blvd. South<br>Suite 330<br>Cleveland, OH 44131<br>ATTN: General Counsel<br>generalcounsel@cbiz.com<br>(216)447-9000 |
| Albert Gortz, Esq.<br>Proskauer Rose LLP<br>One Boca Place<br>2255 Glades Road<br>Suite 421 Atrium | Heritage Union Life Insurance Company<br>A member of WiltonRe Group of Companies<br>187 Danbury Road<br>Wilton, CT 06897<br>cstroup@wiltonre.com |

| | |
|---|---|
| Boca Raton, FL 33431-7360<br>agortz@proskauer.com | |
| Estate of Simon Bernstein<br>Brian M O'Connell Pa<br>515 N Flagler Drive<br>West Palm Beach, FL 33401<br>boconnell@ciklinlubitz.com | Counter Defendant<br>Steven Lessne, Esq.<br>Gray Robinson, PA<br>225 NE Mizner Blvd #500<br>Boca Raton, FL 33432<br>steven.lessne@gray-robinson.com |
| Byrd F. "Biff" Marshall, Jr.<br>President & Managing Director<br>Gray Robinson, PA<br>225 NE Mizner Blvd #500<br>Boca Raton, FL 33432<br>biff.marshall@gray-robinson.com | Steven A. Lessne, Esq.<br>Gunster, Yoakley & Stewart, P.A.<br>777 South Flagler Drive, Suite 500 East<br>West Palm Beach, FL 33401<br>Telephone: (561) 650-0545<br>Facsimile: (561) 655-5677<br>E-Mail Designations:<br>slessne@gunster.com<br>jhoppel@gunster.com<br>eservice@gunster.com |
| T&S Registered Agents, LLC<br>Wells Fargo Plaza<br>925 South Federal Hwy Suite 500<br>Boca Raton, Florida 33432<br>dtescher@tescherspallina.com | David Lanciotti<br>Executive VP and General Counsel<br>LaSalle National Trust NA<br>CHICAGO TITLE LAND TRUST COMPANY, as Successor<br>10 South LaSalle Street<br>Suite 2750<br>Chicago, IL 60603<br>David.Lanciotti@ctt.com |
| Joseph M. Leccese<br>Chairman<br>Proskauer Rose LLP<br>Eleven Times Square<br>New York, NY 10036<br>jleccese@proskauer.com | Brian Moynihan<br>Chairman of the Board and Chief Executive Officer<br>100 N Tryon St #170, Charlotte, NC 28202<br>Phone:(980) 335-3561 |
| ADR & MEDIATIONS SERVICES, LLC<br>Diana Lewis<br>2765 Tecumseh Drive<br>West Palm Beach, FL 33409<br>(561) 758-3017 Telephone<br>Email: dzlewis@aol.com<br>(Fla. Bar No. 351350) | |

SERVICE LIST

| | | |
|---|---|---|
| Pamela Beth Simon<br>950 N. Michigan Avenue<br><br>Apartment 2603<br>Chicago, IL 60611<br>psimon@stpcorp.com | Alan B. Rose, Esq.<br>Page, Mrachek, Fitzgerald & Rose, P.A.<br>505 South Flagler Drive, Suite 600<br>West Palm Beach, Florida 33401<br>(561) 355-6991<br>arose@pm-law.com<br>and<br>arose@mrachek-law.com<br>mchandler@mrachek-law.com | John J. Pankauski, Esq.<br>Pankauski Law Firm PLLC<br>120 South Olive Avenue<br>7th Floor<br>West Palm Beach, FL 33401<br>(561) 514-0900<br>courtfilings@pankauskilawfirm.com<br>john@pankauskilawfirm.com |
| Robert L. Spallina, Esq.,<br>Tescher & Spallina, P.A.<br>Boca Village Corporate Center I<br>4855 Technology Way<br>Suite 720<br>Boca Raton, FL 33431<br>rspallina@tescherspallina.com<br>kmoran@tescherspallina.com<br>ddustin@tescherspallina.com | Lisa Friedstein<br>2142 Churchill Lane<br>Highland Park, IL 60035<br>Lisa@friedsteins.com<br>lisa.friedstein@gmail.com<br>lisa@friedsteins.com | Irwin J. Block, Esq.<br>The Law Office of Irwin J. Block PL<br>700 South Federal Highway<br>Suite 200<br>Boca Raton, Florida 33432<br>ijb@ijblegal.com<br>martin@kolawyers.com |
| Mark R. Manceri, Esq., and<br>Mark R. Manceri, P.A.,<br>2929 East Commercial Boulevard<br>Suite 702<br>Fort Lauderdale, FL 33308<br>mrmlaw@comcast.net<br>mrmlaw1@gmail.com | Donald Tescher, Esq., Tescher & Spallina, P.A.<br>Boca Village Corporate Center I<br>4855 Technology Way<br>Suite 720<br>Boca Raton, FL 33431<br>dtescher@tescherspallina.com<br>dtescher@tescherspallina.com<br>ddustin@tescherspallina.com<br>kmoran@tescherspallina.com | Jill Iantoni<br>2101 Magnolia Lane<br>Highland Park, IL 60035<br>jilliantoni@gmail.com |
| Peter Feaman, Esquire<br>Peter M. Feaman, P.A.<br>3615 Boynton Beach Blvd.<br>Boynton Beach, FL 33436<br>pfeaman@feamanlaw.com<br>service@feamanlaw.com<br>mkoskey@feamanlaw.com | Kimberly Moran<br>kmoran@tescherspallina.com | Julia Iantoni, a Minor<br>c/o Guy and Jill Iantoni,<br>Her Parents and Natural Guardians<br>210 I Magnolia Lane<br>Highland Park, IL 60035<br>jilliantoni@gmail.com |
| Carley & Max Friedstein,<br>Minors<br>c/o Jeffrey and Lisa Friedstein<br>Parents and Natural Guardians<br>2142 Churchill Lane<br>Highland Park, IL 6003<br>Lisa@friedsteins.com | Lindsay Baxley<br>aka Lindsay Giles<br>lindsay@lifeinsuranceconcepts.com | |

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|---|---|---|
| lisa.friedstein@gmail.com | | |

**EXHIBIT LIST BINDER FOR FEBRUARY 16, 2016 HEARING JUDGE SCHER**

1. Colin Order Staying Other Counts of Validity Hearing
2. Ted's Amended Complaint Shirley Trust
3. Phillips Trial Order which Continues the Stay on the Other Counts
4. Phillips Judgment after Bogus Validity Trial that does NOT Say Anything on Standing or Beneficiaries, etc
5. Rose Ted Complaint of Jan. 4th 2016
6. Copy of the Will 2012
7. Copy of 2007 -2008 Tax Returns LIC
8. Copy of Wilmington Statement
9. Copy of All Financial Docs in the All Writs Filing
    a. Grant Thornton
    b. Stanford Valuation
    c. Bank One Statement Page
    d. JP Morgan Simon Account
    e. JP Morgan Simon Account % Arbitrage Int'l
    f. JP Morgan Trustee Account Spallina Tescher
    g. Oppenheimer Email Regarding Stanford Account Transfers
10. Copy of O'Connell Undated Statement Feb 9, 2017 filing
11. Copy of All Writs Act Filing
12. Copy of EXCERPT from Sept 2013 hearing Colin ( Just Do First pages intro, the Relevant Pages needed, and the Last pages etc ) - Get the Manceri section saying you are a Beneficiary - Get the sections where Colin discusses Miranda
13. Copy of Sept 15 2015 Case Management Phillips Transcript - Filing # 52565584 E-Filed 02/16/2017 06:54:43 AM
14. Copy of EIB Nov. 21, 2016 Filing in Opposition Bogus Rose Filings
    a. Pages 1-30
    b. Pages 163-217
15. Copy of Shirley Guardian Order
16. Copy of Standing Order Shirley
17. Colin Feb. 18, 2014 Order on Discovery against Tescher Spallina
18. Dr. Ronik Seecheran Letter Regarding Eliot Health

19. PBSO REPORTS TED AND ROSE STATEMENTS - Filing # 52566594 E-Filed 02/16/2017 08:24:38 AM
20. Nov 28, 2016 Letter to Judge Scher from Alan Rose
21. Filing # 32030300 E-Filed 09/14/2015 05:18:25 PM Trustee Omnibus Judge Phillips
22. Opposition to Jan 4 2016 Ted Filing On Standing http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20160106%20FINAL%20ESIGNED%20OPPOSITION%20IMPROPER%20ROSE%20TED%20HEARING%20GAG%20ORDER.pdf
23. Opposition Jan 13 2016 to Ted Filing On Guardian http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20160113%20FINAL%20ESIGNED%20MOTION%20IN%20OPPOSITION%20TO%20GUARDIAN%20SHIRLEY%20TRUST%20Phillips%20Rose%20ECF%20STAMPED%20COPY.pdf
24. Jan 19, 2016 Eliot Objections to Proposed Order http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20160119%20Final%20ESigned%20Objections%20to%20Proposed%20Order%20of%20Alan%20B.%20Rose%20ECF%20Stamped%20Copy.pdf
25. December 15 2015 Validity Hearing Transcript - Filing # 52565600 E-Filed 02/16/2017 06:58:04 AM
26. September 01, 2016 Hearing RE TPP - Feaman exposes fraud - Filing # 52565684 E-Filed 02/16/2017 07:23:04 AM
27. September 13, 2013 Hearing Judge Colin - Filed with Court - Filing # 52565612 E-Filed 02/16/2017 07:00:50 AM
28. 15th Judicial Administrative Order 3.203-9/08 UNIFORM PRETRIAL PROCEDURES IN CIVIL ACTIONS https://15thcircuit.co.palm-beach.fl.us/documents/10179/15127/3.203.pdf
29. Notice of Administration Simon Bernstein Estate
30. Sep 19, 2014 Ben Brown Letter

**EXHIBITS BY URL SUBMISSION - ALL URL'S FULLY INCORPORATED BY REFERENCE HEREIN**

1. ESTATE & TRUST of Simon L. Bernstein Accounting Objections;

a. Eliot Bernstein filed May 22, 2014[4] to Simon Estate

b. Jill Iantoni & Lisa Friedstein filed May 30, 2014[5] to Simon Estate

c. MOLLY SIMON, ALEXANDRA BERNSTEIN, ERIC BERNSTEIN and MICHAEL BERNSTEIN filed June 01, 2014[6] to Simon Estate

d. Creditor William Stansbury filed June 02, 2014[7] to Simon Estate

e. PR Brian O'Connell, Esq. filed August 13, 2014[8] to Simon Estate

f. Eliot Bernstein filed September 02, 2015[9] to Simon Bernstein Trust Accounting

g. Brian O'Connell filed Amended September 30, 2015[10] to Simon Bernstein Trust

2. May 13, 2013 Emergency Motion[11] - Halt Freeze All Assets

3. Nov. 21, 2016 Objections Filed in All 3 Cases[12] -

4. PRIOR MOTIONS TO REMOVE TED

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[4] http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140522%20FINAL%20SIGNED%20PRINTED%20OBJECTION%20TO%20FINAL%20ACCOUNTING%20Low.pdf

[5] http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140530%20Objections%20to%20Final%20Accounting%20Jill%20and%20Lisa.pdf

[6] http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140601%20Objection%20to%20Final%20Accounting%20Molly%20Eric%20Michael.pdf

[7] June 02, 2014 Objection to Accounting Creditor Stansbury Simon Estate
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140602%20Objection%20to%20Spallina%20Tescher%20Accounting%20Stansbury%20Feaman.pdf

[8] August 13, 2014 Objection to Accounting PR Brian O'Connell Simon Estate
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140813%20Personal%20Representative%20OConnell%20Objection%20to%20Spallina%20and%20Tescher%20Final%20Accounting.pdf

[9] September 02, 2015 Objection to Accounting filed by Eliot Bernstein - Simon Trust Accounting
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150902%20FINAL%20Objection%20to%20Simon%20Bernstein%20Trust%20Accounting%20ECF.pdf

[10] September 30, 2015 Objection to Accounting filed by PR O'Connell - Simon Trust Accounting
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150930%20Simon%20Estate%20Accounting%20Objection%20of%20Ted%20Trust%20Accounting%20Brian%20O'Connell%20PR.pdf

[11] May 06, 2013 Emergency Petition
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20130506%20FINAL%20SIGNED%20Petition%20Freeze%20Estates%20Orginal%20Large.pdf

[12] November 21, 2016 Opposition to Trustee's Motion to Close Estate
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20161121%20FINAL%20ESIGNED%20Motion%20in%20Opposition%20to%20Trustee%20Motion%201%20i%20ii%20and%202%20Simon%20Estate%20Case%204391%20ECF%20STAMPED%20COPY.pdf

a. May 06, 2013 – filed in both Simon and Shirley

"EMERGENCY PETITION TO: FREEZE ESTATE ASSETS, APPOINT NEW PERSONAL REPRESENTATIVES, INVESTIGATE FORGED AND FRAUDULENT DOCUMENTS SUBMITTED TO THIS COURT AND OTHER INTERESTED PARTIES, RESCIND SIGNATURE OF ELIOT BERNSTEIN IN ESTATE OF SHIRLEY BERNSTEIN AND MORE F/B: ELIOT IVAN BERNSTEIN"

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

b. Filing # 17660459 Electronically Filed 08/28/2014 05:53:59 PM "AMENDED MOTION FOR REMOVAL OF PR AND TRUSTEE OF THE ESTATES AND TRUSTS OF SIMON AND SHIRLEY BERNSTEIN IN ALL FIDUCIAL CAPACITIES ON THE COURT'S OWN INITIATIVE- FLORIDA TITLE XLII 736.0706" - Simon Estate

i. http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140828%20SIMON%20ESTATE%20Amended%20Motion%20to%20Remove%20Theodore%20as%20PR%20and%20Trustee%20in%20the%20Estates%20and%20Trusts%20of%20Simon%20and%20Shirley%20Bernstein%20ECF%20STAMPED%20Copy.pdf

c. Filing # 17930130 Electronically Filed 09/06/2014 09:30:01 PM "PETITION TO REMOVE TED BERNSTEIN AS ALLEGED SUCCESSOR TRUSTEE OF THE ALLEGED SIMON BERNSTEIN REVOCABLE TRUST" - Simon Trust

i. http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140906%20PETITION%20TO%20REMOVE%20TED%20AS%20SUCCESSOR%20TRUSTEE%20OF%20THE%20SIMON%20BERNSTEIN%20REVOCABLE%20TRUST%20ECF%20STAMPED%20COPY.pdf

d. Filing # 18185199 Electronically Filed 09/12/2014 03:36:53 PM "PETITION TO REMOVE TED BERNSTEIN AS ALLEGED SUCCESSOR TRUSTEE OF THE ALLEGED SHIRLEY BERNSTEIN IRREVOCABLE TRUST" - Shirley Trust Construction Case

i. http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140912%20TRUST%20CONSTRUCTION%20CASE%20PETITION%20TO%20REMOVE%20TED%20AS%20SUCCESSOR%20TRUSTEE%20OF%20THE%20SIMON%20BERNSTEIN%20REVOCABLE%20TRUST%20ECF%20STAMPED%20COPY.pdf

e. Filing # 26593876 E-Filed 04/28/2015 03:51:33 AM "AMENDED COMPLAINT TO REMOVE THEODORE STUART BERNSTEIN
AS SUCCESSOR TRUSTEE"

i. http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150428%20FINAL%20COMPLAINT%20TO%20REMOVE%20TED%20AS%20SUCCESSOR%20TRUSTEE%20OF%20THE%20%20SIMON%20BERNSTEIN%20REVOCABLE%20TRUST%20SIMON%20TRUST%20CASE%20ECF%20STAMPED%20COPY.pdf

5. Eliot's MOTIONS Filed in Opposition to Remove Standing from Jan - March 2016 -

6. Motion for New Trial - Denied Summarily in Violation of Due Process -

a. January 07, 2016 - Order Denying New Trial

   i. http://iviewit.tv/Simon%20and%20Shirley%20Estate/20160107%20ORDER%20Phillips%20Deny%20Motion%20for%20New%20Trial.pdf

b. Filing # 36072783 E-Filed 12/31/2015 10:14:18 PM "MOTION FOR NEW TRIAL"

   i. http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151231%20FINAL%20ESIGNED%20MOTION%20FOR%20NEW%20TRIAL%20STAY%20INJUNCTION%20PHILLIPS%20ECF%20STAMPED%20COPY.pdf

c. Filing # 35530283 E-Filed 12/15/2015 07:38:57 AM "ELIOT BERNSTEIN'S MOTION FOR STAY & CONTINUANCE OF TRIAL"

   i. http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151215%20ESIGNED%20Phillips%20Trial%20Stay%20ECF%20STAMPED%20COPY.pdf

7. Eliot Answer & Counter Complaint - Shirley Trust Validity Case

   i. Answer - http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140902%20Final%20Signed%20Printed%20Answer%20Trustee%20Construction%20Lawsuit%20ECF%20Filing%20Copy.pdf

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

8. Eliot's Suggested Case Management Conference Schedule of Nov. 28 2016 - Not Fully Heard and Not Considered in Order of Dec. 13, 2016 Filing # 49329510 E-Filed 11/28/2016 02:51:29 PM[13]

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

9. November 28, 20016 CLAIMANT, WILLIAM E. STANSBURY'S SUMMARY OF ISSUES

http://iviewit.tv/Simon%20and%20Shirley%20Estate/20161128%20Claimant%20Stansbury%20Summary%20of%20Issues%20Simon%20Estate%20Status%20Conference.pdf

10. November 28, 2016 Stansbury Letter to Judge Scher with copy of Stansbury Summary of issues for Status Conference.pdf

http://iviewit.tv/Simon%20and%20Shirley%20Estate/20161128%20Stansbury%20Letter%20to%20Judge%20Scher%20with%20copy%20of%20Stansbury%20Summary%20of%20issues%20for%20Status%20Conference.pdf

11. November 28, 2016 Stansbury Motion to Disqualify Alan Rose as Legal Counsel for the Estate of Simon Bernstein Due to Conflict of Interest.pdf

http://iviewit.tv/Simon%20and%20Shirley%20Estate/20161128%20Stansbury%20Motion%20to%20Disqualify%20Alan%20Rose%20as%20Legal%20Counsel%20for%20the%20Estate%20of%20Simon%20Bernstein%20Due%20to%20Conflict%20of%20Interest.pdf

13 http://iviewit.tv/Simon%20and%20Shirley%20Estate/20161128%20Final%20Esigned%20Status%20Conference%20Agenda%20Simon%20and%20Shirley%20Estates%20and%20Trusts%20ECF%20STAMPED%20COPY%201162%20Simon%20Trust.pdf

12. November 15, 2016 Feaman Stansbury FILED IN SHIRLEY TRUST Simon Estate Demand for Accounting as to Missing Personal Property of Estate.pdf

http://iviewit.tv/Simon%20and%20Shirley%20Estate/20161115%20Feaman%20Stansbury%20FILED%20IN%20SHIRLEY%20TRUST%20Simon%20Estate%20Demand%20for%20Accounting%20as%20to%20Missing%20Personal%20Property%20of%20Estate.pdf

13. August 26, 2016 - Feaman Letter to Judge Phillips regarding Ted and Alan conflicts and more.

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

14. March 18, 2016 - Stansbury Motion for Protective Order as to Deposition of William Stansbury and Appearance at Evidentiary Hearing / Trial

http://iviewit.tv/Simon%20and%20Shirley%20Estate/20160318%20Feaman%20Stansbury%20Motion%20For%20Protective%20Order.pdf

15. March 03, 2016 - Stansbury Statement Regarding Guardian Ad Litem hearing held improperly by Judge John Phillips to gain predatory guardianship on Eliot's two minor children and one adult child.

http://iviewit.tv/Simon%20and%20Shirley%20Estate/20160302%20Signed%20William%20Stansbury%20Amended%20Eliot%20and%20Candice%20Bernstein%20GAL%20issue%203.2.2016.pdf

16. February 27, 2016 Feaman Letter to Chief Judge Jeffrey Colbath informing him that Judge Martin Colin Violated Administrative Orders when he POST RECUSAL interfered

with the court process to transfer the cases and instead steered them in violation of court rules and procedures.

http://iviewit.tv/Simon%20and%20Shirley%20Estate/20160217%20Feaman%20Letter%20to%20Chief%20Judge%20Jeffrey%20Colbath.pdf

17. December 01, 2015 Petition of Claimant and Creditor William Stansbury to Intervene, notifying the Court of a multitude of reasons for the immediate removal of Ted and his counsel.

http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151201%20Petition%20of%20Claimant%20and%20Creditor%20Stansbury%20to%20Intervene%20Shirley%20Trust%20Feaman.pdf

18. December 16, 2014 Feaman Letter to Brian O'Connell regarding Conflicts of Interest and more of Ted Bernstein and Alan Rose that should cause the removal of both parties, Ted from fiduciary roles and Alan as counsel for the fiduciary.

http://iviewit.tv/Simon%20and%20Shirley%20Estate/20141216%20Attorney%20Peter%20Feaman%20Letter%20to%20Attorney%20Personal%20Representative%20Brian%20O'Connell%20re%20Ted%20and%20Alan%20Conflicts.pdf

19. September 19, 2014 Feaman letter to O'Connell regarding missing and unaccounted for assets of the estate.

http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140829%20Feaman%20Stansbury%20Letter%20to%20Brian%20O'Connell.pdf

20. August 29, 2014 Feaman Letter to Successor Personal Representative Brian O'Connell stating assets were being illegally converted and more.

http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140829%20Feaman%20Stansbury%20Letter%20to%20Brian%20O'Connell.pdf

21. August 05, 2014 Feaman Letter to Alan Rose re Using the Grandchildren as Pawns and monies set aside for their schooling.

http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140808%20Response%20to%20Motion%20for%20Contempt%20-%20Exhibit%20Feaman%20Letter%20to%20Alan%20Re%20St%20Andrews%20Tuition.pdf

22. July 29, 2014 Feaman filed "PETITION TO REMOVE TED BERNSTEIN AS SUCCESSOR TRUSTEE OF THE SIMON BERNSTEIN REVOCABLE TRUST"

http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140729%20Petition%20to%20Remove%20Ted%20Bernstein%20as%20Successor%20Trustee%20of%20Simon%20Trust%20Stansbury%20Filed.pdf

23. June 27, 2014 Peter Feaman filing on behalf of William Stansbury, "RESPONSE IN OPPOSITION TO THE APPOINTMENT OF TED BERNSTEIN AS SUCCESSOR PERSONAL REPRESENTATIVE AND MOTION FOR THE APPOINTMENT OF AN INDEPENDENT THIRD PARTY AS BOTH SUCCESSOR PERSONAL REPRESENTATIVE AND TRUSTEE OF THE SIMON BERNSTEIN TRUST AGREEMENT"

http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140627%20Response%20in%20Opposition%20to%20the%20Appointment%20of%20Ted%20Bersntein%20as%20Successor%20PR%20etc%20filed%20by%20Feaman%20Stansbury.pdf

24. June 02, 2014 Stansbury Objections to Final Accounting of Co-Personal Representatives Tescher and Spallina.

http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140602%20Objection%20to%20Spallina%20Tescher%20Accounting%20Stansbury%20Feaman.pdf

25. May 22, 2014 “JOINDER IN PETITION FILED BY ELIOT IVAN BERNSTEIN FOR REMOVAL OF TRUSTEE AND FOR TRUST ACCOUNTING” Notifying the Court of criminal and fiduciary misconduct in the Estates and Trusts of Simon and Shirley Bernstein involving Ted Bernstein and his counsel.

http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140522StansburyJoinder1.pdf

26. March 14, 2014 Petition for Admin Ad Litem filed by Feaman

http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140314%20Petition%20for%20Administrator%20Ad%20Litem%20Feaman%20Stansbury.pdf

27. March 14, 2014 Feaman Letter to Curator Benjamin Brown, Esq. regarding fraud in Illinois Insurance Litigation involving Spallina fraudulent application for Life Insurance and Ted Bernstein and Robert Spallina’s fraudulent representation as alleged Trustee of a lost trust that neither possesses that filed a Federal Court action using said non-existent trust.

http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140304%20Stansbury%20Letter%20to%20Curator.pdf

28. February 11, 2014 “RESPONSE IN OPPOSITION TO MOTION FOR APPOINTMENT OF TED BERNSTEIN AS CURATOR AND MOTION FOR THE APPOINTMENT OF ELIOT BERNSTEIN AS CURATOR OR SUCCESSOR PERSONAL REPRESENTATIVE OR, IN THE ALTERNATIVE, FOR APPOINTMENT OF AN INDEPENDENT THIRD PARTY AS SUCCESSOR PERSONAL REPRESENTATIVE OR CURATOR.” Outlines to conduct serious Misconduct in the Shirley Estate and Shirley Trust by Fiduciaries and Counsel, Ted Bernstein, Donald Tescher, Robert Spallina et al.

http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140217%20Stansbury%20Response%20in%20Opposition.pdf

29. October 17, 2013 Feaman filed "Motion to Intervene" notifying court of misconduct of fiduciaries

http://iviewit.tv/Simon%20and%20Shirley%20Estate/20131017%20Stansbury%20Motion%20to%20Intervene%20Shirley%20Estate%20from%20record.pdf

30. June 20, 2012 Letter from Peter Feaman to Ted Bernstein regarding allegations of fraud, check fraud, mail fraud and more by Ted Bernstein.

http://iviewit.tv/Simon%20and%20Shirley%20Estate/20120620%20Feaman%20Stansbury%20Letter%20to%20Ted%20re%20Lawsuit.pdf

31. Filing # 35151873 E-Filed 12/04/2015 09:59:01 AM - Disqualification of Judge Phillips

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

32. Filing # 35176778 E-Filed 12/04/2015 02:44:59 PM - 2nd Disqualification of Judge Phillips

http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151204%20FILED%20DOCKETED%20COPY%202%20FINAL%20SIGNED%20NOTARIZED%20Disqualification%20of%20Florida%20Circuit%20Court%20Judge%20John%20L%20Phillips%20ECF%20STAMPED.pdf

33. Filing # 48914108 E-Filed 11/15/2016 02:24:32 PM "AMENDED1 RENEWED PETITION TO RE-CLOSE ESTATE AND FOR DISCHARGE OF SUCCESSOR PERSONAL REPRESENTATIVE"

http://iviewit.tv/Simon%20and%20Shirley%20Estate/20161115%20Amended%20Renewed%20Petition%20to%20ReClose%20Shirley%20Estate%20and%20Discharge%20of%20PR.pdf