

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 6
CASE NO. 14029489 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU

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

printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 7
CASE NO. 14029489 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU

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

printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 8
CASE NO. 14029489 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU

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.

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 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 OPPENHEIMER 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

printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

CASE NO. 14029489

PALM BEACH COUNTY SHERIFF'S OFFICE
OFFENSE REPORT

PAGE 10
CASE NO. 14029489

DISPOSITION: ZULU

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

printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1
CASE NO. 14029489 SUPPLEMENT 1 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU
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

printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 2
CASE NO. 14029489 SUPPLEMENT 1 OFFENSE REPORT CASE NO. 14029489
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

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 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

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 4
CASE NO. 14029489 SUPPLEMENT 1 O F F E N S E R E P O R T 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

printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

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

..

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

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 3 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 02/11/14 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

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1
 CASE NO. 14029489 SUPPLEMENT 4 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

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

 printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

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

..

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

 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 2
CASE NO. 14029489 SUPPLEMENT 5 O F F E N S E R E P O R T 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

printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

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

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1
CASE NO. 14029489 SUPPLEMENT 7 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

..

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

printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

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

..

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.

 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 2
CASE NO. 14029489 SUPPLEMENT 8 O F F E N S E R E P O R T 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

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

printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 2
CASE NO. 14029489 SUPPLEMENT 10 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU

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

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 P A G E 3
CASE NO. 14029489 S U P P L E M E N T 10 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
DISPOSITION: ZULU

OPEN.
DETECTIVE RYAN W. MILLER #7704
02/20/14 @ 0725 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 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)

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 2
CASE NO. 14029489 SUPPLEMENT 11 OFFENSE REPORT 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)

printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 3
CASE NO. 14029489 SUPPLEMENT 11 OFFENSE REPORT CASE NO. 14029489
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

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 4
 CASE NO. 14029489 SUPPLEMENT 11 OFFENSE REPORT CASE NO. 14029489
 DISPOSITION: ZULU

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)

 printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

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 TAIN T 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

printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 6
CASE NO. 14029489 SUPPLEMENT 11 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU

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

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 7
CASE NO. 14029489 SUPPLEMENT 11 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU

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

printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 8
CASE NO. 14029489 SUPPLEMENT 11 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU

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

printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 9
CASE NO. 14029489 SUPPLEMENT 11 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU

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)

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 10
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

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)

printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 11
 CASE NO. 14029489 SUPPLEMENT 11 OFFENSE REPORT CASE NO. 14029489
 DISPOSITION: ZULU

CAPTURED FROM DOCUMENT

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

 printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 12
 CASE NO. 14029489 SUPPLEMENT 11 OFFENSE REPORT CASE NO. 14029489
 DISPOSITION: ZULU

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

 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 13
 CASE NO. 14029489 SUPPLEMENT 11 OFFENSE REPORT CASE NO. 14029489
 DISPOSITION: ZULU

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

 printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 14
CASE NO. 14029489 SUPPLEMENT 11 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU

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

printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

PALM BEACH COUNTY SHERIFF'S OFFICE 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

 printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

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

..

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

 printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 2
CASE NO. 14029489 SUPPLEMENT 12 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU

I HAVE RECEIVED IT. I WAS ABLE TO OBTAIN A COPY OF THE INFORMATION THAT WAS PROVIDED BY SPALLINA TO ELIOT'S CHILDREN'S FORMER ATTORNEY, CHRISTINE YATES. THIS CONFIRMED THAT SPALLINA DID PROVIDE THE ALTERED DOCUMENT TO YATES AS SPALLINA HAD PREVIOUSLY STATED TO ME.

IN FURTHER DISCUSSION OF THIS CASE, ELIOT CONFIRMED HE WAS PRESENT DURING THE MAY 2012 CONFERENCE CALL BETWEEN HIS FATHER, HIS SIBLINGS AND SPALLINA. HIS INTERPRETATION OF THE CALL WAS SLIGHTLY DIFFERENT THAN HIS SIBLINGS. HE STATED HE UNDERSTOOD THE CALL AS HIS FATHER STATING HE MAY MAKE CHANGES, BUT IT IS NOT A CERTAINTY. ELIOT CONFIRMED THE PROPOSED CHANGES WERE (IF THEY OCCURRED) THAT THE ASSETS WOULD GO TO THE 10 GRANDCHILDREN AND NO LONGER ANY OF THE CHILDREN. ELIOT IMPLIED HE SUPPORTED HIS FATHER'S DECISION IF IT RELIEVED STRESS FROM HIS FATHER, WHICH HE FELT WAS BEING CREATED BY SOME OF HIS SIBLINGS. ELIOT STATED HE DISPUTES WHETHER THE TRUST AMENDMENT SIGNED BY SIMON IN JULY 2012 WAS ACTUALLY SIGNED BY SIMON. HE SAID HE FEELS ALL DOCUMENTS FILED POST MORTEM MAY BE FRAUDS.

ELIOT CLAIMED THERE ARE SOME DISCREPANCIES WITH A LIFE INSURANCE POLICY WHICH BELONGED TO SIMON. THERE IS CURRENTLY AN ON-GOING FEDERAL COURT CASE IN ILLINOIS REFERENCE THIS POLICY. ELIOT IS NOT CERTAIN WHERE THE POLICY ORIGINATED AND SAID THE POLICY HAS SINCE BEEN LOST. ELIOT INFORMED ME THAT THE INSURANCE COMPANY IS LOCATED IN JACKSONVILLE, IL. HE SAID THAT IN HIS OPINION, DOCUMENTS REFERENCE THE POLICY IN REGARDS TO THE TRUSTEE WERE SIGNED UNLAWFULLY, AND THEN SUBMITTED TO THE INSURANCE COMPANY IN ILLINOIS. HE ALSO SAID HE BELIEVES THE INSURANCE COMPANY IS CONDUCTING AN INVESTIGATION. HE WAS INFORMED A REPORT SHOULD BE FILED WITH JACKSONVILLE, IL POLICE DEPARTMENT AS WELL AS WITH THE INSURANCE COMPANY.

IN CONTINUING TO DISCUSS THIS CASE, ELIOT BROUGHT UP A FORM CALLED A PETITION TO DISCHARGE (FULL WAIVER) REFERENCE HIS MOTHER'S ESTATE WHICH IS DATED APRIL 9, 2012 AND SIGNED BY SIMON. HE ALLEGES DUE TO THE TIMING OF WHEN THIS FORM WAS FILED WITH THE COURTS ON OCT. 24, 2012, WHICH WAS AFTER HIS FATHER'S DEATH, HE BELIEVES HIS FATHER MAY NOT HAVE SIGNED IT. HE ALSO POINTED OUT WHAT HE BELIEVES ARE OTHER DISCREPANCIES IN THE FORM AS WELL AS PROCEDURE VIOLATIONS WITH HOW THE PAPERWORK WAS FILED AND WHO DID AND/OR COULD HAVE FILED IT, IN REFERENCE TO THE PERSONAL REPRESENTATIVE.

ELIOT TOLD ME HE BELIEVES HIS MOTHER'S ESTATE SHOULD GO TO HIM, LISA, AND JILL. HE STATED HE FEELS A CONSPIRACY IS TAKING PLACE, IN ORDER TO HAVE THE ASSETS FROM THE ESTATE GO TO PEOPLE OTHER THAN WHO THE DOCUMENTS STATE THEY SHOULD GO TOO.

ON 02/25/14 DET. PANZER AND I MET WITH ELIOT AND CANDICE AFFORDING THEM THE OPPORTUNITY TO FURTHER THEIR STATEMENT. ELIOT STATED THAT THE COURTS APPOINTED A CURATOR TO THE PROBATE CASE, AS WELL AS, ORDERED A FORENSIC ACCOUNTING TO BE DONE. THEY STATED THEY HAD NO OTHER INFORMATION TO SUPPLY.

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 3
CASE NO. 14029489 SUPPLEMENT 12 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU

IT SHOULD BE NOTED THAT I RECENTLY PLACED A PHONE CALL TO CHRISTINE YATES, BUT SHE DID NOT CALL ME BACK. IN ADDITION, I BRIEFLY SPOKE WITH PAMELA SIMON, WHO STATED SHE WOULD NEED TO CONTACT ME BACK WITH HER ATTORNEY TO PROVIDE A SWORN STATEMENT. TO DATE SHE HAS NOT CONTACTED ME BACK. I HAVE ALSO SPOKEN WITH DONALD TESCHER OVER THE PHONE. HE ADVISED THAT HE RETAINED COUNSEL BY THE NAME OF IRWIN BLOCK. I SPOKE WITH MR. BLOCK WHO STATED HIS CLIENT WILL NOT BE PROVIDING ME WITH A STATEMENT.

BASED UPON THE TOTALITY OF THE INVESTIGATIVE EFFORT, I DO NOT FIND EVIDENCE OR PROBABLE CAUSE TO SUPPORT ANY CRIMINAL ALLEGATIONS. THIS CASE REMAINS A NON-CRIMINAL INFORMATIONAL REPORT.

DETECTIVE RYAN W. MILLER #7704

02/27/14 @ 1423 HRS.

TRANS. VIA EMAIL/COPY/PASTE: 02/28/2014/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 13 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 01/13/15 THURSDAY
ZONE: BR GRID: DEPUTY I.D.: 6685 NAME: PANZER, A. 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 12/14/14, DETECTIVE MILLER AND I MET WITH ELIOT AND CANDICE BERNSTEIN AT THE DISTRICT 7 SUBSTATION. THIS MEETING WAS REQUESTED BY THE BERNSTEIN'S AS THEY FELT THEY HAD UNCOVERED ADDITIONAL INFORMATION REGARDING THEIR ORIGINAL ALLEGATION. I WAS ASKED TO ATTEND AS DETECTIVE MILLER WAS TO BE PROMOTED TO SERGEANT IN THE VERY NEAR FUTURE AND I WOULD LIKELY BE THE PERSON ASSUMING THIS INVESTIGATION SHOULD NEW INFORMATION BECOME AVAILABLE. DETECTIVE MILLER ADVISED HIS ORIGINAL INVESTIGATION INTO THE ALLEGATIONS REMAINED A NON-CRIMINAL INFORMATION REPORT BASED UPON THE TOTALITY OF THE INVESTIGATIVE EFFORT AND THE FACT PROBABLE CAUSE COULD NOT BE ESTABLISHED TO SUPPORT ANY CRIMINAL ALLEGATIONS. DETECTIVE MILLER ADVISED ONLY NEW INFORMATION WOULD BE CONSIDERED FOR INVESTIGATION.

DURING THE MEETING ON 12/14/14, BERNSTEIN SPOKE OF ISSUES WITH HIS CHILDREN'S TRUSTS DOCUMENTS AND ALLEGED CERTAIN SIGNATURES WERE INVALID AND POSSIBLY FORGED BASED ON HIS INFORMATION AND BELIEF. DETECTIVE MILLER REQUESTED BERNSTEIN PREPARE A BRIEF MEMO REGARDING THE ALLEGATION AND SUBMIT COPIES OF THE CONTESTED DOCUMENTS VIA EMAIL. ON 01/08/15, I RECEIVED AN EMAIL FROM BERNSTEIN CONSISTING OF A 118 PAGE PDF ATTACHMENT. BERNSTEIN REFERENCED THE FOLLOWING PBSO CASE NUMBERS:

- 13-097087 - MORAN FORGERY & FRAUDULENT NOTARIZATION
- 13-159967 - JEWELRY THEFT
- 14-029489 - TESCHER & SPALLINA ET AL. SUPPLEMENTAL
- 12-121312 - ALLEGED MURDER OF SIMON BERNSTEIN

IN THE OPENING PARAGRAPH OF THE LETTER, BERNSTEIN WROTE: "PER OUR MEETING OF DECEMBER 12, 2014 REGARDING THE TRUSTS OF MY THREE MINOR CHILDREN, JOSHUA,

printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 2
CASE NO. 14029489 SUPPLEMENT 13 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU

JACOB AND DANIEL BERNSTEIN, I HAVE PREPARED THE REQUESTED STATEMENT OF FACTS AND ATTACHED THE REQUESTED DOCUMENTS TO SUPPORT OUR CLAIMS REGARDING THE FORGED AND FRAUDULENT STANFORD TRUST COMPANY AND OPPENHEIMER TRUST COMPANY OF NEW JERSEY TRUST DOCUMENTS. THE ALLEGATIONS ARE NOT SIMPLY THAT THE DOCUMENTS ARE FORGED AND FRAUDULENT BUT THAT IT AGAIN IS PART OF A LARGER FRAUD ON THE BENEFICIARIES OF THE ESTATES AND TRUSTS OF SIMON AND SHIRLEY BERNSTEIN TO STEAL MILLIONS OF DOLLARS FROM THE TRUE AND PROPER BENEFICIARIES. THESE TRUST DOCUMENTS WERE USED TO SEIZE DOMINION AND CONTROL OF THE THREE MINOR CHILDREN'S TRUSTS. THEN THE MONIES WERE IMPROPERLY AND ILLEGALLY CONVERTED BY IMPROPER PARTIES ACTING AS FIDUCIARIES TO IMPROPER PARTIES. THIS ARTIFICE TO DEFRAUD WAS USED TO FURTHER HIDE MILLIONS OF DOLLARS THAT WERE TO FLOW INTO THESE AND OTHER TRUSTS CREATED SPECIFICALLY FOR OUR FAMILY AND CONVERT THOSE MONIES TO IMPROPER PARTIES AS WELL."

AS I BRIEFLY REVIEWED THE DOCUMENT, I FOUND IT CONTAINED NOT ONLY THE INFORMATION BERNSTEIN RELATED HE HAD FOUND IN THE MEETING OF 12/14/14, BUT ALSO INFORMATION REGARDING MANY OF THE ALREADY INVESTIGATED ISSUES. ON 01/09/15, I SPOKE WITH BERNSTEIN AT LENGTH REGARDING THE EMAIL HE HAD SENT. I ENSURED HE UNDERSTOOD THAT I WAS NOT REDOING DETECTIVE MILLER'S INVESTIGATION, RATHER I WOULD BE LOOKING INTO THE NEW INFORMATION HE RELATED DURING OUR DECEMBER MEETING AND THAT WHICH WAS CONTAINED IN HIS EMAIL. I ADVISED I WOULD NEED SOME TIME TO REVIEW THE CASE IN ITS ENTIRETY AS THE INFORMATION HE JUST PROVIDED DOES REFER BACK IN PARTS TO WHAT DETECTIVE MILLER HAS ALREADY DONE AND I WILL NEED TO FAMILIARIZE MYSELF WITH THE HISTORICAL DATA OF THE CASE. I ENSURED HE HAD ALL OF MY CONTACT INFORMATION AND ADVISED HIM I WOULD CONTACT HIM AS SOON AS I HAD COMPLETED MY REVIEW AND/OR IF I HAD ADDITIONAL QUESTIONS. I ALSO REQUESTED THAT WHEN HE SENDS ME EMAILS REGARDING THIS CASE, THAT HE LIMIT THE PEOPLE COPIED ON THE EMAIL TO SUBJECTS THAT HAVE A DIRECT LINK TO THIS INVESTIGATION. SUBSEQUENT TO MY TWO (2) PHONE CALLS WITH BERNSTEIN, I CONFERRED WITH DETECTIVE MILLER AND HE CONFIRMED THAT THE AGREED SCOPE OF THE REVIEW WAS THE NEW INFORMATION BERNSTEIN STATED HE WOULD PROVIDE IN OUR DECEMBER MEETING. A REVIEW OF THE RECORDS CONTINUES.

THIS CASE IS NOW OPEN AND UNDER INVESTIGATION.
DETECTIVE ANDREW PANZER #6685
01/13/15
TRANS. VIA EMAIL/COPY/PASTE: 02/02/2015/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 14 OFFENSE REPORT CASE NO. 14029489
 DISPOSITION: ZULU
 DIVISION: DETECTIVE

911:
 ECONOMIC CRIMES * * *
 SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 03/20/15 THURSDAY
 ZONE: BR GRID: DEPUTY I.D.: 6685 NAME: PANZER 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

UPON COMPLETING MY REVIEW OF THE DOCUMENTATION BERNSTEIN SUBMITTED IN HIS EMAIL OF 01/08/15, IT WAS DETERMINED THE NEW INFORMATION HE BROUGHT FORTH WAS IN REGARD TO THE DOCUMENTS RELATING TO THE TRUSTS OF HIS 3 MINOR CHILDREN, JOSHUA, JACOB, AND DANIEL BERNSTEIN. IN ITEM 52 OF THE STATEMENT OF FACTS BERNSTEIN WROTE:

"THAT IMMEDIATELY AFTER THE INITIAL COURT HEARING ON OCTOBER 20, 2014 ELIOT, CANDICE AND WILLIAM STANSBURY CONTACTED AND THEN MET WITH TRACI KRATISH, ESQ. WHEREBY TRACI STATED;

- A. SHE HAD NEVER SEEN THE TRUST DOCUMENTS EXHIBITED HEREIN BEFORE NAMING HER AS THE INITIAL TRUSTEE,
- B. THAT SHE DID NOT WORK FOR THE BERNSTEIN FAMILY AT THE TIME THE TRUST DOCUMENT IS ALLEGEDLY SIGNED BY HER AS TRUSTEE,
- C. THAT SHE WAS NOT THE ORIGINAL TRUSTEE IN THE DOCUMENT AND WAS ONLY ASKED TO BE A TRUSTEE WHEN THE STANFORD TRUST COMPANY WAS SEIZED AND ONLY FOR A FEW DAYS, DUE TO THE SIR ALLEN STANFORD PONZI SCHEME AND NEED TO TRANSFER FUNDS.
- D. TRACI CLAIMS TO HAVE SIGNED AN ACCEPTANCE LETTER AT THAT TIME WHICH IS MISSING FROM THE DOCUMENT PRODUCTION OF TESCHER AND SPALLINA AND THEN SHORTLY THEREAFTER SIGNED A RESIGNATION TRANSFERRING TRUSTEESHIP TO OPPENHEIMER.
- E. THAT SHE NEVER SIGNED THE TRUST DOCUMENTS AS ALLEGED IN THE DOCUMENTS AND THAT THE APPEARED FORGED AND FRAUDULENT.

UPON EXAMINING THE SIGNATURE AREAS OF THE TRUST AGREEMENTS DATED SEPTEMBER 07, 2006 PROVIDED BY BERNSTEIN, I NOTED THE TRUSTEE SECTION LISTS

 printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 2
CASE NO. 14029489 SUPPLEMENT 14 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU

TRACI KRATISH, PA AS TRUSTEE. BELOW THIS IS A SIGNATURE, FOLLOWED BY FOR TRACI KRATISH, PA. ON 01/31/15, I SEARCHED TRACI KRATISH, PA THROUGH THE FLORIDA DIVISION OF CORPORATION SUNBIZ WEBSITE AND DISCOVERED THE CORPORATION HAD BEEN DISSOLVED PER THE APPROVAL OF ITS SHAREHOLDERS ON 12/31/13. I WAS ABLE TO LOCATE A POSSIBLE PHONE NUMBER FOR THE ADDRESS LISTED IN THE CORPORATE PAPERWORK AND SUBSEQUENTLY MADE CONTACT WITH KRATISH. IN SPEAKING WITH KRATISH, SHE ADVISED SHE WAS CURRENTLY WORKING FOR ERNST & YOUNG IN BOCA RATON. I EXPLAINED MY INVOLVEMENT WITH BERNSTEIN IN REGARD TO HIS ALLEGATIONS AND ASKED IF SHE WOULD BE WILLING TO MEET WITH ME. KRATISH AGREED AND A MEETING WAS ARRANGED FOR 02/03/15 AT HER OFFICE IN BOCA RATON. ON 02/02/15, I RECEIVED A PHONE MESSAGE FROM KRATISH REQUESTING THE MEETING BE RESCHEDULED. I MADE CONTACT WITH KRATISH AND THE MEETING WAS RESCHEDULED FOR 02/05/15 AT 10 AM, BUT THIS MEETING HAD TO BE CANCELLED AS WELL DUE TO A PRIOR COMMITMENT ON MY PART THAT HAD ALREADY BEEN SCHEDULED.

ON 03/06/15, I MADE CONTACT WITH KRATISH BY PHONE AND ATTEMPTED TO SCHEDULE AN INTERVIEW. KRATISH REQUESTED THE MEETING BE SCHEDULED AFTER 04/15/15, AS THIS WAS A VERY BUSY TIME FOR HER AS SHE WAS ALSO A CERTIFIED PUBLIC ACCOUNTANT. I TOLD HER I WOULD CONTACT HER AFTER TAX SEASON BUT ASKED HER TO CONTACT ME IN THE EVENT AN OPENING IN HER SCHEDULE PRESENTED ITSELF PRIOR TO THEN.

ON 03/20/15, I SPOKE AT LENGTH WITH BERNSTEIN AND ADVISED HIM OF MY ATTEMPT TO MEET WITH KRATISH AND WHEN THE MEETING MIGHT TAKE PLACE. I ASKED IF THE DATE ON THE TRUST AGREEMENTS, WHICH HE PROVIDED AS EXHIBITS WERE THE ACTUAL DATES OF WHEN THE FORGERY MAY HAVE OCCURRED AND BERNSTEIN STATED HE DIDN'T KNOW WHEN THESE DOCUMENTS WERE SIGNED OR IF THEY WERE EVEN ACTUAL LEGAL DOCUMENTS. BERNSTEIN HAD SOME QUESTIONS AS TO ISSUES WHICH AROSE DURING THE TIME THIS CASE WAS ASSIGNED TO DETECTIVE MILLER AND I TOLD HIM I WOULD ATTEMPT TO FIND OUT THE ANSWERS TO HIS QUESTIONS. IT SHOULD BE NOTED, BERNSTEIN IS INVOLVED IN A NUMBER OF CIVIL LITIGATIONS IN MULTIPLE JURISDICTIONS AND SOME THAT STEM FROM ISSUES HE BELIEVES ARE RELATED TO THIS CASE. AS HE BEGAN TO SPEAK OF SOME OF THESE, I LISTENED TO WHAT HE HAD TO SAY BUT ENSURED HE UNDERSTOOD THE PURPOSE OF MY CALL WAS TO UPDATE HIM ON THE PROGRESS OF THE ATTEMPT TO INTERVIEW KRATISH. BERNSTEIN ADVISED ME HE HAD A SIGNIFICANT AMOUNT OF DOCUMENTS YET TO PROVIDE ME. I ADVISED BERNSTEIN I WOULD CONTACT HIM ONCE I HAD INTERVIEWED KRATISH.

THIS CASE REMAINS OPEN PENDING THE INTERVIEW OF KRATISH.

DETECTIVE ANDREW PANZER #6685

03/20/15

TRANS. VIA EMAIL/COPY/PASTE: 03/23/2015/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 15 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 05/12/15 THURSDAY
ZONE: BR GRID: DEPUTY I.D.: 6685 NAME: PANZER 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 05/06/15, I MADE CONTACT WITH TRACI KRATISH BY PHONE AND ATTEMPTED TO SCHEDULE AN INTERVIEW WITH HER REGARDING THE ALLEGED FORGED TRUST DOCUMENTS. IT WAS AGREED THE INTERVIEW WOULD TAKE PLACE AT THE PALM BEACH COUNTY SHERIFF'S OFFICE FINANCIAL CRIMES UNIT ON THURSDAY, 05/21/15 AT 1:00 PM. THIS CASE REMAINS OPEN PENDING THE RESULTS OF THE INTERVIEW WITH KRATISH. DETECTIVE ANDREW PANZER #6685
05/12/15
TRANS. VIA EMAIL/COPY/PASTE: 05/18/2015/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 16 OFFENSE REPORT CASE NO. 14029489
 DISPOSITION: ZULU
 DIVISION: DETECTIVE

911:
 ECONOMIC CRIMES * * *
 SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 06/30/15 THURSDAY
 ZONE: BR GRID: DEPUTY I.D.: 6685 NAME: PANZER 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 05/21/15, I RESPONDED TO 250 S. AUSTRALIAN AVENUE - #1402, WEST PALM BEACH, FL AND MET WITH TRACI KRATISH IN THE OFFICE OF HER ATTORNEY JAMES CUNHA. I HAD BROUGHT WITH ME COPIES OF THE DOCUMENTS BERNSTEIN HAD PROVIDED AS ATTACHMENTS IN HIS 01/18/15 LETTER TO ME. IN SPEAKING WITH KRATISH SHE ADVISED ME SHE BEGAN HER EMPLOYMENT WITH SIMON BERNSTEIN ON 09/10/06 AS THE GENERAL COUNSEL AND CHIEF COMPLIANCE OFFICER FOR HIS FIRM LIC HOLDINGS INC. KRATISH STATED SHE WAS EMPLOYED UNTIL FEBRUARY 2010 AND HER LAST PAYCHECK WAS FOR PAY DATE ENDING 02/18/10. KRATISH PROVIDED ME A CHART DETAILING THAT LIC HOLDINGS INC. (FL S CORP) WAS THE PARENT COMPANY OF THE FOLLOWING ENTITIES; ARBITRAGE INTERNATIONAL MANAGEMENT LLC F/K/A ARBITRAGE INTERNATIONAL HOLDINGS LLC (FL), CAMBRIDGE FINANCING COMPANY (FL) AND ITS SUBSIDIARY CFC OF DELAWARE LLC (DE), CAMBRIDGE PREMIUM COMPANY, INC. (NY), ARBITRAGE INTERNATIONAL MARKETING, INC. D/B/A LIFE INSURANCE CONCEPTS (FL S CORP) AND NATIONAL SERVICE ASSOCIATION, INC. (FL). SIMON AND TED BERNSTEIN WERE THE MAJORITY SHAREHOLDERS AND WILLIAM STANSBURY WAS AN ADDITIONAL SHAREHOLDER.

I ASKED KRATISH WHEN SHE FIRST MET ELIOT BERNSTEIN. SHE STATED IT WAS IN OCTOBER OF 2014 AND SHE WAS INTRODUCED TO HIM BY WILLIAM STANSBURY, WHO WAS INVOLVED IN SOME LITIGATION REGARDING THE ESTATES OF SIMON AND SHIRLEY BERNSTEIN. THE MEETING WAS HELD AT THE BOCA MARRIOTT. IT SHOULD BE NOTED THAT BERNSTEIN SAID THIS MEETING WITH KRATISH OCCURRED IMMEDIATELY AFTER A HEARING BEFORE JUDGE COLIN ON 10/02/14, IN WHICH THE TRUST AGREEMENTS WERE FRAUDULENTLY TENDERED TO THE COURT, BY LESSNE WHO IS AN ATTORNEY REPRESENTING OPPENHEIMER.

I SHOWED KRATISH THE DOCUMENTS BERNSTEIN SENT ME IN REGARD TO HIS

 printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 2
 CASE NO. 14029489 SUPPLEMENT 16 OFFENSE REPORT CASE NO. 14029489
 DISPOSITION: ZULU

ALLEGATION. KRATISH ACKNOWLEDGED SHE WAS THE TRUSTEE AT SOME POINT FOR THE TRUSTS OF BERNSTEIN'S MINOR CHILDREN. SHE ADDED THAT SHE DIDN'T REMEMBER BEING INVOLVED PRE-STAMFORD BUT DOES RECALL BEING INVOLVED IN THE TRANSFER TO OPPENHEIMER. KRATISH LOOKED AT THE SIGNATURES ON THE DOCUMENTS AND STATED THEY APPEARED TO BE HER SIGNATURE ALTHOUGH SHE DOESN'T HAVE INDEPENDENT RECOLLECTION OF SIGNING THE SPECIFIC DOCUMENTS. KRATISH SAID SHE SIGNED MANY DOCUMENTS IN HER ROLE AS GENERAL COUNSEL AND CHIEF COMPLIANCE OFFICER FOR SIMON BERNSTEIN'S BUSINESS CONCERNS. IT SHOULD BE NOTED UPON CHECKING THE DRIVER AND INFORMATION DATABASE (DAVID) SIGNATURE ARRAY FOR KRATISH, THE SIGNATURES SHE USED ON HER DRIVER LICENSES APPEARED TO MATCH THOSE ON THE DOCUMENTS BERNSTEIN PROVIDED IN HIS ATTACHMENTS. KRATISH ALSO RECOGNIZED THE NAME OF ONE OF THE WITNESSES, JOCELYN JOHNSON AS BEING AN EMPLOYEE OF SIMON BERNSTEIN. IT SHOULD BE NOTED THESE TRUST DOCUMENTS WERE EXECUTED ON 09/07/06, SHORTLY AFTER KRATISH STARTED HER EMPLOYMENT. IT SHOULD ALSO BE NOTED BERNSTEIN PROVIDED A DOCUMENT WHICH INDICATED KRATISH RESIGNED AS TRUSTEE ON 09/12/07.

I EXPLAINED TO KRATISH AND CUNHA THAT BERNSTEIN FELT THAT MANY OF THE DOCUMENTS PRESENTED IN COURT WERE FRAUDULENT AND/OR FORGED. I BROUGHT UP THE FACT KRATISH WAS REFERRED TO AS A MALE IN PARTS OF THE TRUST DOCUMENTS AND ONE OF THE TRUSTS LISTED A SEPARATE INDIVIDUAL AS TRUSTEE. ATTORNEY CUNHA SPOKE TO THE FACT THESE COULD BE SIMPLE MISTAKES (SCRIBNER'S ERROR) AND SHOULD NOT HAVE AN ADVERSE EFFECT ON THE DOCUMENT.

WHEN I BROUGHT UP BERNSTEIN'S CONTENTION THAT IN ADDITION TO THE SIGNATURES BEING FORGED, THERE WAS ANOTHER ISSUE AS EACH PAGE LACKED THE INITIALS OF THE MINOR CHILD WHO WAS THE GRANTEE, CUNHA EXPLAINED THIS INITIAL SECTION IS NOT FOR THE RECIPIENT OF THE TRUST, RATHER IT IS FOR THE GRANTOR. KRATISH ADVISED ME THAT EARLIER THAT MORNING, SHE HAD RECEIVED AN EMAIL FROM WILLIAM STANSBURY WITH THE SUBJECT LINE; ORIGINAL SIGNED "OPPENHEIMER" TRUSTS. SEE BELOW:

 FROM: WILLIAM STANSBURY
 DATE: MAY 21, 2015 AT 9:07:50 AM EDT
 TO: "TRACI@KRATISH.COM"
 SUBJECT: ORIGINAL SIGNED "OPPENHEIMER" TRUSTS

 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

 printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 3
CASE NO. 14029489 SUPPLEMENT 16 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU

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 CATALOGED 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 CHILDRENS NAMES AND INSIDE ARE WHAT APPEAR TO THE ORIGINAL SIGNED IRREVOCABLE TRUST AGREEMENTS FOR THE TRUSTS WHICH OPPENHEIMER FORMAL SERVED. THESE MAY BE RELEVANT OR IMPORTANT TO THE ONGOING OPPENHEIMER CASE, SO I BRING THEM TO YOUR ATTENTION. THERE ARE ALSO WHAT APPEAR 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 TRUST DOES NOT EXIST. AS AN OFFICER OF THE COURT, AND BECAUSE THEY 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 OF SIGNIFICANCE. (I DID NOTICE A FEW FOLDERS WITH THE OTHER GRANDCHILDRENS NAMES, NOT ELIOT'S KIDS, BUT LEFT THOSE PAPERS IN PLACE BECAUSE I UNDERSTAND THAT EVERYONE BUT ELIOT HAS FULLY COOPERATED WITH OPPENHEIMER IN RESOLVING THESE MATTERS.)

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 FOLDER 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 THE) - I NOTICED A COPY OF THE THREE SEPARATE IRREVOCABLE TRUST DOCUMENTS. AGAIN, THESE WOULD NOT HAVE CAUGHT MY EYE ORIGINALLY BECAUSE I NEVER WOULD HAVE 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

printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 4
CASE NO. 14029489 SUPPLEMENT 16 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU

SHIRLEY. THE THREE IRREVOCABLE TRUSTS APPEAR TO BE SIGNED AND WITNESSED ON PAGE 17, BUT THE INDIVIDUAL PAGES ARE 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 APPEAR 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 SOMEWHERE NAMING STEVEN GREENWALD.) I DO NOT KNOW STEVEN GREENWALD, BUT I HAVE CONFIRMED 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 TRUST 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 THAT TIME OF HER LEAVING, SHE RESIGNED AND APPOINTED SOMEONE ELSE, AND EVENTUALLY THESE TRUST 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 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 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 GRANDCHILDREN. I KNOW HAVE SEVEN 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

printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 5
CASE NO. 14029489 SUPPLEMENT 16 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU

PARENT'S DEATH.

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 IS ALREADY 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.

ALAN B. ROSE, ESQ.

AROSE@MRACHEK-LAW.COM
561.355.6991
505 SOUTH FLAGLER DRIVE
SUITE 600
WEST PALM BEACH, FLORIDA 33401
561.655.2250 PHONE

KRATISH FORWARDED ME THE EMAIL SHE HAD RECEIVED ALONG WITH ALL OF THE ATTACHMENTS. I ADVISED HER I WOULD BE ATTEMPTING TO SPEAK WITH ROSE AND VIEW THE ORIGINAL DOCUMENTS HE REFERS TO IN HIS LETTER. I TOLD HER I WOULD CONTACT HER IF I NEEDED ANYTHING FURTHER BUT THAT BASED UPON HER ACKNOWLEDGING THE SIGNATURE ON THE PAPERWORK WAS HERS, IT WAS UNLIKELY THAT WOULD BE NECESSARY.

ON 05/22/15, I ATTEMPTED TO REACH ROSE BY PHONE BUT THE CALL WENT TO VOICEMAIL. I LEFT MY CONTACT INFORMATION AND THE REASON FOR MY CALL AND ASKED THAT HE RETURN MY CALL AT HIS CONVENIENCE. LATER THAT DAY, I RECEIVED A CALL FROM ROSE. ROSE INQUIRED AS TO WHY THIS CASE WAS STILL BEING INVESTIGATED BY PBSO AS IT WAS A CIVIL MATTER. I EXPLAINED TO HIM I RECEIVED A COPY OF THE EMAIL HE HAD SENT TO BERNSTEIN AND STEVEN LESSNE. ROSE DESCRIBED THE CIRCUMSTANCES SURROUNDING THE DISCOVERY OF THE DOCUMENTS AND IT WAS CONSISTENT WITH WHAT WAS IN HIS EMAIL. HE AGAIN STATED THAT AS AN OFFICER OF THE COURT, HE FELT BOUND TO MAINTAIN THOSE DOCUMENTS. HE DID NOT SEEM SURPRISED THAT BERNSTEIN HAD MADE THE ALLEGATION AS HE HAS MADE A NUMBER OF OTHER ALLEGATIONS IN REFERENCE TO THE TRUSTS AND OTHER DOCUMENTS. DURING OUR CONVERSATION, ROSE TOLD ME JUDGE COLIN HAS RECUSED HIMSELF FROM BERNSTEIN'S CASE AND THE CASE WAS CURRENTLY AWAITING REASSIGNMENT.

printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 6
CASE NO. 14029489 SUPPLEMENT 16 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU

DURING OUR CONVERSATION THE TOPIC OF SPALLINA'S ACTIONS CAME UP AND ROSE ADVISED ME HE BELIEVED SPALLINA HAD RELINQUISHED HIS FLORIDA BAR LICENSE BECAUSE OF HIS INVOLVEMENT AND ACTIONS HE TOOK. IN REGARD TO BERNSTEIN'S RICO CASE IN NEW YORK, HE ADVISED ME JUDGE SHEINDLIN HAD DISMISSED THE CASE IN 2008. ROSE OFFERED TO ALLOW ME TO VIEW THE DOCUMENTS HE HAD LOCATED IN SIMON BERNSTEIN'S OFFICE AND IT WAS AGREED THAT I COULD CONTACT HIM AND SET UP A MUTUALLY AGREEABLE DATE AND TIME.

ON 06/09/15, I RESPONDED TO THE LAW OFFICES OF ATTORNEY ALAN ROSE, LOCATED AT 505 SOUTH FLAGLER DRIVE - SUITE 600, WEST PALM BEACH, FL 33401. ROSE PROVIDED ME WITH A SEALED ENVELOPE AND ASKED THAT I SIGN, DATE AND TIME THE BACK OF THE FOLDER UPON BREAKING THE SEAL. I COMPLIED WITH THE REQUEST. I REVIEWED THE DOCUMENTATION IN THE THREE GREEN FOLDERS CONTAINED WITHIN THE SEALED ENVELOPE UPON CLOSE EXAMINATION; THEY APPEARED TO BE ORIGINALS OF THE TRUST AGREEMENTS FOR JOSHUA BERNSTEIN, JACOB BERNSTEIN, AND DANIEL BERNSTEIN IRREVOCABLE TRUSTS. I COMPARED THE SIGNATURES TO THE COPIES I HAD RECEIVED AND THOSE THAT ROSE HAD SENT TO BERNSTEIN AND LESSNE IN HIS EMAIL DATED 05/20/15. THEY WERE THE SAME. ROSE HAD PREPARED COPIES OF THE EXECUTED DOCUMENTS AS WELL AS IRS PAPERWORK IN REGARD TO EACH TRUST SHOWING TRACI KRATISH PA AS THE TRUSTEE. AFTER COMPLETING THE REVIEW OF THE DOCUMENTS, ROSE TOOK POSSESSION OF THEM AND RETURNED THEM TO THE ENVELOPE. THE COPIES OF THE DOCUMENTS PROVIDED BY ROSE DURING THIS EXAMINATION AS WELL AS ANY OTHERS ATTACHED TO THE ORIGINAL EMAIL WILL BE MADE PART OF THE CASE FILE.

ON 06/12/15, I RECEIVED AN EMAIL FROM BERNSTEIN REQUESTING A TIME FOR US TO SPEAK REGARDING SOME OLD ISSUES AND NEW ISSUES IN THE CASE. I ATTEMPTED TO REACH BERNSTEIN THE SAME DAY ON BOTH HIS OFFICE LINE AND HIS CELL NUMBER. ALL ATTEMPTS WERE NEGATIVE.

ON 06/16/15, I SENT BERNSTEIN AN EMAIL LETTING HIM KNOW I HAD ATTEMPTED TO REACH HIM ON BOTH HIS NUMBERS ON 06/12/15 AS WELL AS EARLIER THIS DATE. BERNSTEIN RESPONDED LATER IN THE DAY THANKING ME FOR MY ATTEMPTS TO REACH HIM AND ASKING WHAT TIME WOULD BE GOOD TO SPEAK ON 06/17/15. I ADVISED HIM THAT I WOULD TRY AND CONTACT HIM BETWEEN 0800 AND 0900 HOURS ON 06/17/15. BERNSTEIN REPLIED THAT THIS WOULD BE A GOOD TIME TO SPEAK AND OFFERED TO MOVE THE CALL FORWARD ONE DAY TO 06/18/15, IF THAT WORKED BETTER FOR ME. I EXPLAINED TO BERNSTEIN I WAS IN TRAINING ON 06/18 AND 06/19. BERNSTEIN REPLIED IN PART, "WE CAN START TOMORROW ON SOME THINGS AND PICK UP MORE THE FOLLOWING WEEK."

ON 06/17/15, I MADE CONTACT WITH BERNSTEIN AT APPROXIMATELY 0935 HOURS. I APOLOGIZED FOR NOT BEING ABLE TO CALL BETWEEN 0800 AND 0900. I EXPLAINED I WAS ON MY WAY TO A MEETING AND COULD ONLY SPEAK FOR A FEW MINUTES. BERNSTEIN WAS SPEAKING TO ME ON A SPEAKERPHONE AND SUBSEQUENTLY ADVISED ME THAT HE HAD HIS BUSINESS ADVISOR, KEVIN HALL, LISTENING TO THE CALL. I TOLD BERNSTEIN I WAS NOT COMFORTABLE SPEAKING WITH HIM ABOUT THE SPECIFICS OF HIS ALLEGATIONS

printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 7
CASE NO. 14029489 SUPPLEMENT 16 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU

WITH HIM BEING ON A SPEAKER PHONE IN FRONT OF SOMEONE NOT INVOLVED IN THE CASE. DURING THE COURSE OF THE CALL, BERNSTEIN BROUGHT UP OLD ISSUES THAT WERE NOT PART OF MY INVESTIGATION. I TRIED TO EXPLAIN TO HIM AGAIN THAT I WAS NOT LOOKING INTO THE ALREADY INVESTIGATED ISSUES AND HE BECAME UPSET. WHEN ASKED WHAT NEW CRIMES HE WAS REFERRING TO, BERNSTEIN TOLD ME JUDGE COLIN SHOULD BE INVESTIGATED FOR "FRAUD UPON THE COURT". I EXPLAINED I WAS UNAWARE OF THAT PARTICULAR CHARGE AND ASKED IF HE COULD PROVIDE A STATUTE NUMBER SO I COULD LOOK INTO IT. BERNSTEIN THEN STATED IT WAS AN OBSTRUCTION CHARGE. BERNSTEIN SPOKE OF FRAUDULENT ACTS HE BELIEVED JUDGE COLIN HAD BEEN INVOLVED IN DURING THE TIME BERNSTEIN'S CASE WAS ASSIGNED TO HIS DOCKET.

BERNSTEIN MADE REFERENCE TO THE FACT THAT I WAS NOT DOING MY JOB AND ASKED IF HE NEEDED TO SPEAK WITH CAPTAIN GREGG AGAIN. I TOLD HIM BY DOING SO WOULD BYPASS MY ENTIRE CHAIN OF COMMAND AND I COULDN'T UNDERSTAND WHY HE WOULD FEEL THE NEED TO DO THAT. BERNSTEIN THEN ASKED IF HE SHOULD GO TO INTERNAL AFFAIRS. I EXPLAINED TO HIM THAT I WAS DOING MY JOB AND THE CASE WOULD PROBABLY COME BACK TO ME EVEN AFTER HE SPOKE WITH WHOMEVER HE WAS GOING TO SPEAK TO. DURING THIS CONVERSATION I COULD HEAR HALL IN THE BACKGROUND SPEAKING TO BERNSTEIN AS IF HE WAS GIVING HIM THINGS TO SAY OR RESPONDING TO THINGS I HAD SAID. IT WAS VERY DIFFICULT TO CONVERSE WITH BERNSTEIN DURING THIS CALL, AS HE WOULD SPEAK OVER ME AS I WAS TRYING TO ANSWER HIS QUESTION OR EXPLAIN THINGS TO HIM. I DID NOT ADDRESS THE EMAIL THAT HAD BEEN SENT TO HIM FROM ATTORNEY ROSE AND HE DID NOT BRING IT UP EITHER. UPON REACHING MY DESTINATION, I ADVISED BERNSTEIN THAT I WOULD HAVE TO END OUR CALL AND I WOULD ATTEMPT TO REACH HIM LATER IN THE DAY. I ATTEMPTED TO REACH BERNSTEIN ON BOTH HIS OFFICE AND CELL NUMBERS LATER IN THE AFTERNOON. BOTH ATTEMPTS WERE MET WITH NEGATIVE RESULTS.

ON 06/23/15, I RECEIVED AN EMAIL FROM BERNSTEIN INQUIRING IF I WOULD HAVE TIME TO SPEAK WITH HIM ON THE 23RD OR 24TH. I REPLIED TO THE EMAIL AND IT WAS AGREED WE WOULD SPEAK ON 06/24/15 BETWEEN 0800-1000 HOURS. LATER THAT AFTERNOON, BERNSTEIN NOTIFIED ME BY EMAIL THAT HE WAS GOING TO HAVE TO RESCHEDULE THE MEETING AS HE WOULD NEED TO BE IN MIAMI TESTIFYING AT ANOTHER COURT CORRUPTION HEARING FOR A PROBATE VICTIM. HE INQUIRED AS TO WHETHER THE FOLLOWING DAY AT THE SAME TIME WOULD BE OK. I ADVISED HIM I WOULD NOT KNOW UNTIL LATE IN THE AFTERNOON. I WAS UNABLE TO CALL BERNSTEIN DUE TO BEING CALLED OUT FOR AN IN PROGRESS CASE.

ON 06/25/15, BERNSTEIN SENT ME AN EMAIL REQUESTING A TIME WHEN WE COULD CONTINUE OUR DISCUSSION REGARDING THE NEW CRIMES AND OLD CRIMES THAT WERE DISCUSSED THE PRIOR WEEK. I RESPONDED TO BERNSTEIN IMMEDIATELY ADVISING HIM THAT I WAS DOING A SEARCH WARRANT THAT MORNING AND I WAS UNSURE HOW LONG IT WOULD TAKE. I ADVISED HIM I WOULD GAUGE THE REST OF THE DAY AND GIVE HIM A CALL LATER IN THE AFTERNOON. LATE IN THE AFTERNOON OF 06/25/15, I ATTEMPTED

printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 8
CASE NO. 14029489 SUPPLEMENT 16 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU

CONTACT WITH BERNSTEIN AT HIS OFFICE NUMBER. THE CALL WAS ANSWERED BY HIS WIFE WHO TOLD ME BERNSTEIN WAS NOT THERE. I ASKED IF SHE THOUGHT I COULD REACH HIM ON HIS CELL PHONE AND AFTER A BRIEF HOLD, SHE CAME BACK ON THE LINE AND ADVISED BERNSTEIN WAS NOW PRESENT AND COULD TAKE MY CALL. UPON BERNSTEIN COMING ON THE LINE I REALIZED HE WAS ON A SPEAKERPHONE. I EXPLAINED THAT I COULD NOT HEAR HIM VERY WELL AND ASKED HIM TO TAKE THE SPEAKERPHONE OFF. BERNSTEIN ADVISED HIS BUSINESS ADVISOR, HALL, WAS PRESENT AND WOULD BE MONITORING THE CALL.

DURING THE COURSE OF THIS CONVERSATION, BERNSTEIN AGAIN SPOKE OF A NUMBER OF FRAUDS AGAINST THE COURT HE BELIEVED JUDGE COLIN HAD COMMITTED THAT HE WISHED HIM INVESTIGATED AND PROSECUTED FOR. BERNSTEIN ADVISED ME HE WAS AWARE THAT KRATISH HAD COME TO SEE ME AT MY OFFICE AND I HAD TURNED HER AWAY. I TRIED TO EXPLAIN THIS WAS NOT ACCURATE AND THAT I HAD SPOKEN WITH KRATISH AT HER ATTORNEY'S OFFICE, AND HAD SPOKEN WITH OTHER SUBJECTS AS WELL IN REGARD TO THIS INVESTIGATION. UPON BROACHING THE SUBJECT OF THE RICO CASE IN NY THAT BERNSTEIN HAD MENTIONED ON A NUMBER OF OCCASIONS AND INQUIRING AS TO THE STATUS OF THE CASE, BERNSTEIN BECAME VERY UPSET. BERNSTEIN ACKNOWLEDGED THE CASE WAS DISMISSED IN 2008 BUT STATED HE WAS FILING AN APPEAL AS NEW ALLEGATIONS AND EVIDENCE HAD COME TO LIGHT.

BERNSTEIN ACCUSED ME OF NOT DOING MY JOB AND AS HE SPOKE HE WOULD SAY "AND YOU TOLD ME OR AND YOU DID OR DIDN'T DO THIS". I EXPLAINED TO HIM THAT A NUMBER OF THINGS HE WAS SPEAKING OF HAD NOTHING TO DO WITH ME OR MY PORTION OF THE INVESTIGATION. BERNSTEIN REPLIED THAT WHEN HE SAID "YOU" HE WAS REFERRING TO PBSO IN CERTAIN INSTANCES BUT WASN'T CLEAR WHICH INSTANCES HE WAS REFERRING TO. BERNSTEIN FELT THAT ROBERT SPALLINA SHOULD HAVE BEEN ARRESTED AND COULD NOT UNDERSTAND WHY HE HAD NOT BEEN ARRESTED AS OF YET. I ADVISED BERNSTEIN IT WAS NOT UP TO HIM AS TO WHETHER OR NOT SPALLINA WAS ARRESTED AND ANOTHER DETECTIVE HAD HANDLED THAT PART OF THE INVESTIGATION. AS BERNSTEIN BECAME MORE UPSET WITH THE ANSWERS HE WAS RECEIVING FROM ME, THE ISSUE OF FEDERAL JURISDICTION CAME UP AS BERNSTEIN HAD MADE ALLEGATIONS OF INTERSTATE MAIL AND WIRE FRAUD. I ADVISED HIM HE COULD SEEK ASSISTANCE FROM A FEDERAL AGENCY AND THAT I WOULD WRAP UP MY CASE AND HE COULD MOVE FORWARD FEDERALLY, ALTHOUGH I COULD NOT THINK OF AN AGENCY THAT WOULD TAKE THE CASE. BERNSTEIN STATED HE DID NOT WISH TO DISCUSS THIS CASE WITH ME ANY FURTHER, YET HE CONTINUED TO SPEAK TO ME. AS I TOLD BERNSTEIN I WOULD BE COMPLETING MY REPORT, HE STATED HE DID NOT WANT ME TO DO THAT AS HE WAS GOING TO BE CONTACTING CAPTAIN GREGG AND POSSIBLY INTERNAL AFFAIRS. BERNSTEIN THEN ASKED FOR THE NUMBER TO INTERNAL AFFAIRS AND I PROVIDED HIM INFORMATION AS TO HOW TO REACH THEM THROUGH THE MAIN PBSO NUMBER. BERNSTEIN CONTINUED TO SPEAK TO ME AND SHORTLY THEREAFTER THE CALL WAS CONCLUDED.

ON 06/29/15, I RECEIVED AN EMAIL FROM BERNSTEIN IN REGARD TO THE

printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 9
CASE NO. 14029489 SUPPLEMENT 16 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU

INVESTIGATION. THE EMAIL WAS COPIED TO 13 OTHER RECIPIENTS. THE EMAIL AND ITS ATTACHMENTS AS WELL AS ALL OF THE EMAILS RECEIVED FROM BERNSTEIN DURING MY PORTION OF THIS INVESTIGATION WILL BE TRANSFERRED TO DISK AND PLACED INTO PBSO EVIDENCE.

IT SHOULD BE NOTED THAT BERNSTEIN HAS YET TO DISCLOSE TO ME HE WAS IN RECEIPT OF THE EMAIL OF 05/20/15 FROM ATTORNEY ROSE DESCRIBING THE DISCOVERY OF THE ORIGINAL TRUST DOCUMENTS, WHICH WAS THE BASIS FOR THIS ADDITIONAL INVESTIGATION AND THAT BERNSTEIN ALLEGED WERE FORGED AND/OR DID NOT EXIST. IT IS NOT KNOWN IF HE IS AWARE THAT I HAVE MET WITH ROSE AND VIEWED THE ORIGINAL DOCUMENTS OR THAT KRATISH HAS IDENTIFIED THE SIGNATURES ON THE COPIES OF THE DOCUMENTS SHOWN TO HER AS BEING HER SIGNATURE.

BASED UPON THE TOTALITY OF THE INVESTIGATIVE EFFORT, I DO NOT FIND EVIDENCE OR PROBABLE CAUSE TO SUPPORT ANY CRIMINAL CHARGES. THIS CASE WILL BE CLASSIFIED AS A NON-CRIMINAL INFORMATION REPORT.

DETECTIVE ANDREW PANZER #6685

06/30/15

TRANS. VIA EMAIL/COPY/PASTE: 07/02/2015/MDR/#6405

printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1
CASE NO. 13159967 OFFENSE REPORT CASE NO. 13159967
DISPOSITION: ZULU
DIVISION: ROAD PATROL

911:
CIVIL MATTER
SIGNAL CODE: 30 CRIME CODE: NON CRIME CODE: CC CODE: 9566 12/23/13 MONDAY
ZONE: C21 GRID: DEPUTY I.D.: 5189 NAME: RAINERI SAM ASSIST: TIME D 1624 A 1632 C 1716
OCCURRED BETWEEN DATE: 01/01/10 , 0900 HOURS AND DATE: 12/23/13 , 1600 HOURS
EXCEPTION TYPE:
INCIDENT LOCATION: 2753 NW 34 ST APT. NO.:
CITY: BOCA RATON STATE: FL ZIP: 33496

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

NAME LIST:
ROLE:

COMPLAINANT 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: 561 254-8588

OFFENSE INDICATOR: OFFENSE 1 VICTIM NUMBER: 1
VICTIM TYPE: ADULT
RESIDENCE TYPE: COUNTY RESIDENCE STATUS: FULL YEAR
EXTENT OF INJURY: NONE
INJURY TYPE (1): NOT APPLICABLE
INJURY TYPE (2): NOT APPLICABLE
VICTIM RELATION: UNDETERMINED

ON 12/23/13 THE VICTIM/COMPLAINANT CAME TO THE DISTRICT 7 OFFICE TO FURTHER
REPORT A CRIME OF THEFT THAT HAS BEEN OCCURRING FOR A FEW YEARS. THE VICTIM
MR. BERNSTEIN STATED THAT HIS FAMILY MEMBERS HAVE TAKEN THOUSANDS OF DOLLARS
IN ASSETS, A VEHICLE, JEWELRY, CLOTHING, FURNITURE, AND MANY OTHER ITEMS.
THE VICTIM ALSO STATED HE HAS AN ONGOING CASE WITH DET. RYAN MILLER OF THE
PALM BEACH COUNTY SHERIFF'S OFFICE, THE CASE NUMBER IS 13-097087. THE
VICTIM/COMPLAINANT ALSO GAVE ME A 3 PAGE WRITTEN ,DATED AND SIGNED STATEMENT
THAT I WILL FORWARD VIA INTEROFFICE MAIL TO DET. MILLER. HE ALSO ADVISED HE
WILL FURTHER CONTACT DET. MILLER REF THIS NEW CASE NUMBER WHICH HE WAS ADVISED
TO GET THRU HIS ATTORNEY. IT SEEMS THIS MATTER HAS BEEN IN LITIGATION FOR SOME

printed by Employee Id #: 8105 on August 31, 2015 01:15:12PM

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 2
CASE NO. 13159967 OFFENSE REPORT CASE NO. 13159967
DISPOSITION: ZULU

TIME AND WILL CONTINUE TO BE. I WILL ALSO FORWARD TO DET. MILLER THE LIST OF
SUSPECTS WHICH ALSO WAS QUIT LONG, ALL FAMILY MEMBERS. I ADVISED THE VICTIM I
WOULD FORWARD ALL THIS INFO TO DET. RYAN MILLER.
D/S RAINERI 5189. 12/23/13 AT 1735 HRS
TRANS: PAP 7123. 12/27/13

printed by Employee Id #: 8105 on August 31, 2015 01:15:12PM

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. 13159967 SUPPLEMENT 1 O F F E N S E R E P O R T CASE NO. 13159967
DISPOSITION: ZULU
DIVISION: DETECTIVE

911:
CIVIL MATTER * * *
SIGNAL CODE: 30 CRIME CODE: NON CRIME CODE: CC CODE: 9566 01/07/14 MONDAY
ZONE: C21 GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1624 A 1632 C 1716
OCCURRED BETWEEN DATE: 01/01/10 , 0900 HOURS AND DATE: 12/23/13 , 1600 HOURS
EXCEPTION TYPE:
INCIDENT LOCATION: 2753 NW 34 ST APT. NO.:
CITY: BOCA RATON STATE: FL ZIP: 33496

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

I RECEIVED AN INTER-OFFICE PACKET FROM D/S RAINERI REFERENCE THIS CASE.
I HAVE NOT BEEN ASSIGNED THE FOLLOW-UP IN REGARDS TO THIS CASE AND IT HAS NO
BEARING ON 13-097087 WHICH I INVESTIGATED. THE PACKET WAS SENT BACK TO D/S
RAINERI. I ALSO INFORMED BERNSTEIN THAT I WAS NOT ASSIGNED THIS CASE AND HE
WOULD NEED TO FOLLOW UP WITH D/S RAINERI OR DISTRICT 7.
DETECTIVE RYAN W. MILLER #7704
01/07/14 @ 1010 HRS.
TRANS. VIA EMAIL/COPY/PASTE: 01/08/2014/MDR/#6405

printed by Employee Id #: 8105 on August 31, 2015 01:15:12PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1
CASE NO. 13097087 OFFENSE REPORT CASE NO. 13097087
DISPOSITION: OPEN
DIVISION: ROAD PATROL

911:
IMPRSNTNTE PUB OF
SIGNAL CODE: 53 CRIME CODE: 4 NON CRIME CODE: CODE: 260D 07/15/13 MONDAY
ZONE: F52 GRID: DEPUTY I.D.: 7657 NAME: LONGSWORTH BRIA ASSIST: TIME D 1218 A 1235 C 1333
OCCURRED BETWEEN DATE: 07/15/13 , 1241 HOURS AND DATE: 07/15/13 , 1330 HOURS
EXCEPTION TYPE:
INCIDENT LOCATION: 17901 S STATE RD 7 APT. NO.:
CITY: BOCA RATON STATE: FL ZIP: 33498

NO. OFFENSES: 01 NO. OFFENDERS: 01 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
LOCATION: GOVERNMENT / PUBLIC BUILDING
NO. VICTIMS: 01 NO. ARRESTED: 0 FORCED ENTRY: 0

OFFENSE NO. 1 FLORIDA STATE STATUTE: 843 0855 3 CIS CODE 260D

NAME LIST:

ROLE:
COMPLAINANT ELLIOT I BERNSTEIN DOB: 09/30/1963
SEX: M RACE: W HT: 185 HR: BROWN EYE: HAZEL
RESIDENTIAL ADDRESS: 2753 NW 34TH ST BOCA RATON FL 33434 HOME PHONE:561 245-8588
BUSINESS PHONE: 561 886-7628
OTHER ROBERT L 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 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:561 988-8984
BUSINESS PHONE: 561 000-0000
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
ARRESTEE 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:561 000-0000
BUSINESS PHONE: 561 000-0000

printed by Employee Id #: 8105 on August 31, 2015 01:02:53PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 2
CASE NO. 13097087 OFFENSE REPORT CASE NO. 13097087
DISPOSITION: OPEN

ROLE:

OTHER ROLE NO. 4
NAMES LAST FIRST MIDDLE J/S R/S DOB
REAL... SIMON PAMELA W F

ADDRESS NO. STREET SFX DIR APT# CITY ST ZIP
BUSINESS 950 MICHIGAN AV N 2603 CHICAGO IL 60035

PHONE #S HOME OTHER BUSINESS
000 0000 000 0000 (312) 819 7474

ROLE:

OTHER ROLE NO. 5
NAMES LAST FIRST MIDDLE J/S R/S DOB
REAL... IANTONI JILL W F

ADDRESS NO. STREET SFX DIR APT# CITY ST ZIP
BUSINESS 2101 MAGNOLIA LA HIGHLAND PARK IL 60035

PHONE #S HOME OTHER BUSINESS
(847) 831 4915 000 0000 (312) 804 2318

ROLE:

OTHER ROLE NO. 6
NAMES LAST FIRST MIDDLE J/S R/S DOB
REAL... FRIEDSTEIN LISA S W F

ADDRESS NO. STREET SFX DIR APT# CITY ST ZIP
BUSINESS 2142 CHURCHILL LA HIGHLAND PARK IL 60035

PHONE #S HOME OTHER BUSINESS
(847) 877 4633 000 0000 (312) 000 0000

OFFENSE INDICATOR: OFFENSE 1 VICTIM NUMBER: 1
VICTIM TYPE: UNKNOWN
RESIDENCE TYPE: NOT APPLICABLE RESIDENCE STATUS: NOT APPLICABLE

printed by Employee Id #: 8105 on August 31, 2015 01:02:53PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 3
CASE NO. 13097087 OFFENSE REPORT CASE NO. 13097087
DISPOSITION: OPEN

EXTENT OF INJURY: NONE
INJURY TYPE (1): NOT APPLICABLE
INJURY TYPE (2): NOT APPLICABLE
VICTIM RELATION: NOT APPLICABLE

ON 071513, I RESPONDED TO THE DISTRICT VII SUBSTATION LOCATED AT 17901 SOUTH STATE ROAD 7, UNINCORPORATED BOCA RATON, FLORIDA IN REFERENCE TO A REPORT OF FRAUD.

UPON ARRIVAL, I MADE CONTACT WITH THE COMPLAINANT INSIDE OF THE DISTRICT VII LOBBY. THE COMPLAINANT VERBALLY IDENTIFIED HIMSELF AS ELLIOT I. BERNSTEIN. ELLIOT STATED THAT SINCE SEPTEMBER OF 2012 THERE HAVE BEEN SEVERAL FRAUDULENT AND FORGED DOCUMENTS THAT HAVE BEEN FILED IN THE SOUTH COUNTY COURTHOUSE LOCATED AT 200 WEST ATLANTIC AVENUE, DELRAY BEACH, FLORIDA. ELLIOT ADVISED THAT THESE FRAUDULENT/FORGED DOCUMENTS WERE FILED WITH THE SOUTH COUNTY COURTHOUSE TO MISAPPROPRIATE ASSETS ILLEGALLY FROM THE ESTATES OF SIMON AND SHIRLEY BERNSTEIN (DECEASED PARENTS). ELLIOT TOLD ME THAT THESE DOCUMENTS WERE PREPARED AND EXECUTED BY ATTORNEYS DONALD TESCHER AND ROBERT SPALLINA OF TESCHER AND SPALLINA AND THAT THESE DOCUMENTS WERE FOR POWER OF ATTORNEY OVER THE TWO (2) ESTATES WHICH WERE VALUED BETWEEN 20 TO 50 MILLION DOLLARS. ACCORDING TO ELLIOT, HIS BROTHER, THEODORE STUART BERNSTEIN, ALSO HAD INVOLVEMENT WITH THE FILING OF THESE FRAUDULENT/FORGED DOCUMENTS.

WHILE SPEAKING TO ELLIOT, HE SHOWED ME SEVERAL COURT DOCUMENTS WHICH HE ALLEGED ARE COPIES OF THE FRAUDULENT/FORGED DOCUMENTS THAT WERE FILED AT THE COURT HOUSE. ELLIOT COMPLETED A SWORN WRITTEN STATEMENT AND I COMPLETED A VICTIM/WITNESS CASE INFORMATION FORM IN WHICH ELLIOT WAS GIVEN ALONG WITH COPIES OF HIS FOUR (4) PAGE SWORN WRITTEN STATEMENT.

DUE TO THE MONETARY AMOUNT AND THE ALLEGATIONS THAT WERE MADE REGARDING THE FILING OF FRAUDULENT/FORGED DOCUMENTS AT THE SOUTH COUNTY COURTHOUSE, THIS CASE WILL BE FORWARDED TO THE PBSO FINANCIAL CRIMES DIVISION.

THIS CASE WAS COMPLETED AT THIS TIME FOR DOCUMENTATION PURPOSES ONLY.
D/S B.E. LONGSWORTH/ID 7657/TRANS:072313/ALS
DICT:071613/2115HRS.

printed by Employee Id #: 8105 on August 31, 2015 01:02:53PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1
CASE NO. 13097087 SUPPLEMENT 1 OFFENSE REPORT CASE NO. 13097087
DISPOSITION: ZULU
DIVISION: DETECTIVE

911:
IMPRSNTS PUB OF * * *
SIGNAL CODE: 53 CRIME CODE: NON CRIME CODE: OT CODE: 260D 08/14/13 MONDAY
ZONE: F52 GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1218 A 1235 C 1333
OCCURRED BETWEEN DATE: 07/15/13 , 1241 HOURS AND DATE: 07/15/13 , 1330 HOURS
EXCEPTION TYPE:
INCIDENT LOCATION: 17901 S STATE RD 7 APT. NO.:
CITY: BOCA RATON STATE: FL ZIP: 33498

NO. OFFENSES: 01 NO. OFFENDERS: 01 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
LOCATION: GOVERNMENT / PUBLIC BUILDING
NO. VICTIMS: 01 NO. ARRESTED: 0 FORCED ENTRY: 0

OFFENSE NO. 1 FLORIDA STATE STATUTE: 843 0855 3 CIS CODE 260D

AFTER BEING ASSIGNED THE FOLLOW-UP INVESTIGATION IN REGARDS TO THIS CASE,
I ATTEMPTED TO MAKE CONTACT WITH ELLIOT BERNSTEIN VIA PHONE ON BOTH 08/13/13
AND 08/14/13. MESSAGES WERE LEFT FOR HIM TO CONTACT ME ON BOTH NUMBERS
PROVIDED IN THE ORIGINAL REPORT. THIS CONCLUDES MY SUPPLEMENTAL REPORT.
DETECTIVE RYAN W. MILLER #7704
08/14/13 @ 1241 HRS.
TRANS. VIA EMAIL/COPY/PASTE: 08/15/2013/MDR/#6405

printed by Employee Id #: 8105 on August 31, 2015 01:02:53PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1
CASE NO. 13097087 SUPPLEMENT 2 OFFENSE REPORT CASE NO. 13097087
DISPOSITION: ZULU
DIVISION: DETECTIVE

911:
IMPRSNTS PUB OF * * *
SIGNAL CODE: 53 CRIME CODE: NON CRIME CODE: OT CODE: 260D 08/20/13 MONDAY
ZONE: F52 GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1218 A 1235 C 1333
OCCURRED BETWEEN DATE: 07/15/13 , 1241 HOURS AND DATE: 07/15/13 , 1330 HOURS
EXCEPTION TYPE:
INCIDENT LOCATION: 17901 S STATE RD 7 APT. NO.:
CITY: BOCA RATON STATE: FL ZIP: 33498

NO. OFFENSES: 01 NO. OFFENDERS: 01 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
LOCATION: GOVERNMENT / PUBLIC BUILDING
NO. VICTIMS: 01 NO. ARRESTED: 0 FORCED ENTRY: 0

OFFENSE NO. 1 FLORIDA STATE STATUTE: 843 0855 3 CIS CODE 260D

AFTER BEING ASSIGNED THE FOLLOW-UP INVESTIGATION IN REGARDS TO THIS
INCIDENT, I WAS ABLE TO MAKE CONTACT WITH ELLIOT BERNSTEIN VIA PHONE. ELLIOT
SUPPLIED ME WITH AN E-MAIL WHICH CONTAINED 567 DOCUMENTS WHICH HE STATES ARE
PERTINENT TO THIS CASE. I AM CURRENTLY REVIEWING THE DOCUMENTS AND STATEMENT
HE PROVIDED. FURTHER INVESTIGATION WILL CONSIST OF MEETING WITH ELLIOT IN THE
NEAR FUTURE TO GO OVER HIS STATEMENT AND THE DOCUMENTS HE SUPPLIED. THIS CASE
REMAINS OPEN.

DETECTIVE RYAN W. MILLER #7704
08/20/13 @ 1430 HRS.
TRANS. VIA EMAIL/COPY/PASTE: 08/21/2013/MDR/#6405

printed by Employee Id #: 8105 on August 31, 2015 01:02:53PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1
CASE NO. 13097087 SUPPLEMENT 3 OFFENSE REPORT CASE NO. 13097087

DISPOSITION: OPEN
DIVISION: DETECTIVE

911:

IMPRSNT PUB OF * * *
SIGNAL CODE: 53 CRIME CODE: NON CRIME CODE: OT CODE: 260D 09/25/13 MONDAY
ZONE: F52 GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1218 A 1235 C 1333
OCCURRED BETWEEN DATE: 07/15/13 , 1241 HOURS AND DATE: 07/15/13 , 1330 HOURS
EXCEPTION TYPE:
INCIDENT LOCATION: 17901 S STATE RD 7 APT. NO.:
CITY: BOCA RATON STATE: FL ZIP: 33498

NO. OFFENSES: 01 NO. OFFENDERS: 01 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
LOCATION: GOVERNMENT / PUBLIC BUILDING
NO. VICTIMS: 01 NO. ARRESTED: 0 FORCED ENTRY: 0

OFFENSE NO. 1 FLORIDA STATE STATUTE: 843 0855 3 CIS CODE 260D

ON AUGUST 23, 2013 I MET WITH ELIOT BERNSTEIN REFERENCE HIS COMPLAINT. HE STATED THAT DUE TO SOME DOCUMENTS BEING FRAUDULENTLY NOTARIZED A LARGER FRAUD HAS OCCURRED. HE SUPPLIED ME WITH COPIES OF A DOCUMENT TITLED: WAIVER OF ACCOUNTING AND PORTIONS OF PETITION FOR DISCHARGE: WAIVER OF SERVICE OF PETITION FOR DISCHARGE: AND RECEIPT OF BENEFICIARY AND CONSENT TO DISCHARGE, FOR THE ESTATE OF SHIRLEY BERNSTEIN, WHO IS ELIOT'S DECEASED MOTHER.

ELIOT STATED THAT IN THE FIRST PART (BELIEVED TO BE APRIL) OF 2012, HIS FATHER HAD A MEETING WITH HIM AND HIS FOUR SIBLINGS (TED, PAMELA, JILL, & LISA). I HAVE SINCE FOUND OUT THAT THIS WAS A CONFERENCE CALL WHICH TOOK PLACE AT THE OFFICE OF ATTORNEY ROBERT SPALLINA, WHO IS/WAS THE ATTORNEY FOR SIMON AND SHIRLEY BERNSTEIN. IT SHOULD BE NOTED THAT SIMON HAS SINCE PASSED, WHICH OCCURRED ON OR ABOUT SEPTEMBER 13, 2012. AT THIS CONFERENCE CALL, WHICH WAS IN THE FIRST PART OF 2012, SIMON BERNSTEIN REVEALED TO HIS CHILDREN THAT HE WOULD LIKE THEM TO SIGN THE AFOREMENTIONED WAIVER. IT IS BELIEVED THAT THERE WAS ALSO SOME DISCUSSION OF INHERITANCE AND WHO WAS TO GET WHAT UPON SIMON'S PASSING.

INVESTIGATION REVEALED THAT ALL FIVE CHILDREN AND SIMON SIGNED THE AFOREMENTIONED WAIVER THAT WAS SENT TO THEM BY SPALLINA'S LEGAL ASSISTANT, KIMBERLY MORAN. I SPOKE WITH MORAN ON 09/24/13 AND SHE ADMITTED TO SENDING OUT THE WAIVER AS TOLD TO BY HER BOSS. THE WAIVERS WERE THEN SIGNED AND RETURNED. SIMON'S WAS SIGNED ON 04/09/12 AND ELIOT'S ON MAY 15, 2012. IT WAS FOUND THAT THE OTHER SIBLINGS DID NOT RETURN THEIR DOCUMENT FOR SEVERAL MONTHS. MORAN STATED SHE HAD TO CONDUCT FOLLOW-UP E-MAILS AND PHONE CALLS TO GET THE

printed by Employee Id #: 8105 on August 31, 2015 01:02:53PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 2
CASE NO. 13097087 SUPPLEMENT 3 OFFENSE REPORT CASE NO. 13097087
DISPOSITION: OPEN

DOCUMENTS RETURNED. THEY WERE FINALLY RETURNED IN AUGUST AND OCTOBER OF 2012.

MORAN STATED SHE FILED THE DOCUMENTS WITH THE COURT IN OCTOBER OF 2012. SHE RECEIVED A MEMORANDUM FOR JUDGE MARTIN COLIN'S CASE MANAGER, ASTRIDE LIMOUZIN, STATING THE DOCUMENTS WERE NOT NOTARIZED AND THEY NEED TO BE. MORAN STATED THAT AT THIS TIME, SHE TOOK IT UPON HERSELF TO TRACE EACH SIGNATURE OF THE SIX MEMBERS OF THE BERNSTEIN FAMILY ONTO ANOTHER COPY OF THE ORIGINAL WAIVER DOCUMENT. SHE THEN NOTARIZED THEM AND RESUBMITTED THEM TO THE COURTS. WHEN I INTERVIEWED HER ON 09/24/13, SHE STATED SHE DID NOT REALLY HAVE A REASON WHY SHE FORGED THE SIGNATURES, OTHER THAN TO MAYBE SAVE TIME.

I SPOKE WITH LISA AND JILL VIA PHONE ON SEPTEMBER 10, 2013. THEY STATED THAT AS FAR AS THEY KNOW, THE FRAUDULENT NOTARIZATION CHANGED NOTHING WITH THE ESTATE SINCE THEY WILLINGLY AND KNOWINGLY SIGNED THE ORIGINAL DOCUMENTS. THEY STATED THAT THEY DO NOT WISH TO PURSUE ANYTHING CRIMINALLY. I SPOKE WITH TED ON 09/24/13. HE ALSO STATED THAT THE MISTAKE DID NOT AFFECT THE ESTATE AND DOES NOT WISH TO PURSUE ANYTHING CRIMINALLY. TO DATE PAMELA HAS NOT RESPONDED TO MY PHONE MESSAGES OR E-MAILS.

D/S MARK BEREY WAS PRESENT DURING MY INTERVIEWS WITH MORAN, TED, AND SPALLINA. WE SPOKE TO MORAN ALONE. THE INTERVIEW WAS RECORDED. SHE ADMITTED TO MAKE A POOR DECISION, BUT STATED SHE DID NOT BENEFIT FINANCIALLY FROM HER ACTIONS. WE ALSO SPOKE WITH SPALLINA ALONE. SPALLINA STATED HE WAS NOT AWARE OF MORAN'S ACTIONS UNTIL SHE TOLD HIM. MORAN STATED SHE WAS MADE AWARE THAT OTHERS HAD CAUGHT ONTO WHAT SHE DID ONCE SHE RECEIVED NOTICE FROM THE GOVERNOR'S OFFICE, NOTARY EDUCATION DIVISION. ELIOT FILED A COMPLAINT ON HER WITH THE STATE. I WAS SUPPLIED WITH A COPY OF THE COMPLAINT AND CORRESPONDENCE BY ELIOT. I ALSO SPOKE WITH ERIN TUPER MAKING HER AWARE OF MY INVESTIGATION. ELIOT SUPPLIED A SWORN WRITTEN STATEMENT TO THE ORIGINAL REPORTING DEPUTY, STATING THAT HE WISHES TO PURSUE CRIMINAL CHARGES. ELIOT ALSO TOLD ME HIMSELF THAT HE WISHES TO PURSUE CHARGES ANY CRIMINAL WRONGDOINGS IN THIS CASE. IN SPEAKING WITH SPALLINA, WE FOUND THAT THE DOCUMENT IN QUESTIONS CHANGES THE INHERITANCE OF PERSONAL PROPERTY IN THE ESTATE OF SHIRLEY BERNSTEIN FROM SIMON AND SHIRLEY'S CHILDREN TO THEIR GRANDCHILDREN.

D/S BEREY AND I ALSO REVIEWED ALL E-MAILS AND ATTACHMENTS (MAINLY COURT DOCUMENTS) SUPPLIED BY ELIOT. WE FOUND THAT MOST OF THE INFORMATION WAS RELATED TO THE ONGOING CIVIL CASE INVOLVING THE TRUSTS AND ESTATES OF SHIRLEY AND SIMON BERNSTEIN. THE ONLY CRIMINAL WRONGDOINGS FOUND ARE THE AFOREMENTIONED FRAUDULENTLY NOTARIZED DOCUMENTS.

IT SHOULD BE NOTED THAT ON 9/25/13 ELIOT'S WIFE, CANDICE BERNSTEIN CALLED ME AND MENTIONED THAT SHE WAS FEELING A CONCERN FOR THE SAFETY OF HER AND ELIOT. SHE STATED IT IS JUST A FEELING SHE HAD DUE TO RISING TENSIONS IN THIS ONGOING COURT BATTLE. I ASKED HER IF ANYONE HAS THREATENED HER OR HER HUSBAND AND SHE SAID NO, JUST PEOPLE INVOLVED KNOW PEOPLE WHO HAVE HIGH INFLUENTIAL

printed by Employee Id #: 8105 on August 31, 2015 01:02:53PM

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. 13097087 SUPPLEMENT 3 O F F E N S E R E P O R T CASE NO. 13097087
DISPOSITION: OPEN

ABILITIES. ELIOT WOULD NOT ELABORATE, BUT DID STATE THAT HE HAS ONGOING
FEDERAL COURT BATTLES AND BELIEVES HE IS BEING TARGETED BY PEOPLE DUE TO HIS
PATENTS AND INVENTIONS. AT THIS TIME, I HAVE NO EVIDENCE TO SHOW THEY ARE IN
ANY HARM'S WAY REGARDING MY INVESTIGATION OR GENERALLY SPEAKING.

BASED ON THE FACTS AND FINDINGS OF THIS INVESTIGATION, I FIND PROBABLE
CAUSE FOR THE ARREST OF MORAN FOR CRIMINAL ACTIONS UNDER THE COLOR OF LAW OR
THROUGH USE OF SIMULATED LEGAL PROCESS, F.S.S. 843.0855 (3), DUE TO THE FACT
THAT SHE DID WILLINGLY AND KNOWINGLY SIMULATE A LEGAL PROCESS OF A LEGAL
DOCUMENT REGARDING PERSONAL PROPERTY, KNOWING THAT THE DOCUMENT CONTAINED
FRAUDULENT SIGNATURES. THIS CASE REMAINS OPEN.

DETECTIVE RYAN W. MILLER #7704

09/25/13 @ 1433 HRS.

TRANS. VIA EMAIL/COPY/PASTE: 09/25/2013/MD/#6405

printed by Employee Id #: 8105 on August 31, 2015 01:02:53PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1
CASE NO. 13097087 SUPPLEMENT 4 OFFENSE REPORT CASE NO. 13097087
DISPOSITION: OPEN
DIVISION: DETECTIVE

911:

IMPRSNTS PUB OF * * *
SIGNAL CODE: 53 CRIME CODE: NON CRIME CODE: OT CODE: 260D 09/27/13 MONDAY
ZONE: F52 GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1218 A 1235 C 1333
OCCURRED BETWEEN DATE: 07/15/13 , 1241 HOURS AND DATE: 07/15/13 , 1330 HOURS
EXCEPTION TYPE:
INCIDENT LOCATION: 17901 S STATE RD 7 APT. NO.:
CITY: BOCA RATON STATE: FL ZIP: 33498

NO. OFFENSES: 01 NO. OFFENDERS: 01 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
LOCATION: GOVERNMENT / PUBLIC BUILDING
NO. VICTIMS: 01 NO. ARRESTED: 0 FORCED ENTRY: 0

OFFENSE NO. 1 FLORIDA STATE STATUTE: 843 0855 3 CIS CODE 260D

THIS CASE WAS FILED WITH THE PALM BEACH COUNTY STATE ATTORNEY'S OFFICE ON
09/27/13. THIS CASE REMAINS OPEN.
DETECTIVE RYAN W. MILLER #7704
09/27/13 @ 1311 HRS.
TRANS. VIA EMAIL/COPY/PASTE: 09/30/2013/MDR/#6405

printed by Employee Id #: 8105 on August 31, 2015 01:02:53PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1
CASE NO. 13097087 SUPPLEMENT 5 OFFENSE REPORT CASE NO. 13097087
DISPOSITION: OPEN
DIVISION: DETECTIVE

911:
IMPRSNTNTE PUB OF * * *
SIGNAL CODE: 53 CRIME CODE: NON CRIME CODE: OT CODE: 260D 10/08/13 MONDAY
ZONE: F52 GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1218 A 1235 C 1333
OCCURRED BETWEEN DATE: 07/15/13 , 1241 HOURS AND DATE: 07/15/13 , 1330 HOURS
EXCEPTION TYPE:
INCIDENT LOCATION: 17901 S STATE RD 7 APT. NO.:
CITY: BOCA RATON STATE: FL ZIP: 33498

NO. OFFENSES: 01 NO. OFFENDERS: 01 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
LOCATION: GOVERNMENT / PUBLIC BUILDING
NO. VICTIMS: 01 NO. ARRESTED: 0 FORCED ENTRY: 0

OFFENSE NO. 1 FLORIDA STATE STATUTE: 843 0855 3 CIS CODE 260D

ON 10/07/13 I RECEIVED AN E-MAIL FROM THE STATE ATTORNEY'S OFFICE STATING
THEY HAVE REVIEWED THE CASE AND CHARGES WILL BE FILED. ON 10/08/13 I SPOKE
WITH ELIOT AND MADE HIM AWARE OF MY FINDINGS IN THIS CASE. HE ALSO SUPPLIED
ME WITH NEW COURT DOCUMENTS, WHICH WERE FORWARDED TO THE SAO. THIS CASE
REMAINS OPEN.
DETECTIVE RYAN MILLER #7704
10/08/13 @ 1033 HRS.
TRANS. VIA EMAIL/COPY/PASTE: 10/08/2013/MDR/#6405

printed by Employee Id #: 8105 on August 31, 2015 01:02:53PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1
CASE NO. 13097087 SUPPLEMENT 6 OFFENSE REPORT CASE NO. 13097087
DISPOSITION: CLEARED BY ARREST
DIVISION: DETECTIVE

911:
IMPRSNTE PUB OF * * *
SIGNAL CODE: 53 CRIME CODE: NON CRIME CODE: OT CODE: 260D 10/29/13 MONDAY
ZONE: F52 GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1218 A 1235 C 1333
OCCURRED BETWEEN DATE: 07/15/13 , 1241 HOURS AND DATE: 07/15/13 , 1330 HOURS
EXCEPTION TYPE:
INCIDENT LOCATION: 17901 S STATE RD 7 APT. NO.:
CITY: BOCA RATON STATE: FL ZIP: 33498

NO. OFFENSES: 01 NO. OFFENDERS: 01 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
LOCATION: GOVERNMENT / PUBLIC BUILDING
NO. VICTIMS: 01 NO. ARRESTED: 1 FORCED ENTRY: 0

OFFENSE NO. 1 FLORIDA STATE STATUTE: 843 0855 3 CIS CODE 260D

ON 10/25/13 KIMBERLY MORAN TURNED HERSELF IN REFERENCE A CAPIAS ISSUED IN
THIS CASE. THIS CASE IS NOW CLEARED BY ARREST.
DETECTIVE RYAN W. MILLER #7704
10/29/13 @ 1505 HRS.
TRANS. VIA EMAIL/COPY/PASTE: 10/30/2013/MDR/#6405

printed by Employee Id #: 8105 on August 31, 2015 01:02:53PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1
CASE NO. 13097087 SUPPLEMENT 7 OFFENSE REPORT CASE NO. 13097087
DISPOSITION: CLEARED BY ARREST
DIVISION: DETECTIVE

911:

IMPRSNTS PUB OF * * *
SIGNAL CODE: 53 CRIME CODE: NON CRIME CODE: OT CODE: 260D 01/07/14 MONDAY
ZONE: F52 GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1218 A 1235 C 1333
OCCURRED BETWEEN DATE: 07/15/13 , 1241 HOURS AND DATE: 07/15/13 , 1330 HOURS
EXCEPTION TYPE:
INCIDENT LOCATION: 17901 S STATE RD 7 APT. NO.:
CITY: BOCA RATON STATE: FL ZIP: 33498

NO. OFFENSES: 01 NO. OFFENDERS: 01 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
LOCATION: GOVERNMENT / PUBLIC BUILDING
NO. VICTIMS: 01 NO. ARRESTED: 1 FORCED ENTRY: 0

OFFENSE NO. 1 FLORIDA STATE STATUTE: 843 0855 3 CIS CODE 260D

ON 01/07/14 I SPOKE WITH ROBERT SPALLINA HE STATED THAT THE WAIVER SIGNED
DID NOT MAKE ANY CHANGES TO THE INHERITANCE OF PERSONAL PROPERTY. HE STATED
THE ITEMS AND/OR MONEY STILL WENT TO SIMON AND SHIRLEY'S CHILDREN. THE WAIVER
WAS ONLY A RELEASE OF ACCOUNTING FOR SHIRLEY'S ESTATE.
DETECTIVE RYAN W. MILLER #7704
01/07/14 @ 0809 HRS.
TRANS. VIA EMAIL/COPY/PASTE: 01/07/2014/MDR/#6405

printed by Employee Id #: 8105 on August 31, 2015 01:02:53PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1
 CASE NO. 13097087 SUPPLEMENT 8 OFFENSE REPORT CASE NO. 13097087
 DISPOSITION: CLEARED BY ARREST
 DIVISION: DETECTIVE

911:

IMPRSNTTE PUB OF * * *
 SIGNAL CODE: 53 CRIME CODE: NON CRIME CODE: OT CODE: 260D 02/11/14 MONDAY
 ZONE: F52 GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1218 A 1235 C 1333
 OCCURRED BETWEEN DATE: 07/15/13 , 1241 HOURS AND DATE: 07/15/13 , 1330 HOURS
 EXCEPTION TYPE:
 INCIDENT LOCATION: 17901 S STATE RD 7 APT. NO.:
 CITY: BOCA RATON STATE: FL ZIP: 33498

NO. OFFENSES: 01 NO. OFFENDERS: 01 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
 LOCATION: GOVERNMENT / PUBLIC BUILDING
 NO. VICTIMS: 01 NO. ARRESTED: 1 FORCED ENTRY: 0

OFFENSE NO. 1 FLORIDA STATE STATUTE: 843 0855 3 CIS CODE 260D

FOR CLARIFICATION PURPOSES, REFERENCE SUPPLEMENT NUMBER 3, THE NEXT TO
 LAST PARAGRAPH. I SPOKE WITH CANDICE BERNSTEIN ON THE PHONE, NOT ELIOT. THE
 CONCERN FOR SAFETY WAS MENTIONED BY CANDICE. IN THE PAST, ELIOT HAD TOLD
 ME THAT HE HAD ONGOING FEDERAL COURT BATTLE RELATED TO HIS INVENTIONS AND
 PATENTS. HE HAD IMPLIED IN THE PAST THAT HE WAS TARGETED FOR THOSE BATTLES.
 IT WAS RELAYED TO ME BY CANDICE THAT THINGS WERE GETTING HEATED REFERENCE THE
 MANY PROCEEDINGS ELIOT WAS INVOLVED IN, SO SHE WAS GETTING NERVOUS FOR THE
 FAMILY AS A WHOLE.

THIS CONCLUDES MY SUPPLEMENTAL REPORT.
 DETECTIVE RYAN W. MILLER #7704
 02/11/14 @ 1936 HRS.
 TRANS. VIA EMAIL/COPY/PASTE: 02/13/2014/MDR/#6405

 printed by Employee Id #: 8105 on August 31, 2015 01:02:53PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1
CASE NO. 13097087 SUPPLEMENT 9 OFFENSE REPORT CASE NO. 13097087
DISPOSITION: CLEARED BY ARREST
DIVISION: DETECTIVE

911:
IMPRSNTS PUB OF * * *
SIGNAL CODE: 53 CRIME CODE: NON CRIME CODE: OT CODE: 260D 02/13/14 MONDAY
ZONE: F52 GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1218 A 1235 C 1333
OCCURRED BETWEEN DATE: 07/15/13 , 1241 HOURS AND DATE: 07/15/13 , 1330 HOURS
EXCEPTION TYPE:
INCIDENT LOCATION: 17901 S STATE RD 7 APT. NO.:
CITY: BOCA RATON STATE: FL ZIP: 33498

NO. OFFENSES: 01 NO. OFFENDERS: 01 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
LOCATION: GOVERNMENT / PUBLIC BUILDING
NO. VICTIMS: 01 NO. ARRESTED: 1 FORCED ENTRY: 0

OFFENSE NO. 1 FLORIDA STATE STATUTE: 843 0855 3 CIS CODE 260D

ON 02/13/14 I RECEIVED NOTICE FROM THE PALM BEACH COUNTY STATE ATTORNEY'S
OFFICE THAT MORAN ENTERED THE PRE-TRIAL INTERVENTION PROGRAM FOR A PERIOD OF 1
YEAR.
DETECTIVE RYAN W. MILLER #7704
02/13/14 @ 1225 HRS.
TRANS. VIA EMAIL/COPY/PASTE: 02/14/3014/MDR/#6405

printed by Employee Id #: 8105 on August 31, 2015 01:02:53PM

**PALM BEACH COUNTY SHERIFF'S OFFICE
CENTRAL RECORDS
FSS EXEMPTIONS/CONFIDENTIAL**

- | | |
|--|---|
| <input type="checkbox"/> 119.071(2)(c) Active criminal intelligence/active criminal investigative Information | <input type="checkbox"/> 119.071(5)(g)1 Biometric Identification Information (Fingerprints, palm prints, and footprints) |
| <input type="checkbox"/> 119.071(2)(e) Confession | <input type="checkbox"/> 119.071(2)(f) Confidential Informants |
| <input type="checkbox"/> 365.171(15) Identity of 911 caller or person requesting emergency service | <input type="checkbox"/> 316.066(5)(a) Crash reports are confidential for period of 60 days after the report is filed |
| <input type="checkbox"/> 119.071(2)(d) Surveillance techniques, procedures, and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization, deployment or tactical operations | <input type="checkbox"/> 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 |
| <input type="checkbox"/> 119.071(2)(l) Assets of crime victim | <input type="checkbox"/> 985.04(1) Juvenile offender records |
| <input type="checkbox"/> 119.071(5)(a)(5) Social security numbers held by agency | <input type="checkbox"/> 119.0712(2) Personal information contained in a motor vehicle record |
| <input type="checkbox"/> 119.071(5)(b) Bank account #, debit, charge and credit card numbers held by an agency | <input type="checkbox"/> 119.071(2)(b) Criminal intelligence/investigative information from a non-Florida criminal justice agency |
| <input checked="" type="checkbox"/> 395.3025(7)(a) and/or 456.057(7)(a) Medical information | <input type="checkbox"/> 394.4615(7) Mental health information |
| <input type="checkbox"/> 943.053/943.0525 NCIC/FCIC/FBI and in-state FDLE/DOC | <input checked="" type="checkbox"/> 119.071(4)(c) Undercover personnel |
| <input type="checkbox"/> 119.07(4)(d) Extra fee if request is voluminous or requires extensive personnel, technology | <input type="checkbox"/> 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: IR-14-025

Tracking No.: 15-07-1853

Clerk Name/ID: T. Hunt/8105

Date: 09/02/2015

Incident Review IA No: IR14-025 Received: Jan 09, 2014

Flagged incident: Blue

Case No: 13-097087

Involved citizen:

Elliot Bernstein

Linked address(s):

Home Address: 2753 34 St NW Boca Raton FL 33434

Linked phone(s):

Home Phone: (561) 245-8588

Officers involved:

Sergeant LE Ryan W Miller [7704]

Officer current info:

Departments: Law Enforcement

Assignments: 4301-Dist 7-Boca

Complaint Type:

Snapshot - officer information at time of incident:

Badge/ID no: 7704

Departments: Law Enforcement

Assignments: 5070-Special Invest

Complaint Type:

Rank/title: Detective

Age: 35 Years of employment: 9 Years with unit:

Off duty: Off duty employed:

Allegations:

Information Only - Incident Review - IR - No Action Warranted - Feb 04, 2014

Actions taken:

Feb 04, 2014 - Incident Review Days/hrs suspended/assessed:

Officer witnesses:

Deputy Sheriff LE PT Mark H Berey [15527]

Officer current info:

Departments: Law Enforcement

Assignments: 4760-District 6 - West B

Complaint Type:

Summary:

Mr. Elliot Bernstein filed a complaint regarding an investigation completed by Detective Ryan

Miller. At this time, I am waiting for information from Detective Miller regarding this.

Please refer to attached memorandum regarding this matter.

Investigative tasks:

Due dt	Done dt	Type
Feb 23, 2014	Feb 5, 2014	45 Day - Report Update

Assigned To: Sally Tritsch

Automatically generated

Apr 9, 2014	Feb 5, 2014	90 Day - Report Update
-------------	-------------	------------------------

Assigned To: Sally Tritsch

Automatically generated

When/where:

Date/time occurred: Jul 15 2013 12:40

Incident location: 200 Atlantic Ave W Delray Beach FL 33417

Home Address: 2753 34 St NW Boca Raton FL 33434

County: IAR

Linked files:

Case Information:

Face Sheet (DOC)

Case Letters:

Letter to Mr Bernstein (DOC)

Documnetary Evidence:

Reports 1 (pdf)

Reports 2 (pdf)

Reports 3 (pdf)

Memorandums:

Memorandum (pdf)

Associated Case Nos:

CC14-0006

Status/ assignment information:

Status: Completed

Opened: 01/09/2014 Assigned: 01/09/2014 Due: 05/09/2014 Completed: 02/04/2014

Disposition: IR - No Action Warranted

Unit assigned: Internal Affairs
Handled at field/unit level: Yes
Outside/file investigator:
Investigator assign: Sergeant Sean Bozdech
Supervisor assign: Captain LE Pete Palenzuela
Source of information: Citizen

Organizational component(s):

Departments: Law Enforcement
Assignments: 5070-Special Invest
Complaint Type: External Complaint

BlueTeam chain routings

Jan 09, 2014 13:24: Sent from Sergeant LE Sean A Bozdech [6529] to Captain LE Pedro L Palenzuela [6073]

Instructions:

Please return back for further follow up.

Reviewed by Captain LE Pedro L Palenzuela [6073] on Jan 09, 2014 at 13:32

Decision: Approved

Reviewer comment:

AAW, returned per your request

Jan 09, 2014 13:32: Sent from Captain LE Pedro L Palenzuela [6073] to Sergeant LE Sean A Bozdech [6529]

Instructions:

FYR, see comments

Reviewed by Sergeant LE Sean A Bozdech [6529] on Feb 04, 2014 at 09:17

Decision: Approved

Reviewer comment:

Investigation completed. Refer to attached memorandum.

Feb 04, 2014 09:17: Sent from Sergeant LE Sean A Bozdech [6529] to

Captain LE [REDACTED]

Instructions:

FYR

Reviewed by Captain LE [REDACTED] on Feb 04, 2014 at 14:04

Decision: Approved

Reviewer comment:

AAW

**Entered via BlueTeam by: Sergeant LE Sean A Bozdech [6529] on
Jan 09, 2014 at 13:21**

WALKER THAT SIMON'S LIVE-IN GIRLFRIEND, MARITZA PUCCIO MIGHT HAVE PROVIDED SIMON WITH A LARGER THEN PRESCRIBED DOSE OF HIS HYDROCODONE MEDICATION AS WELL AS ONE OF HER PRESCRIBED AMBIEN SLEEPING PILLS, WHICH COULD OF CAUSED HIS DEATH. HE SAID HE VOICED HIS CONCERNS TO THE DOCTORS AT DELRAY COMMUNITY HOSPITAL BUT THEY ADVISED THERE DID NOT APPEAR TO BE ANY SUSPICIOUS CIRCUMSTANCES SURROUNDING SIMON'S DEATH AND THEY WOULD NOT BE CONDUCTING AN AUTOSPY. TED CONTACTED BOTH A PRIVATE COMPANY AND THE PALM BEACH COUNTY MEDICAL EXAMINER'S OFFICE REGARDING HAVING AN AUTOSPY CONDUCTED. BOTH ADVISED HE SHOULD CONTACT THE PALM BEACH COUNTY SHERIFF'S OFFICE.

AFTER SPEAKING WITH TED, I SPOKE WITH RACHEL. RACHEL STARTED BY TELLING ME THAT SIMON SUFFERED FROM SEVERAL AILMENTS TO INCLUDE, POLLIMALAGA, HEPATITIS C AND HE HAD OPEN HEART SURGERY APPROXIMATELY 2 YEARS AGO, WHICH WAS ONE OF SEVERAL OPEN HEART SURGERIES. SIMON WAS RECENTLY PLACED ON PREDNISONE FOR THE POLLIMALAGA, WHICH SHE SAID EFFECTED HIS MENTAL FACULTIES. RACHEL ADVISED WHEN SHE ARRIVED AT SIMON'S HOUSE AT 0830 HOURS ON 9/12/12, SHE FOUND SIMON LYING ON THE COUCH IN THE LIVING ROOM. HE WAS AWAKE AND BREATHING BUT HE HAD A VERY LOW HEART BEAT AND WAS UNAWARE OF HIS SURROUNDINGS. RACHEL SAID SHORTLY AFTER HER ARRIVAL MARITZA RETURNED HOME. THEY HAD A BRIEF ARGUMENT OVER WHETHER OR NOT THEY SHOULD BRING SIMON TO THE HOSPITAL AS RACHEL SAYS MARITZA DID NOT BELIEVE HE NEEDED TO GO TO THE HOSPITAL AT THIS TIME. RACHEL SAID THAT SHE FINALLY TOLD MARITZA THAT SHE WAS GOING TO TAKE HIM TO THE HOSPITAL BY HERSELF. SHE SAID SHE LEFT THE HOUSE APPROXIMATELY 1000 HOURS FOR THE HOSPITAL. RACHEL WENT ONTO TELL ME THAT MARITZA PROVIDED SIMON WITH ONE OF HER PRESCRIBED AMBIEN SLEEPING PILLS ON THE NIGHT OF 9/8/12. SHE ALSO SAID SIMON WAS PRESCRIBED 100 [REDACTED] 7.5-750 PILLS ON 9/7/12 AND SHE BELIEVE 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.

6529

01/28/14

E000

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 3
SUPPLEMENT 1 OFFENSE REPORT CASE NO. 12121312

DISPOSITION: ZULU
DIVISION: DETECTIVE

POLICE SERVICE CALL CODE: 9568 DATE: 01/23/14 THURSDAY
ZONE: C21 GRID: DEPUTY ID.: 7704 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. VEH. STOLEN: 0 NO. PREM. 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 [REDACTED] 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

Bozdech, Sean A.

From: Eliot Ivan Bernstein <iviewit@iviewit.tv>
Sent: Tuesday, January 28, 2014 10:53 AM
To: Bozdech, Sean A.
Subject: FW: Case No 13 097087 Simon and Shirley Bernstein estate crimes

Sergeant Bozdech, I have also asked Det Miller to respond to my letters and he has not, is there a reason he cannot answer the questions via email and writing a response? Eliot

From: Miller, Ryan W. [mailto:MillerR@pbso.org]
Sent: Tuesday, December 31, 2013 10:26 AM
To: Eliot Ivan Bernstein
Subject: RE: Case No 13 097087 Simon and Shirley Bernstein estate crimes

Just left you a message.

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]
Sent: Tuesday, December 31, 2013 9:40 AM
To: Miller, Ryan W.
Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.
Subject: RE: Case No 13 097087 Simon and Shirley Bernstein estate crimes

Detective Miller,

I cannot come to your office as we are suffering severe financial damages from the crimes alleged in the estates by the fiduciaries and have no gas or money at this time. I would like to have others involved in the conversations including two people from out of the state so a phone call to start would be great until we can meet again in person. I filed the complaint at PBSO and the intake officer stated he was giving it a new case number but then used the Moran case file number even though she has nothing to do with the new complaint. I did explicitly state to the intake officer that these were separate and distinct crimes and needed new case numbers and when he gave me the new case number I did not notice at the time that it was the same as the Moran file. Perhaps we can straighten that up with him and either you or I can call to handle clarifying the matter and getting a new case number assigned against the new alleged perpetrators.

Therefore, since Moran is pressing near for sentencing and we need to discuss your prior investigation can you please send over a time to meet via telephone.

Thanks,

Eliot

From: Miller, Ryan W. [mailto:MillerR@pbso.org]
Sent: Tuesday, December 31, 2013 7:50 AM
To: Eliot Ivan Bernstein
Subject: RE: Case No 13 097087 Simon and Shirley Bernstein estate crimes

Mr. Bernstein,

I-I have informed you several times that you can call me to schedule an appointments so you can come to my office and discuss the case I investigated.

2-As far as the new report you filed we have policies and procedures here at PBSO that dictate who investigates what and how it is investigated. I do not investigate all types of cases, therefore may not be assigned the new case you filed. As I stated before, do not assume that I will be the one investigating all the complaints you file.

Det. Ryan Miller

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]

Sent: Tuesday, December 31, 2013 6:54 AM

To: Miller, Ryan W.

Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.

Subject: Case No 13 097087 Simon and Shirley Bernstein estate crimes

Detective Miller,

As the hearing date for Moran approaches and has been rescheduled once to determine if the charges were correct and more we need to meet soon. Do you have a time today or tomorrow for an initial phone call to discuss some of the further issues I addressed in my letter dated December 3, 2013 to you and in the recently filed complaint for the Theft of Assets in the estate of my Mom I filed at the Boca station on December 24, 2013. Also, do you plan on addressing the December 03, 2013 letters issues with me in writing? Below is an email with a link to additional evidence to be added to the case of Moran and added to the new complaints against various parties addressed in my December 03, 2013 letter for various other crimes that need to be investigated. Please respond with a good time at your soonest convenience to talk telephonically or let me know when you will respond in writing to my letters. I will also send a copy of the actual email sent but do to its character length and attachments it may find itself in your spam box, so best check there if you do not receive it or call me and I can also fax it. Best ~ Eliot

-----Original Message-----

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]

Sent: Sunday, December 29, 2013 8:38 AM

To: 'Ted Bernstein'; 'Robert L. Spallina, Esq. ~ Attorney at Law @ Tescher & Spallina, P.A.'; 'Donald R. Tescher ~ Attorney at Law @ Tescher & Spallina, P.A.'; 'Hunt Worth ~ President @ Oppenheimer Trust Company'; 'William McCabe Esq. @ Oppenheimer Trust Company'; 'Mark R. Manceri, Esquere @ Mark R. Manceri, P.A.'; 'Janet Craig, CTFA ~ Senior Vice President & Compliance Officer @ Oppenheimer Trust Company'

Cc: 'Caroline Prochotska Rogers Esq.'; 'Michele M. Mulrooney ~ Partner @ Venable LLP'; 'Andrew R. Dietz @ Rock It Cargo USA'; 'Marc R. Garber Esq.'; 'Marc R. Garber, Esquire @ Flaster Greenberg P.C.'; 'Marc R. Garber Esq. @ Flaster Greenberg P.C.'; 'Lisa S. Friedstein'; 'Lisa'; 'Jill M. Iantoni'; 'Jill M. Iantoni'; 'Guy T. Iantoni @ GTI LIFE, Inc.'; 'Guy T. Iantoni'; 'Pamela Beth Simon'

Subject: RE: RESPONSE TO TED and DONALD LETTERS RE EMERGENCY DISTRIBUTIONS FOR THREE MINOR CHILDREN AND MORE

NOTE TO ALL, I HAVE SENT AN EMAIL EARLIER TODAY, A FORMATTED COPY and a Plain Text Copy. However, it may have gone into your Junk folder due to its length and three attachments, if you have not received it after looking in your junk mail I am attaching an online version herein @

www.iviewit.tv/20131229EIBResponseToTedBernsteinandDonaldTescherReEmergencyDistributions.pdf .

If you have any troubles with the email or link let me know. Eliot

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>

NOTICE: Due to Presidential Executive Orders, the National Security Agency may have read this email without warning, warrant, or notice. They may do this without any judicial or legislative oversight and it can happen to ordinary Americans like you and me. You have no recourse nor protection save to vote against any incumbent endorsing such unlawful acts.

CONFIDENTIALITY NOTICE:

This message and any attachments are covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521. This e-mail message is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message or call (561) 245-8588. If you are the intended recipient but do not wish to receive communications through this medium, please so advise the sender immediately.

*The Electronic Communications Privacy Act, 18 U.S.C. 119 Sections 2510-2521 et seq., governs distribution of this "Message," including attachments. The originator intended this Message for the specified recipients only; it may contain the originator's confidential and proprietary information. The originator hereby notifies unintended recipients that they have received this Message in error, and strictly proscribes their Message review, dissemination, copying, and content-based actions. Recipients-In-error shall notify the originator immediately by e-mail, and delete the original message. Authorized carriers of this message shall expeditiously deliver this Message to intended recipients. See: Quon v. Arch.

Wireless Copyright Notice. Federal and State laws govern copyrights to this Message. You must have the originator's full written consent to alter, copy, or use this Message. Originator acknowledges others' copyrighted content in this Message. Otherwise, Copyright © 2011 by originator Eliot Ivan Bernstein, iviewit@iviewit.tv and www.iviewit.tv. All Rights Reserved.

Bozdech, Sean A.

From: Miller, Ryan W.
Sent: Tuesday, January 28, 2014 2:03 PM
To: Bozdech, Sean A.; Groover, David B
Subject: Fwd: Eliot Bernstein

Det. Ryan Miller

----- Original message -----

From: Eliot Ivan Bernstein <iviewit@iviewit.tv>
Date: 01/28/2014 11:25 AM (GMT-05:00)
To: "Miller, Ryan W." <MillerR@pbso.org>
Cc: "Gregg, Carol A" <GreggC@pbso.org>, "Caroline Prochotska Rogers Esq." <caroline@cprogers.com>, "Michele M. Mulrooney ~ Partner @ Venable LLP" <mmulrooney@Venable.com>, "Andrew R. Dietz @ Rock It Cargo USA" <andyd@rockitcargo.com>
Subject: RE: Eliot Bernstein

Detective Miller,

I have met with you and given formal statements and interviews and provided ample evidence in person and at your request went and filed additional criminal complaints that I still have not heard back on for months now. I have submitted to you formal written requests for information regarding the old complaints and you refuse to reply in writing and instead demand to meet and I would feel much better meeting after you have answered all my questions in the two letters first and that subject matter I am not sure why I have to do face to face other than in writing and phone conversations. You are well aware that I am involved in several court cases nationwide currently that demand massive amounts of time and all relate to the larger crimes than forgery and fraud of Moran's six documents and that I am being further victimized by those I have already complained of in retaliation and these are the strains I refer to making it difficult for me to meet, other than when I have to come in to file new complaints, which I am doing as requested, as I stated I will do that, like I did with the Jewelry Theft case as I formulate them and put the evidence in place. Yet, that does not interfere with your answering my questions or reviewing the work done and new information in the initial complaint you started. A phone call to discuss these follow up matters is not unreasonable and I feel that your conversations with Judge Colin may have influenced your work and opinions of me and am uncomfortable meeting without representation and have been advised that this does not seem proper to deny a victim / complainant the right to counsel present. These are not unidentified people who I have asked to have present but people with intimate knowledge of the crimes, attorneys at law that have better legal/statutory aspects of the crimes I have complained of. I have requested them there as witness as well and for safety, as you know that I am taking on some very powerful and influential members of the Florida Supreme Court, The Florida Bar, Florida Law Enforcement and others in my other RICO and ANTITRUST related matters I have shared with you. You are also aware that I am complaining of possible interference with my PBSO complaints that and so I hope you understand my concerns in this regard.

I am more than happy to meet telephonically or with others present to present my case information in more detail. I have asked why it has to be in person, without representation when I am already uncomfortable and why I am being

denied counsel present and if there are any procedural rules that demand things be done and conducted in the manner you propose. I do want to keep the investigation moving but I do not see my requests being a reason to stop them and why we cannot meet on the phone when necessary and in person when I can and when it can be done to meet our schedules and new complaints have to be filed. I am not sure why emails and attachments are not conducive and why you have stated you do not read them and this also makes me uncomfortable.

Please let me know if we can start with a phone call to go over my letters to you that you will not respond to in writing and then determine if I need to come back to meet after we get through that first. I am not sure there is other evidence I need to provide in that regard but I think you already have everything for those complaints.

Thank you,

Eliot

From: Miller, Ryan W. [mailto:MillerR@pbso.org]
Sent: Tuesday, January 28, 2014 10:15 AM
To: Eliot Ivan Bernstein
Subject: RE: Eliot Bernstein

Mr. Bernstein,

This is an open investigation and a very serious matter. You have made claims/allegations that crimes have taken place. To give this investigation the most thorough review, we will need to meet in person and go over everything. I will need you to provide me with a statement, including everything that you know (firsthand) about this case. You are a potential victim/witness, so this needs to be your account of events that occurred. An open case is considered confidential, therefore, an unknown person at the end of a phone is not good for the case. Also, I need your statement (understanding), not theirs. I investigate crimes, not civil complaints. Your e-mails and attachments are not an efficient way of conducting an investigation. They have seemed to only create confusion and miscommunication. I do not understand what strain there is, when you are the one who made the complaint. I would think that you would want to meet in person, as to keep to this investigation moving, providing you with the opportunity to explain (in depth) your complaint. E-mail and phone calls create barriers that can be overcome through face to face communication. Captain Gregg is aware and will not be attending. Please do not expect that I will be able to meet on Thursday. I have many other cases and need ample time to review my schedule, as well as coordinate a meeting room in the West Boca Substation. Once you are feeling better, let me know, and supply me with a few dates and times you are available, on a Tues, Wed., Thurs, or Friday.

Thank you,

Det. Ryan Miller #7704
Palm Beach Co Sheriff's Office
Special Investigations Division
(Financial Crimes Unit)
Desk: 561-688-4077
Cell: 561-389-8655

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]
Sent: Tuesday, January 28, 2014 8:03 AM
To: Miller, Ryan W.; Gregg, Carol A
Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA
Subject: RE: Eliot Bernstein

I have a dental appointment today from 9-11 to put in my upper teeth that were repaired, the process usually takes a day or two to recover from the headaches etc. associated with the process. I am still feeling ill from the flu that whole family has suffered this weekend but I am feeling much better from that. I will let you know but it will probably be Thursday. Also, I was wondering if Captain Carol Gregg has knowledge of our meeting and if she will be attending. I would also like some form of explanation as to why this meeting must be in person and not via telephone and why I cannot have representative counsel attend via phone, etc. I have already submitted most of the evidence necessary for us to discuss and so I am unclear why when this puts additional strain on me this must be conducted in this manner.

Eliot

From: Miller, Ryan W. [mailto:MillerR@pbso.org]
Sent: Tuesday, January 28, 2014 7:26 AM
To: Eliot Ivan Bernstein
Subject: RE: Eliot Bernstein

Mr. Bernstein,

I received the message from your wife stating that you had to cancel this week's meeting. Please let me know when you are feeling better.

Thank you,

Det. Ryan Miller

From: Miller, Ryan W.
Sent: Thursday, January 23, 2014 2:04 PM
To: 'Eliot Ivan Bernstein'
Subject: RE: Eliot Bernstein

Ok, confirmed!

Date & time: Wednesday, Jan. 29, 2014 @ 10:00 am
Location: PBSO, West Boca Sub-station (same as before)

Thanks

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]
Sent: Thursday, January 23, 2014 12:17 PM
To: Miller, Ryan W.
Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.
Subject: RE: Eliot Bernstein

Thanks, here are a few times, let me know. Also, does Captain Gregg know about this meeting and will she be attending?

Tuesday at 11:00am, have court before this at 8:45am
Wed at 10:00am works good.

Eliot

From: Miller, Ryan W. [mailto:MillerR@pbso.org]
Sent: Thursday, January 23, 2014 10:54 AM
To: Eliot Ivan Bernstein
Subject: RE: Eliot Bernstein

Mr. Bernstein,

Please provide me a FEW dates and times to choose from, so that I can coordinate things. They will need to be on a Tuesday, Wednesday, Thursday, or Friday.

Thank you,

Det. Ryan Miller #7704
Palm Beach Co Sheriff's Office
Special Investigations Division
(Financial Crimes Unit)
Desk: 561-688-4077

-----Original Message-----

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]
Sent: Thursday, January 23, 2014 10:44 AM
To: Miller, Ryan W.
Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Andrew R. Dietz @ Rock It Cargo USA
Subject: RE: Eliot Bernstein

Thank you for understanding, I too am feeling a bit of this bug, can we schedule for Monday at say 10:30am at Boca station. Thanks, Eliot

-----Original Message-----

From: Miller, Ryan W. [mailto:MillerR@pbso.org]
Sent: Thursday, January 23, 2014 9:52 AM
To: Eliot Ivan Bernstein
Subject: RE: Eliot Bernstein

Mr. Bernstein,

Sorry to hear that your son is ill. Please let me know a few dates and times you are available to meet (reschedule) , so that I can coordinate things accordingly.

Thank you,

Det. Ryan Miller #7704
Palm Beach Co Sheriff's Office
Special Investigations Division
(Financial Crimes Unit)
Desk: 561-688-4077

-----Original Message-----

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]

Sent: Thursday, January 23, 2014 7:03 AM

To: Miller, Ryan W.

Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Andrew R. Dietz @ Rock It Cargo USA

Subject: RE: Eliot Bernstein

That will not work for me, I have to be back in Boca after court and then I was coming to see you. Can you please identify who will be at this meeting and if I can call in other parties who are waiting to know. Thanks.

Eliot

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>

NOTICE: Due to Presidential Executive Orders, the National Security Agency may have read this email without warning, warrant, or notice. They may do this without any judicial or legislative oversight and it can happen to ordinary Americans like you and me. You have no recourse nor protection save to vote against any incumbent endorsing such unlawful acts.

CONFIDENTIALITY NOTICE:

This message and any attachments are covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521.

This e-mail message is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message or call (561) 245-8588. If you are the intended recipient but do not wish to receive communications through this medium, please so advise the sender immediately.

*The Electronic Communications Privacy Act, 18 U.S.C. 119 Sections 2510-2521 et seq., governs distribution of this "Message," including attachments. The originator intended this Message for the specified recipients only; it may contain the originator's confidential and proprietary information. The originator hereby notifies unintended recipients that they have received this Message in error, and strictly proscribes their Message review, dissemination, copying, and content-based actions. Recipients-in-error shall notify the originator immediately by e-mail, and delete the original message. Authorized carriers of this message shall expeditiously deliver this Message to intended recipients. See: Quon v. Arch.

Wireless Copyright Notice. Federal and State laws govern copyrights to this Message. You must have the originator's full written consent to alter, copy, or use this Message. Originator acknowledges others' copyrighted content in this Message. Otherwise, Copyright C 2011 by originator Eliot Ivan Bernstein, iviewit@iviewit.tv and www.iviewit.tv. All Rights Reserved.

-----Original Message-----

From: Miller, Ryan W. [mailto:MillerR@pbso.org]
Sent: Thursday, January 23, 2014 6:53 AM
To: Eliot Ivan Bernstein
Subject: RE: Eliot Bernstein

since you will be east off 95 you can always just come to our office off 95 and southern. Then we do not have to drive down to wesly Boca hoping you get out on time. Let me know what works.

Det. Ryan Miller

Eliot Ivan Bernstein <iviewit@iviewit.tv> wrote:
Hi Detective Miller - I was just inundated with new filings slipped in at about 5pm for the hearing tomorrow from all the counsel and pr's resigning.
Thus, I may be in court longer than was originally expected and we can either postpone or I can keep you updated tomorrow on the fly. Let me know.
Eliot

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<mailto:iviewit@iviewit.tv>
<http://www.iviewit.tv><<http://www.iviewit.tv/>>

NOTICE: Due to Presidential Executive Orders, the National Security Agency may have read this email without warning, warrant, or notice. They may do this without any judicial or legislative oversight and it can happen to ordinary Americans like you and me. You have no recourse nor protection save to vote against any incumbent endorsing such unlawful acts.

CONFIDENTIALITY NOTICE:

This message and any attachments are covered by the Electronic Communications Privacy Act, 18 U.S.C. SS 2510-2521. This e-mail message is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message or call (561) 245-8588. If you are the intended recipient but do not wish to receive communications through this medium, please so advise the sender immediately.

*The Electronic Communications Privacy Act, 18 U.S.C. 119 Sections 2510-2521 et seq., governs distribution of this "Message," including attachments. The originator intended this Message for the specified recipients only; it may contain the originator's confidential and proprietary information. The originator hereby notifies unintended recipients that they have received this Message in error, and strictly proscribes their Message review, dissemination, copying, and content-based actions. Recipients-in-error shall notify the originator immediately by e-mail, and delete the original message. Authorized carriers of this message shall expeditiously deliver this Message to intended recipients. See: Quon v. Arch.
Wireless Copyright Notice. Federal and State laws govern copyrights to this Message. You must have the originator's full written consent to alter, copy, or use this Message. Originator acknowledges others' copyrighted content in this

Message. Otherwise, Copyright C 2011 by originator Eliot Ivan Bernstein, iviewit@iviewit.tv and www.iviewit.tv. All Rights Reserved.

Bozdech, Sean A.

From: Eliot Ivan Bernstein <iviewit@iviewit.tv>
Sent: Wednesday, January 29, 2014 11:34 AM
To: Bozdech, Sean A.
Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.
Subject: RE: Eliot Bernstein

I would presume that an attorney that identifies himself as such would run a great risk in misrepresenting his/her identity to the Sheriff Department and risk prosecution for such bizarre actions. I am not sure how this applies when I have asked to have them there not to tell my side of the story but rather to help me understand the legal aspects of what we are discussing and even just bear witness. I think it seems almost paranoid that Detective Miller would worry about such far side as if someone is willing to risk their legal career to help me in a victim statement to authorities with the legality of what I express and what is expressed to me. Again, this seems rather a denial of due process and procedure. I have also asked to have them meet with us in person when they were available but he also refused that. I do think it pertinent that Judge Colin may have influenced the course of the investigation but as I said I will be determining if charges should be filed against him shortly and in what venue. Since those will be criminal allegations as well if filed, I would not think to go to the courts for that as they would send me back to criminal investigators, it almost appears you are claiming there are no criminal reliefs if a judge or lawyer commits a crime, have they become above the law? In fact, the Florida Bar and Judicial Qualifications Commission have no prosecutorial power for criminal acts and at best, in very few cases if ever, do they disbar or censure.

Do you have copies of the supplemental reports prepared? I also would like to have you present at any meeting with Detective Miller as again, I feel uncomfortable with the fact that he may be conflicted and angered over my contacting your office and my questioning his prior report.

Eliot

From: Bozdech, Sean A. [mailto:BozdechS@pbso.org]
Sent: Wednesday, January 29, 2014 8:31 AM
To: 'Eliot Ivan Bernstein'
Subject: RE: Eliot Bernstein

Mr. Bernstein-

I have received all of the emails that you forwarded to me after we spoke yesterday. Detective Miller has requested to meet with you in person on several occasions, which you appear to agree on, and then for one reason or another you cancel the meeting. You asked Detective Miller if it would be possible for you to call an out of state attorney while you and Detective Miller were to meet. Detective Miller explained to you that he would prefer this not to happen as he would not know who the other person was on the other end of the phone (even if they claim to be an attorney). Detective Miller has also explained to you in a case as complicated as this one appears to be, meeting with you in person allows him to get your perspective on this as you filed the initial complaint and claim to be a victim. Detective Miller has never denied you the right to have someone with you (whether it be an attorney or someone else) when you and Detective Miller meet; however, Detective Miller needs to get your perspective on this matter (not someone else's). As far as your allegation involving Detective Miller speaking with the Judge, this does not appear to be the case. If you feel there is possible wrongdoing involving Judge Colin and this case, then this needs to be brought forward to the Chief Judge of Palm Beach County and / or the Florida Bar Association. Detective Miller has

completed supplemental report(s) regarding his investigation in this case as well as the case involving the death of your father.

Based on Detective Miller's continued investigation as well as the supplemental reports he has completed and continues to do, the Division of Internal Affairs has found no wrong doing by Detective Miller or any other employee(s) of the Palm Beach County Sheriff's Office.

Thank you,

Sgt. Sean Bozdech
Palm Beach County Sheriff's Office
Division of Internal Affairs

From: Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]

Sent: Wednesday, January 29, 2014 5:09 AM

To: Bozdech, Sean A.

Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.

Subject: FW: Eliot Bernstein

From: Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]

Sent: Wednesday, January 29, 2014 5:05 AM

To: 'Miller, Ryan W.'; Captain Carol Gregg @ Palm Beach County Sheriff (greggc@pbso.org)

Cc: Caroline Prochotska Rogers Esq. (caroline@cprogers.com); Michele M. Mulrooney ~ Partner @ Venable LLP (mmulrooney@Venable.com); Andrew R. Dietz @ Rock It Cargo USA

Subject: RE: Eliot Bernstein

Det Miller, I have never refused to meet with you, I merely asked to have counsel present and to make as many meetings via phone as possible. I have asked repeatedly why my right to counsel at the meeting as a victim has been denied and why you cannot answer my letters regarding your prior investigation so I can further prepare for our meeting and to know what you are claiming you investigated and who you investigated so I can better understand your report and what needs to be done going forward. For example, I gave you a boatload of information on various crimes other than Moran's and there is NO mention of them in your report, do I have to file new complaints or have you investigated all of them? I further asked who you investigated so I could know if you investigated ALL of the parties complained of, not just Moran and no reply. I asked you what witnesses I gave you that you interviewed as part of your investigation as I see none of them in the report and all have reported to me that you have never contacted them and again no reply.

You then told me to report new crimes as they would not be considered part of the ongoing complaint, by coming in and filing new reports and I have. Again, I feel that we have gotten off on the wrong foot and I believe that your conversations with Judge Colin have prejudiced the investigation and where in my new complaints I will be tying in information regarding the Judge and filing complaints against him for MISPRISION OF FELONY and AIDING and ABETTING possibly and your relying on him to file criminal complaints for what he found in his court against Tescher and Spallina and to refuse intake of my complaints of the crimes against me and my family that occurred in his court that I have legal rights to file as I was a victim of these crimes, I believe further impedes my rights to due process and procedure. I have asked to have your legal counsel tell me that if the Judge failed to file charges, if this would interfere with my Statutes of Limitations and again you have been radio silent on this salient matter.

I think I have cooperated with your investigation but that giving you information further I run the risk of your anger at my questioning your report, my request for you to answer some simple questions, my having reported what I believe may indicate improper activities in your investigation to internal affairs and these reasons may lead to further problems with an unbiased investigation into the matters. For these reason I fear meeting you as I can already tell you feel hostile

towards my even asking to have counsel present to bear witness to the meeting you request and your refusal to allow such counsel, citing no statutory or procedural reason for this denial.

I am waiting now to hear back from IA and Captain Gregg to discuss these issues further and I hope we can resolve them shortly. After I speak with both of them, I will let you know what good times to meet are. I think you should notify the State Attorney that this process is taking longer due to these issues and to further delay the hearings of Moran until mutual resolution can be resolved but that is your call.

Thank you,

Eliot

From: Miller, Ryan W. [mailto:MillerR@pbso.org]
Sent: Tuesday, January 28, 2014 2:26 PM
To: Eliot Ivan Bernstein
Subject: RE: Eliot Bernstein

Mr. Bernstein,

We have met in person once. There are many times when a detective has to meet with a victim or witness multiple times in person. This is for clarification and/or elaboration purposes. I am telling you that I need to meet with you for these purposes. Please CALL me at 561-688-4077 when you are able to discuss a time & date to meet. Continuing to send e-mails back and forth is not an effective mode of communication for this case or the discuss we need to have.

Thank you,

Det. Ryan Miller

From: Eliot Ivan Bernstein [mailto:ivlewit@ivewit.tv]
Sent: Tuesday, January 28, 2014 11:25 AM
To: Miller, Ryan W.
Cc: Gregg, Carol A; Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA
Subject: RE: Eliot Bernstein

Detective Miller,

I have met with you and given formal statements and interviews and provided ample evidence in person and at your request went and filed additional criminal complaints that I still have not heard back on for months now. I have submitted to you formal written requests for information regarding the old complaints and you refuse to reply in writing and instead demand to meet and I would feel much better meeting after you have answered all my questions in the two letters first and that subject matter I am not sure why I have to do face to face other than in writing and phone conversations. You are well aware that I am involved in several court cases nationwide currently that demand massive amounts of time and all relate to the larger crimes than forgery and fraud of Moran's six documents and that I am being further victimized by those I have already complained of in retaliation and these are the strains I refer to making it difficult for me to meet, other than when I have to come in to file new complaints, which I am doing as requested, as I stated I will do that, like I did with the Jewelry Theft case as I formulate them and put the evidence in place. Yet, that does not interfere with your answering my questions or reviewing the work done and new information in the initial complaint you started. A phone call to discuss these follow up matters is not unreasonable and I feel that your conversations with Judge Colin may have influenced your work and opinions of me and am uncomfortable meeting without representation and have been advised that this does not seem proper to deny a victim / complainant the right to counsel present. These are not unidentified people who I have asked to have present but people with intimate knowledge of the crimes, attorneys at law that have better legal/statutory aspects of the crimes I have complained of. I

have requested them there as witness as well and for safety, as you know that I am taking on some very powerful and influential members of the Florida Supreme Court, The Florida Bar, Florida Law Enforcement and others in my other RICO and ANTITRUST related matters I have shared with you. You are also aware that I am complaining of possible interference with my PBSO complaints that and so I hope you understand my concerns in this regard.

I am more than happy to meet telephonically or with others present to present my case information in more detail. I have asked why it has to be in person, without representation when I am already uncomfortable and why I am being denied counsel present and if there are any procedural rules that demand things be done and conducted in the manner you propose. I do want to keep the investigation moving but I do not see my requests being a reason to stop them and why we cannot meet on the phone when necessary and in person when I can and when it can be done to meet our schedules and new complaints have to be filed. I am not sure why emails and attachments are not conducive and why you have stated you do not read them and this also makes me uncomfortable.

Please let me know if we can start with a phone call to go over my letters to you that you will not respond to in writing and then determine if I need to come back to meet after we get through that first. I am not sure there is other evidence I need to provide in that regard but I think you already have everything for those complaints.

Thank you,

Eliot

From: Miller, Ryan W. [<mailto:MillerR@pbsso.org>]
Sent: Tuesday, January 28, 2014 10:15 AM
To: Eliot Ivan Bernstein
Subject: RE: Eliot Bernstein

Mr. Bernstein,

This is an open investigation and a very serious matter. You have made claims/allegations that crimes have taken place. To give this investigation the most thorough review, we will need to meet in person and go over everything. I will need you to provide me with a statement, including everything that you know (firsthand) about this case. You are a potential victim/witness, so this needs to be your account of events that occurred. An open case is considered confidential, therefore, an unknown person at the end of a phone is not good for the case. Also, I need your statement (understanding), not theirs. I investigate crimes, not civil complaints. Your e-mails and attachments are not an efficient way of conducting an investigation. They have seemed to only create confusion and miscommunication. I do not understand what strain there is, when you are the one who made the complaint. I would think that you would want to meet in person, as to keep to this investigation moving, providing you with the opportunity to explain (in depth) your complaint. E-mail and phone calls create barriers that can be overcome through face to face communication. Captain Gregg is aware and will not be attending. Please do not expect that I will be able to meet on Thursday. I have many other cases and need ample time to review my schedule, as well as coordinate a meeting room in the West Boca Substation. Once you are feeling better, let me know, and supply me with a few dates and times you are available, on a Tues, Wed., Thurs, or Friday.

Thank you,

Det. Ryan Miller #7704
Palm Beach Co Sheriff's Office
Special Investigations Division
(Financial Crimes Unit)
Desk: 561-688-4077
Cell: 561-389-8655

From: Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]
Sent: Tuesday, January 28, 2014 8:03 AM
To: Miller, Ryan W.; Gregg, Carol A
Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA
Subject: RE: Eliot Bernstein

I have a dental appointment today from 9-11 to put in my upper teeth that were repaired, the process usually takes a day or two to recover from the headaches etc. associated with the process. I am still feeling ill from the flu that whole family has suffered this weekend but I am feeling much better from that. I will let you know but it will probably be Thursday. Also, I was wondering if Captain Carol Gregg has knowledge of our meeting and if she will be attending. I would also like some form of explanation as to why this meeting must be in person and not via telephone and why I cannot have representative counsel attend via phone, etc. I have already submitted most of the evidence necessary for us to discuss and so I am unclear why when this puts additional strain on me this must be conducted in this manner.

Eliot

From: Miller, Ryan W. [<mailto:MillerR@pbso.org>]
Sent: Tuesday, January 28, 2014 7:26 AM
To: Eliot Ivan Bernstein
Subject: RE: Eliot Bernstein

Mr. Bernstein,

I received the message from your wife stating that you had to cancel this week's meeting. Please let me know when you are feeling better.

Thank you,

Det. Ryan Miller

From: Miller, Ryan W.
Sent: Thursday, January 23, 2014 2:04 PM
To: 'Eliot Ivan Bernstein'
Subject: RE: Eliot Bernstein

Ok, confirmed!

Date & time: Wednesday, Jan. 29, 2014 @ 10:00 am
Location: PBSO, West Boca Sub-station (same as before)

Thanks

From: Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]
Sent: Thursday, January 23, 2014 12:17 PM
To: Miller, Ryan W.
Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.
Subject: RE: Eliot Bernstein

Thanks, here are a few times, let me know. Also, does Captain Gregg know about this meeting and will she be attending?

Tuesday at 11:00am, have court before this at 8:45am
Wed at 10:00am works good.

Eliot

From: Miller, Ryan W. [mailto:MillerR@pbso.org]
Sent: Thursday, January 23, 2014 10:54 AM
To: Eliot Ivan Bernstein
Subject: RE: Eliot Bernstein

Mr. Bernstein,

Please provide me a FEW dates and times to choose from, so that I can coordinate things. They will need to be on a Tuesday, Wednesday, Thursday, or Friday.

Thank you,

Det. Ryan Miller #7704
Palm Beach Co Sheriff's Office
Special Investigations Division
{Financial Crimes Unit}
Desk: 561-688-4077

-----Original Message-----

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]
Sent: Thursday, January 23, 2014 10:44 AM
To: Miller, Ryan W.
Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Andrew R. Dietz @ Rock It Cargo USA
Subject: RE: Eliot Bernstein

Thank you for understanding, I too am feeling a bit of this bug, can we schedule for Monday at say 10:30am at Boca station. Thanks, Eliot

-----Original Message-----

From: Miller, Ryan W. [mailto:MillerR@pbso.org]
Sent: Thursday, January 23, 2014 9:52 AM
To: Eliot Ivan Bernstein
Subject: RE: Eliot Bernstein

Mr. Bernstein,

Sorry to hear that your son is ill. Please let me know a few dates and times you are available to meet (reschedule) , so that I can coordinate things accordingly.

Thank you,

Det. Ryan Miller #7704
Palm Beach Co Sheriff's Office
Special Investigations Division
(Financial Crimes Unit)
Desk: 561-688-4077

-----Original Message-----

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]
Sent: Thursday, January 23, 2014 7:03 AM
To: Miller, Ryan W.
Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Andrew R. Dietz @ Rock It Cargo USA
Subject: RE: Eliot Bernstein

That will not work for me, I have to be back in Boca after court and then I was coming to see you. Can you please identify who will be at this meeting and if I can call in other parties who are waiting to know. Thanks.
Eliot

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>

NOTICE: Due to Presidential Executive Orders, the National Security Agency may have read this email without warning, warrant, or notice. They may do this without any judicial or legislative oversight and it can happen to ordinary Americans like you and me. You have no recourse nor protection save to vote against any incumbent endorsing such unlawful acts.

CONFIDENTIALITY NOTICE:

This message and any attachments are covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521.

This e-mail message is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message or call (561) 245-8588. If you are the intended recipient but do not wish to receive communications through this medium, please so advise the sender immediately.

*The Electronic Communications Privacy Act, 18 U.S.C. 119 Sections 2510-2521 et seq., governs distribution of this "Message," including attachments. The originator intended this Message for the specified recipients only; it may contain the originator's confidential and proprietary information. The originator hereby notifies unintended recipients that they have received this Message in error, and strictly proscribes their Message review, dissemination, copying, and content-based actions. Recipients-in-error shall notify the originator immediately by e-mail, and delete the original message. Authorized carriers of this message shall expeditiously deliver this Message to intended recipients. See: Quon v. Arch.

Wireless Copyright Notice. Federal and State laws govern copyrights to this Message. You must have the originator's full written consent to alter, copy, or use this Message. Originator acknowledges others' copyrighted content in this Message. Otherwise, Copyright C 2011 by originator Eliot Ivan Bernstein, iviewit@iviewit.tv and www.iviewit.tv. All Rights Reserved.

-----Original Message-----

From: Miller, Ryan W. [<mailto:MillerR@pbsa.org>]
Sent: Thursday, January 23, 2014 6:53 AM
To: Eliot Ivan Bernstein
Subject: RE: Eliot Bernstein

since you will be east off 95 you can always just come to our office off 95 and southern. Then we do not have to drive down to wesly Boca hoping you get out on time. Let me know what works.

Det. Ryan Miller

Eliot Ivan Bernstein <iviewit@iviewit.tv> wrote:

Hi Detective Miller - I was just inundated with new filings slipped in at about 5pm for the hearing tomorrow from all the counsel and pr's resigning.

Thus, I may be in court longer than was originally expected and we can either postpone or I can keep you updated tomorrow on the fly. Let me know.

Eliot

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<<mailto:iviewit@iviewit.tv>>

<http://www.iviewit.tv><<http://www.iviewit.tv/>>

NOTICE: Due to Presidential Executive Orders, the National Security Agency may have read this email without warning, warrant, or notice. They may do this without any judicial or legislative oversight and it can happen to ordinary Americans like you and me. You have no recourse nor protection save to vote against any incumbent endorsing such unlawful acts.

CONFIDENTIALITY NOTICE:

This message and any attachments are covered by the Electronic Communications Privacy Act, 18 U.S.C. SS 2510-2521.

This e-mail message is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message or call (561) 245-8588. If you are the intended recipient but do not wish to receive communications through this medium, please so advise the sender immediately.

*The Electronic Communications Privacy Act, 18 U.S.C. 119 Sections 2510-2521 et seq., governs distribution of this "Message," including attachments. The originator intended this Message for the specified recipients only; it may contain the originator's confidential and proprietary information. The originator hereby notifies unintended recipients that they have received this Message in error, and strictly proscribes their Message review, dissemination, copying, and content-based actions. Recipients-in-error shall notify the originator immediately by e-mail, and delete the original message. Authorized carriers of this message shall expeditiously deliver this Message to intended recipients. See: Quon v. Arch. *Wireless Copyright Notice*. Federal and State laws govern copyrights to this Message. You must have the originator's full written consent to alter, copy, or use this Message. Originator acknowledges others' copyrighted content in this Message. Otherwise, Copyright C 2011 by originator Eliot Ivan Bernstein, iviewit@iviewit.tv and www.iviewit.tv. All Rights Reserved.

Bozdech, Sean A.

From: Eliot Ivan Bernstein <iviewit@iviewit.tv>
Sent: Tuesday, January 28, 2014 10:53 AM
To: Bozdech, Sean A.
Subject: FW: Estates of Simon and Shirley Bernstein CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

Here you can see further I am expressly requesting counsel that Det Miller has denied since I asked initially and no response regarding my request from Captain Gregg or Miller has been provided but I keep getting denied this right. Eliot

From: Gregg, Carol A [mailto:GreggC@pbso.org]
Sent: Thursday, January 16, 2014 3:25 PM
To: 'Eliot Ivan Bernstein'
Subject: RE: Estates of Simon and Shirley Bernstein CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

Mr. Bernstein --

The preference is to meet in person. It is very difficult for everyone to be heard on a conference call and I want to make sure all of your concerns and questions are answered. As it is, there has been a new development that Detective Miller needs to address and I would like to push back a meeting until this is accomplished. Detective Miller or I will be in touch with you soon.

Captain Carol Gregg
Special Investigations Division
Palm Beach County Sheriff's Office
Office#: (561) 688-4010
Fax#: (561) 688-4125

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]
Sent: Tuesday, January 14, 2014 4:48 PM
To: Gregg, Carol A
Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.
Subject: RE: Estates of Simon and Shirley Bernstein CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

Captain Gregg,

Thanks, I am happy to meet with you at the Sheriff's office in Boca, what is good day you and whom else will I be meeting with? Can I bring counsel or have a lawyer present on the phone when we meet as this was part of my problem with Det Miller and refusing to let me have counsel present as a victim. Please advise if I can bring a cell phone or other video conference device to any meeting to get us all together or perhaps we can do the first call on the telephone versus at the Boca Office as I suggested to Det Miller, a phone interview would work much better for me at the moment. Is there any legal reason this meeting has to be at the substation and not via phone? Also, prior to our meeting it would be helpful if you could have someone reply to my questions that I have requested in writing regarding each case so as there is no confusion on those matters and I can better understand what we will be discussing in particular and what and who were already investigated and what and who were not.

Also, do you have a new case number for the Theft report I filled out as I am waiting for a call back on that case for several weeks and no one has returned my calls to discuss?

Also, I was wondering why you are recommending and advising that my civil actions be used somehow to prosecute the criminal complaints I have filed against people who are alleged to have committed criminal acts. It is my understanding that I cannot bring criminal charges in my civil cases (other than in certain civil RICO instances) but I have not filed civil RICO for these crimes, yet, although it appears we have two or more conspiring and already several alleged criminal predicate acts of RICO committed and may be something else for you to consider as we explore all of the criminal allegations involved. I am unsure what consulting a probate attorney as you advise will do in prosecuting criminal allegations as I do not think they either have prosecutorial powers in the state of Florida and I do not believe the civil courts do either and all of it would be referred back if they did handle to you or other criminal agencies. As I have been advised to file these criminal complaints with criminal authorities can you please explain how your suggestions will achieve criminal prosecution and that so doing will not waste time in reporting them properly to the appropriate state criminal authorities and cost me a loss of statutes rights in that process?

Please advise me of a time we can meet, preferably on the telephone first and preferably where I can have a lawyer present on the phone and then a time possibly for the following week to meet in person if necessary. If you are not planning on responding to my letters requesting specific information regarding the cases, please also include why these matters are being refused. I would also like to point out that the Attorney at Law Mark Manceri, Esq. who I have complained of in these matters has just withdrawn as counsel to Robert Spallina and Donald Tescher in the estate case of my mother and as counsel in the Stansbury creditor lawsuit against the estate for professional considerations. I am not sure if Mr. Manceri or other counsel was present with Spallina and Moran when they were questioned by Det Miller and that is one of the questions I am trying to ask in my formal written letters to your offices.

I was told by IA to submit my information and that a case would be opened formally and someone would get back to me to discuss my case, no one has called as of today, which surprised me that IA had concluded an inquiry without ever contacting me or opening a formal complaint number that they were do when they contacted me. I was waiting for their call to inform them that I had spoken to you and explain that you were not complained of and were also looking into the matters. I am also surprised that you reviewed Det Miller's report without addressing any of my concerns in my formal written letters and without talking with me at all about my issue both related to Det Miller and those that were not.

Please send over any/all files or records that I am entitled to as a victim in these matters so I can further review all the information and advise me if I need to file a FOIA for any other information in your files.

Thank you,

Eliot

From: Gregg, Carol A [<mailto:GreggC@pbsso.org>]
Sent: Tuesday, January 14, 2014 2:22 PM
To: 'Eliot Ivan Bernstein'
Subject: RE: Estates of Simon and Shirley Bernstein CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

Mr. Bernstein –

We would be happy to meet with you at the Sheriff's Office substation in West Boca at your convenience to discuss your questions. As for who to contact in IA, I believe you already have that information.

From: Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]
Sent: Tuesday, January 14, 2014 1:31 PM
To: Gregg, Carol A
Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.
Subject: RE: Estates of Simon and Shirley Bernstein CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

Dear Captain Gregg,

I am a bit confused by your letter as I was not merely asking for a review of Det. Miller's report but as I victim I was asking questions that I sought answers too regarding not only Det. Miller's report but other cases filed after that and to clarify what Det Miller's report covered, against who and what was not. I would like answers to my direct questions of what exactly was investigated, who was investigated, etc. as the report remains unclear as to what exactly Detective Miller reviewed. Also I asked regarding the other two complaints filed with your offices and there is nothing in your response that is mentioned regarding those reports or the questions asked on those two other cases either. I also feel that I have been denied my right to speak with your offices regarding my concerns of the report Det Miller did or input my concerns and discuss these as I was promised by Det. Miller and my letters remain unaddressed. My letters ask questions that appear obligatory to the victim of a crime and merely try to clarify the information and make any corrections if necessary. I would not like any of these cases closed until these issues are addressed with me in writing or in a phone meeting, as I thought that was still part of the process we were undertaking in all these cases. As several of the crimes were reported to you and Det Miller after his report was complete it remains unclear what and who he investigated in report, which is part of my complaint and still needs to be addressed. Therefore, please reply to my prior communications regarding each of the prior cases, the other two Det Miller had nothing to do with and your letter does not address those concerns for those cases. One of these cases includes the incident report for the reported Murder of my father that appears to have been reported incorrectly in your case files and I would like to have that report corrected and investigated or reviewed further. In light of several of the other crimes ongoing in my father and mother's estates I think all of these issues are relevant and need to be addressed and clarified to all of our satisfaction.

I have not been contacted about my IA complaint or heard their response or even been contacted by them yet. I did not go to IA regarding you or your involvement in the matter as I had not spoken with you yet at the time I spoke to them. Do you have the IA Case Investigation number, who is it that I contact regarding their investigation or review. I simply complained to IA and your office that I did not want to deal with Det Miller or his Sergeant for several reasons stated in my letter regarding what I felt was interference in my rights, a hostile attitude towards me and failure to address my written questions about the case for clarification and more and to have the cases reviewed by new parties other than Det Miller and Sergeant Groover,

I look forward to hearing back from you soon regarding the specific answers to my questions about all the cases filed with your offices listed in the subject line and the particulars I have asked about in each case.

If you need additional information, please feel free to contact me.

Thank You,

Eliot

Article I, § 16 – Rights of Accused and of Victims

(b) Victims of crime or their lawful representatives, including the next of kin of homicide victims, are entitled to the right to be informed, to be present, and to be heard when relevant, at all crucial stages of criminal proceedings, to the extent that these rights do not interfere with the constitutional rights of the accused.

CONSTITUTION OF THE STATE OF FLORIDA, ARTICLE 1, SECTION 16(B) - VICTIM RIGHTS

Victims of crime or their lawful representatives, including the next of kin of homicide victims, are entitled to the right to be informed, to be present, and to be heard when relevant, at all crucial stages of criminal proceedings, to the extent that these rights do not interfere with the constitutional rights of the accused.

If you are the victim of a crime you have the RIGHT:

To be informed, present and heard at all crucial stages of the criminal or juvenile justice proceedings and to be told how to participate in these proceedings.

To be informed about the availability of Victim Compensation.

To be protected from intimidation.
To submit a victim impact statement.
To seek restitution from the offender.
To be informed of a confidential communication.
To a prompt and timely disposition.
To be informed regarding victim's rights to review certain portions of a pre-sentence investigation prior to the sentencing of the accused.
To be informed of victim's rights of standing, through the State Attorney's Office, with the consent of the victim to assert the rights of the victim.
To a prompt return of your property.

VICTIM / WITNESS HARRASSMENT

Interference with a victim/witness by threats or acts of revenge is a serious crime in itself and a matter to which the local police agency, the State Attorney's Office, and the Court will give particular attention and do their utmost to remedy. If you are having any problems or if you or your family are in any way threatened immediately call the police agency or the Sheriff's Office and make a full report of the events.

Sometimes after a suspect is arrested, defense attorneys or their investigators may attempt to contact you. You have a right to speak to anyone, unless a Court orders you not to discuss it. However, you are not obligated to discuss the case at all, unless you have received a subpoena for a deposition or a trial. You have a right to privacy and to be left alone. If anyone harasses or intimidates you, please advise law enforcement personnel immediately.

Thank you,
Eliot

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>

NOTICE: Due to Presidential Executive Orders, the National Security Agency may have read this email without warning, warrant, or notice. They may do this without any judicial or legislative oversight and it can happen to ordinary Americans like you and me. You have no recourse nor protection save to vote against any incumbent endorsing such unlawful acts.

CONFIDENTIALITY NOTICE:

This message and any attachments are covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521. This e-mail message is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message or call (561) 245-8588. If you are the intended recipient but do not wish to receive communications through this medium, please so advise the sender immediately.

*The Electronic Communications Privacy Act, 18 U.S.C. 119 Sections 2510-2521 et seq., governs distribution of this "Message," including attachments. The originator intended this Message for the specified recipients only; it may contain the originator's confidential and proprietary information. The originator hereby notifies unintended recipients that they have received this Message in error, and strictly proscribes their Message review, dissemination, copying, and content-

based actions. Recipients-in-error shall notify the originator immediately by e-mail, and delete the original message. Authorized carriers of this message shall expeditiously deliver this Message to intended recipients. See: Quon v. Arch. *Wireless Copyright Notice*. Federal and State laws govern copyrights to this Message. You must have the originator's full written consent to alter, copy, or use this Message. Originator acknowledges others' copyrighted content in this Message. Otherwise, Copyright © 2011 by originator Eliot Ivan Bernstein, iviewit@iviewit.tv and www.iviewit.tv. All Rights Reserved.

From: Gregg, Carol A [<mailto:GreggC@pbso.org>]

Sent: Tuesday, January 14, 2014 10:33 AM

To: 'Ellot Ivan Bernstein'

Subject: RE: Estates of Simon and Shirley Bernstein CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

Mr. Bernstein --

Please excuse my delayed response to your requests. My understanding after we spoke on the phone was that you were going to afford me the opportunity to review Detective Miller's investigation before making a complaint to Internal Affairs. Since you went forward with a complaint to Internal Affairs on the same day we spoke, I had to wait until IA concluded their inquiry. I reviewed Detective Miller's report and met with him and his supervisor, Sergeant Groover. I have concluded that Detective Miller's investigation was appropriate and thorough. I recommend you continue with the civil and federal actions you advised you have taken in your emails and/or consult with a probate attorney.

Captain Carol Gregg

Special Investigations Division

Palm Beach County Sheriff's Office

Office#: (561) 688-4010

Fax#: (561) 688-4125

From: Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]

Sent: Tuesday, January 07, 2014 6:11 PM

To: Gregg, Carol A; Jean Francis @ Florida - State Attorney (15th Judicial Circuit); Michael Rachel; Michael Rachel @ Florida - State Attorney (15th Judicial Circuit)

Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Christine P. Yates ~ Director @ Tripp Scott

Subject: Estates of Simon and Shirley Bernstein CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

Dear Captain Gregg,

In response to our call yesterday, January 06, 2013, I have prepared a letter for you requesting information regarding the Official PBSO reports that were conducted in the cases relating to my parents and need for review and clarification prior to any sentencing of Kimberly Moran. If you have any questions or need additional information please feel free to contact me, my information below. I will also be sending a copy to the State Attorney and for the same reasons as stated in my letter to you asking them to hold off a bit on the sentencing until we can clarify and possibly correct the statements in the PBSO report their investigation was based upon. Also attached herein is a letter sent to Detective Miller and the State Attorneys handling the case, which has gone unanswered and I would appreciate in addition to your responding to my questions in your letter, you also having the questions asked in that letter dated December 03, 2013 also be answered as part of your review.

Thank you in advance for your time, effort and consideration of these matters,

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>

NOTICE: Due to Presidential Executive Orders, the National Security Agency may have read this email without warning, warrant, or notice. They may do this without any judicial or legislative oversight and it can happen to ordinary Americans like you and me. You have no recourse nor protection save to vote against any incumbent endorsing such unlawful acts.

CONFIDENTIALITY NOTICE:

This message and any attachments are covered by the Electronic Communications Privacy Act, 18 U.S.C. SS 2510-2521. This e-mail message is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message or call (561) 245-8588. If you are the intended recipient but do not wish to receive communications through this medium, please so advise the sender immediately.

*The Electronic Communications Privacy Act, 18 U.S.C. 119 Sections 2510-2521 et seq., governs distribution of this "Message," including attachments. The originator intended this Message for the specified recipients only; it may contain the originator's confidential and proprietary information. The originator hereby notifies unintended recipients that they have received this Message in error, and strictly proscribes their Message review, dissemination, copying, and content-based actions. Recipients-in-error shall notify the originator immediately by e-mail, and delete the original message. Authorized carriers of this message shall expeditiously deliver this Message to intended recipients. See: Quon v. Arch.
Wireless Copyright Notice. Federal and State laws govern copyrights to this Message. You must have the originator's full written consent to alter, copy, or use this Message. Originator acknowledges others' copyrighted content in this Message. Otherwise, Copyright © 2011 by originator Eliot Ivan Bernstein, iviewit@iviewit.tv and www.iviewit.tv. All Rights Reserved.

Bozdech, Sean A.

From: Eliot Ivan Bernstein <iviewit@iviewit.tv>
Sent: Tuesday, January 28, 2014 10:54 AM
To: Bozdech, Sean A.
Subject: FW: Estates of Simon and Shirley Bernstein CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

From: Gregg, Carol A [mailto:GreggC@pbso.org]
Sent: Tuesday, January 14, 2014 2:22 PM
To: 'Eliot Ivan Bernstein'
Subject: RE: Estates of Simon and Shirley Bernstein CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

Mr. Bernstein –

We would be happy to meet with you at the Sheriff's Office substation in West Boca at your convenience to discuss your questions. As for who to contact in IA, I believe you already have that information.

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]
Sent: Tuesday, January 14, 2014 1:31 PM
To: Gregg, Carol A
Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.
Subject: RE: Estates of Simon and Shirley Bernstein CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

Dear Captain Gregg,

I am a bit confused by your letter as I was not merely asking for a review of Det. Miller's report but as I victim I was asking questions that I sought answers too regarding not only Det. Miller's report but other cases filed after that and to clarify what Det Miller's report covered, against who and what was not. I would like answers to my direct questions of what exactly was investigated, who was investigated, etc. as the report remains unclear as to what exactly Detective Miller reviewed. Also I asked regarding the other two complaints filed with your offices and there is nothing in your response that is mentioned regarding those reports or the questions asked on those two other cases either. I also feel that I have been denied my right to speak with your offices regarding my concerns of the report Det Miller did or input my concerns and discuss these as I was promised by Det. Miller and my letters remain unaddressed. My letters ask questions that appear obligatory to the victim of a crime and merely try to clarify the information and make any corrections if necessary. I would not like any of these cases closed until these issues are addressed with me in writing or in a phone meeting, as I thought that was still part of the process we were undertaking in all these cases. As several of the crimes were reported to you and Det Miller after his report was complete it remains unclear what and who he investigated in report, which is part of my complaint and still needs to be addressed. Therefore, please reply to my prior communications regarding each of the prior cases, the other two Det Miller had nothing to do with and your letter does not address those concerns for those cases. One of these cases includes the incident report for the reported Murder of my father that appears to have been reported incorrectly in your case files and I would like to have that report corrected and investigated or reviewed further. In light of several of the other crimes ongoing in my father and mother's estates I think all of these issues are relevant and need to be addressed and clarified to all of our satisfaction.

I have not been contacted about my IA complaint or heard their response or even been contacted by them yet. I did not go to IA regarding you or your involvement in the matter as I had not spoken with you yet at the time I spoke to them. Do you have the IA Case Investigation number, who is it that I contact regarding their investigation or review. I simply complained to IA and your office that I did not want to deal with Det Miller or his Sergeant for several reasons

stated in my letter regarding what I felt was interference in my rights, a hostile attitude towards me and failure to address my written questions about the case for clarification and more and to have the cases reviewed by new parties other than Det Miller and Sergeant Groover.

I look forward to hearing back from you soon regarding the specific answers to my questions about all the cases filed with your offices listed in the subject line and the particulars I have asked about in each case.

If you need additional information, please feel free to contact me.

Thank You,

Eliot

Article I, § 16 – Rights of Accused and of Victims

(b) Victims of crime or their lawful representatives, including the next of kin of homicide victims, are entitled to the right to be informed, to be present, and to be heard when relevant, at all crucial stages of criminal proceedings, to the extent that these rights do not interfere with the constitutional rights of the accused.

CONSTITUTION OF THE STATE OF FLORIDA, ARTICLE 1, SECTION 16(B) - VICTIM RIGHTS

Victims of crime or their lawful representatives, including the next of kin of homicide victims, are entitled to the right to be informed, to be present, and to be heard when relevant, at all crucial stages of criminal proceedings, to the extent that these rights do not interfere with the constitutional rights of the accused.

If you are the victim of a crime you have the RIGHT:

To be informed, present and heard at all crucial stages of the criminal or juvenile justice proceedings and to be told how to participate in these proceedings.

To be informed about the availability of Victim Compensation.

To be protected from intimidation.

To submit a victim impact statement.

To seek restitution from the offender.

To be informed of a confidential communication.

To a prompt and timely disposition.

To be informed regarding victim's rights to review certain portions of a pre-sentence investigation prior to the sentencing of the accused.

To be informed of victim's rights of standing, through the State Attorney's Office, with the consent of the victim to assert the rights of the victim.

To a prompt return of your property.

VICTIM / WITNESS HARRASSMENT

Interference with a victim/witness by threats or acts of revenge is a serious crime in itself and a matter to which the local police agency, the State Attorney's Office, and the Court will give particular attention and do their utmost to remedy. If you are having any problems or if you or your family are in any way threatened immediately call the police agency or the Sheriff's Office and make a full report of the events.

Sometimes after a suspect is arrested, defense attorneys or their investigators may attempt to contact you. You have a right to speak to anyone, unless a Court orders you not to discuss it. However, you are not obligated to discuss the case at all, unless you have received a subpoena for a deposition or a trial. You have a right to privacy and to be left alone. If anyone harasses or intimidates you, please advise law enforcement personnel immediately.

Thank you,
Eliot

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>

NOTICE: Due to Presidential Executive Orders, the National Security Agency may have read this email without warning, warrant, or notice. They may do this without any judicial or legislative oversight and it can happen to ordinary Americans like you and me. You have no recourse nor protection save to vote against any incumbent endorsing such unlawful acts.

CONFIDENTIALITY NOTICE:

This message and any attachments are covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521. This e-mail message is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message or call (561) 245-8588. If you are the intended recipient but do not wish to receive communications through this medium, please so advise the sender immediately.

*The Electronic Communications Privacy Act, 18 U.S.C. 119 Sections 2510-2521 et seq., governs distribution of this "Message," including attachments. The originator intended this Message for the specified recipients only; it may contain the originator's confidential and proprietary information. The originator hereby notifies unintended recipients that they have received this Message in error, and strictly proscribes their Message review, dissemination, copying, and content-based actions. Recipients-in-error shall notify the originator immediately by e-mail, and delete the original message. Authorized carriers of this message shall expeditiously deliver this Message to intended recipients. See: Quon v. Arch. *Wireless Copyright Notice*. Federal and State laws govern copyrights to this Message. You must have the originator's full written consent to alter, copy, or use this Message. Originator acknowledges others' copyrighted content in this Message. Otherwise, Copyright © 2011 by originator Eliot Ivan Bernstein, iviewit@iviewit.tv and www.iviewit.tv. All Rights Reserved.

From: Gregg, Carol A [<mailto:GreggC@pbso.org>]
Sent: Tuesday, January 14, 2014 10:33 AM
To: 'Eliot Ivan Bernstein'
Subject: RE: Estates of Simon and Shirley Bernstein CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

Mr. Bernstein –

Please excuse my delayed response to your requests. My understanding after we spoke on the phone was that you were going to afford me the opportunity to review Detective Miller's investigation before making a complaint to Internal Affairs. Since you went forward with a complaint to Internal Affairs on the same day we spoke, I had to wait until IA concluded their inquiry. I reviewed Detective Miller's report and met with him and his supervisor, Sergeant Groover. I have concluded that Detective Miller's investigation was appropriate and thorough. I recommend you continue with the civil and federal actions you advised you have taken in your emails and/or consult with a probate attorney.

Captain Carol Gregg
Special Investigations Division
Palm Beach County Sheriff's Office

Office#: (561) 688-4010

Fax#: (561) 688-4125

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]

Sent: Tuesday, January 07, 2014 6:11 PM

To: Gregg, Carol A; Jean Francis @ Florida - State Attorney (15th Judicial Circuit); Michael Rachel; Michael Rachel @ Florida - State Attorney (15th Judicial Circuit)

Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Christine P. Yates ~ Director @ Tripp Scott

Subject: Estates of Simon and Shirley Bernstein CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

Dear Captain Gregg,

In response to our call yesterday, January 06, 2013, I have prepared a letter for you requesting information regarding the Official PBSO reports that were conducted in the cases relating to my parents and need for review and clarification prior to any sentencing of Kimberly Moran. If you have any questions or need additional information please feel free to contact me, my information below. I will also be sending a copy to the State Attorney and for the same reasons as stated in my letter to you asking them to hold off a bit on the sentencing until we can clarify and possibly correct the statements in the PBSO report their investigation was based upon. Also attached herein is a letter sent to Detective Miller and the State Attorneys handling the case, which has gone unanswered and I would appreciate in addition to your responding to my questions in your letter, you also having the questions asked in that letter dated December 03, 2013 also be answered as part of your review.

Thank you in advance for your time, effort and consideration of these matters,

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>

NOTICE: Due to Presidential Executive Orders, the National Security Agency may have read this email without warning, warrant, or notice. They may do this without any judicial or legislative oversight and it can happen to ordinary Americans like you and me. You have no recourse nor protection save to vote against any incumbent endorsing such unlawful acts.

CONFIDENTIALITY NOTICE:

This message and any attachments are covered by the Electronic Communications Privacy Act, 18 U.S.C. SS 2510-2521. This e-mail message is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message or call (561) 245-8588. If you are the intended recipient but do not wish to receive communications through this medium, please so advise the sender immediately.

*The Electronic Communications Privacy Act, 18 U.S.C. 119 Sections 2510-2521 et seq., governs distribution of this "Message," including attachments. The originator intended this Message for the specified recipients only; it may contain the originator's confidential and proprietary information. The originator hereby notifies unintended recipients that they have received this Message in error, and strictly proscribes their Message review, dissemination, copying, and content-

based actions. Recipients-in-error shall notify the originator immediately by e-mail, and delete the original message. Authorized carriers of this message shall expeditiously deliver this Message to intended recipients. See: Quon v. Arch. *Wireless Copyright Notice*. Federal and State laws govern copyrights to this Message. You must have the originator's full written consent to alter, copy, or use this Message. Originator acknowledges others' copyrighted content in this Message. Otherwise, Copyright © 2011 by originator Eliot Ivan Bernstein, iviewit@iviewit.tv and www.iviewit.tv. All Rights Reserved.

Bozdech, Sean A.

From: Miller, Ryan W.
Sent: Tuesday, January 28, 2014 2:27 PM
To: Groover, David B
Cc: Bozdech, Sean A.
Subject: FW: Eliot Bernstein

My final e-mail communication with Eliot.

From: Miller, Ryan W.
Sent: Tuesday, January 28, 2014 2:26 PM
To: 'Eliot Ivan Bernstein'
Subject: RE: Eliot Bernstein

Mr. Bernstein,

We have met in person once. There are many times when a detective has to meet with a victim or witness multiple times in person. This is for clarification and/or elaboration purposes. I am telling you that I need to meet with you for these purposes. Please CALL me at 561-688-4077 when you are able to discuss a time & date to meet. Continuing to send e-mails back and forth is not an effective mode of communication for this case or the discuss we need to have.

Thank you,

Det. Ryan Miller

From: Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]
Sent: Tuesday, January 28, 2014 11:25 AM
To: Miller, Ryan W.
Cc: Gregg, Carol A; Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA
Subject: RE: Eliot Bernstein

Detective Miller,

I have met with you and given formal statements and interviews and provided ample evidence in person and at your request went and filed additional criminal complaints that I still have not heard back on for months now. I have submitted to you formal written requests for information regarding the old complaints and you refuse to reply in writing and instead demand to meet and I would feel much better meeting after you have answered all my questions in the two letters first and that subject matter I am not sure why I have to do face to face other than in writing and phone conversations. You are well aware that I am involved in several court cases nationwide currently that demand massive amounts of time and all relate to the larger crimes than forgery and fraud of Moran's six documents and that I am being further victimized by those I have already complained of in retaliation and these are the strains I refer to making it difficult for me to meet, other than when I have to come in to file new complaints, which I am doing as requested, as I stated I will do that, like I did with the Jewelry Theft case as I formulate them and put the evidence in place. Yet, that does not interfere with your answering my questions or reviewing the work done and new information in the initial complaint you started. A phone call to discuss these follow up matters is not unreasonable and I feel that your conversations with Judge Colin may have influenced your work and opinions of me and am uncomfortable meeting without representation and have been advised that this does not seem proper to deny a victim / complainant the right to counsel present. These are not unidentified people who I have asked to have present but people with intimate knowledge of the crimes, attorneys at law that have better legal/statutory aspects of the crimes I have complained of. I

have requested them there as witness as well and for safety, as you know that I am taking on some very powerful and influential members of the Florida Supreme Court, The Florida Bar, Florida Law Enforcement and others in my other RICO and ANTITRUST related matters I have shared with you. You are also aware that I am complaining of possible interference with my PBSO complaints that and so I hope you understand my concerns in this regard.

I am more than happy to meet telephonically or with others present to present my case information in more detail. I have asked why it has to be in person, without representation when I am already uncomfortable and why I am being denied counsel present and if there are any procedural rules that demand things be done and conducted in the manner you propose. I do want to keep the investigation moving but I do not see my requests being a reason to stop them and why we cannot meet on the phone when necessary and in person when I can and when it can be done to meet our schedules and new complaints have to be filed. I am not sure why emails and attachments are not conducive and why you have stated you do not read them and this also makes me uncomfortable.

Please let me know if we can start with a phone call to go over my letters to you that you will not respond to in writing and then determine if I need to come back to meet after we get through that first. I am not sure there is other evidence I need to provide in that regard but I think you already have everything for those complaints.

Thank you,

Eliot

From: Miller, Ryan W. [mailto:MillerR@pbsso.org]
Sent: Tuesday, January 28, 2014 10:15 AM
To: Eliot Ivan Bernstein
Subject: RE: Eliot Bernstein

Mr. Bernstein,

This is an open investigation and a very serious matter. You have made claims/allegations that crimes have taken place. To give this investigation the most thorough review, we will need to meet in person and go over everything. I will need you to provide me with a statement, including everything that you know (firsthand) about this case. You are a potential victim/witness, so this needs to be your account of events that occurred. An open case is considered confidential, therefore, an unknown person at the end of a phone is not good for the case. Also, I need your statement (understanding), not theirs. I investigate crimes, not civil complaints. Your e-mails and attachments are not an efficient way of conducting an investigation. They have seemed to only create confusion and miscommunication. I do not understand what strain there is, when you are the one who made the complaint. I would think that you would want to meet in person, as to keep to this investigation moving, providing you with the opportunity to explain (in depth) your complaint. E-mail and phone calls create barriers that can be overcome through face to face communication. Captain Gregg is aware and will not be attending. Please do not expect that I will be able to meet on Thursday. I have many other cases and need ample time to review my schedule, as well as coordinate a meeting room in the West Boca Substation. Once you are feeling better, let me know, and supply me with a few dates and times you are available, on a Tues, Wed., Thurs, or Friday.

Thank you,

Det. Ryan Miller #7704
Palm Beach Co Sheriff's Office
Special Investigations Division
(Financial Crimes Unit)
Desk: 561-688-4077
Cell: 561-389-8655

From: Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]
Sent: Tuesday, January 28, 2014 8:03 AM
To: Miller, Ryan W.; Gregg, Carol A
Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA
Subject: RE: Eliot Bernstein

I have a dental appointment today from 9-11 to put in my upper teeth that were repaired, the process usually takes a day or two to recover from the headaches etc. associated with the process. I am still feeling ill from the flu that whole family has suffered this weekend but I am feeling much better from that. I will let you know but it will probably be Thursday. Also, I was wondering if Captain Carol Gregg has knowledge of our meeting and if she will be attending. I would also like some form of explanation as to why this meeting must be in person and not via telephone and why I cannot have representative counsel attend via phone, etc. I have already submitted most of the evidence necessary for us to discuss and so I am unclear why when this puts additional strain on me this must be conducted in this manner.

Eliot

From: Miller, Ryan W. [<mailto:MillerR@pbso.org>]
Sent: Tuesday, January 28, 2014 7:26 AM
To: Eliot Ivan Bernstein
Subject: RE: Eliot Bernstein

Mr. Bernstein,

I received the message from your wife stating that you had to cancel this week's meeting. Please let me know when you are feeling better.

Thank you,

Det. Ryan Miller

From: Miller, Ryan W.
Sent: Thursday, January 23, 2014 2:04 PM
To: 'Eliot Ivan Bernstein'
Subject: RE: Eliot Bernstein

Ok, confirmed!

Date & time: Wednesday, Jan. 29, 2014 @ 10:00 am
Location: PBSO, West Boca Sub-station (same as before)

Thanks

From: Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]
Sent: Thursday, January 23, 2014 12:17 PM
To: Miller, Ryan W.
Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.
Subject: RE: Eliot Bernstein

Thanks, here are a few times, let me know. Also, does Captain Gregg know about this meeting and will she be attending?

Tuesday at 11:00am, have court before this at 8:45am
Wed at 10:00am works good.

Eliot

From: Miller, Ryan W. [mailto:MillerR@pbso.org]
Sent: Thursday, January 23, 2014 10:54 AM
To: Eliot Ivan Bernstein
Subject: RE: Eliot Bernstein

Mr. Bernstein,

Please provide me a FEW dates and times to choose from, so that I can coordinate things. They will need to be on a Tuesday, Wednesday, Thursday, or Friday.

Thank you,

Det. Ryan Miller #7704
Palm Beach Co Sheriff's Office
Special Investigations Division
(Financial Crimes Unit)
Desk: 561-688-4077

-----Original Message-----

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]
Sent: Thursday, January 23, 2014 10:44 AM
To: Miller, Ryan W.
Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Andrew R. Dietz @ Rock It Cargo USA
Subject: RE: Eliot Bernstein

Thank you for understanding, I too am feeling a bit of this bug, can we schedule for Monday at say 10:30am at Boca station. Thanks, Eliot

-----Original Message-----

From: Miller, Ryan W. [mailto:MillerR@pbso.org]
Sent: Thursday, January 23, 2014 9:52 AM
To: Eliot Ivan Bernstein
Subject: RE: Eliot Bernstein

Mr. Bernstein,

Sorry to hear that your son is ill. Please let me know a few dates and times you are available to meet (reschedule) , so that I can coordinate things accordingly.

Thank you,

Det. Ryan Miller #7704
Palm Beach Co Sheriff's Office
Special Investigations Division
(Financial Crimes Unit)
Desk: 561-688-4077

-----Original Message-----

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]

Sent: Thursday, January 23, 2014 7:03 AM

To: Miller, Ryan W.

Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Andrew R. Dietz @ Rock It Cargo USA

Subject: RE: Eliot Bernstein

That will not work for me, I have to be back in Boca after court and then I was coming to see you. Can you please identify who will be at this meeting and if I can call in other parties who are waiting to know. Thanks.
Eliot

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>

NOTICE: Due to Presidential Executive Orders, the National Security Agency may have read this email without warning, warrant, or notice. They may do this without any judicial or legislative oversight and it can happen to ordinary Americans like you and me. You have no recourse nor protection save to vote against any incumbent endorsing such unlawful acts.

CONFIDENTIALITY NOTICE:

This message and any attachments are covered by the Electronic Communications Privacy Act, 18 U.S.C. SS 2510-2521.

This e-mail message is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message or call (561) 245-8588. If you are the intended recipient but do not wish to receive communications through this medium, please so advise the sender immediately.

*The Electronic Communications Privacy Act, 18 U.S.C. 119 Sections 2510-2521 et seq., governs distribution of this "Message," including attachments. The originator intended this Message for the specified recipients only; it may contain the originator's confidential and proprietary information. The originator hereby notifies unintended recipients that they have received this Message in error, and strictly proscribes their Message review, dissemination, copying, and content-based actions. Recipients-in-error shall notify the originator immediately by e-mail, and delete the original message. Authorized carriers of this message shall expeditiously deliver this Message to intended recipients. See: Quon v. Arch.

Wireless Copyright Notice. Federal and State laws govern copyrights to this Message. You must have the originator's full written consent to alter, copy, or use this Message. Originator acknowledges others' copyrighted content in this Message. Otherwise, Copyright C 2011 by originator Eliot Ivan Bernstein, iviewit@iviewit.tv and www.iviewit.tv. All Rights Reserved.

-----Original Message-----

From: Miller, Ryan W. [<mailto:MillerR@pbso.org>]
Sent: Thursday, January 23, 2014 6:53 AM
To: Eliot Ivan Bernstein
Subject: RE: Eliot Bernstein

since you will be east off 95 you can always just come to our office off 95 and southern. Then we do not have to drive down to wesby Boca hoping you get out on time. Let me know what works.

Det. Ryan Miller

Eliot Ivan Bernstein <iviewit@iviewit.tv> wrote:

Hi Detective Miller - I was just inundated with new filings slipped in at about 5pm for the hearing tomorrow from all the counsel and pr's resigning.

Thus, I may be in court longer than was originally expected and we can either postpone or I can keep you updated tomorrow on the fly. Let me know.

Eliot

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<<mailto:iviewit@iviewit.tv>>
<http://www.iviewit.tv><<http://www.iviewit.tv>>

NOTICE: Due to Presidential Executive Orders, the National Security Agency may have read this email without warning, warrant, or notice. They may do this without any judicial or legislative oversight and it can happen to ordinary Americans like you and me. You have no recourse nor protection save to vote against any incumbent endorsing such unlawful acts.

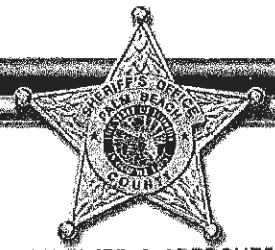
CONFIDENTIALITY NOTICE:

This message and any attachments are covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521. This e-mail message is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message or call (561) 245-8588. If you are the intended recipient but do not wish to receive communications through this medium, please so advise the sender immediately.

*The Electronic Communications Privacy Act, 18 U.S.C. 119 Sections 2510-2521 et seq., governs distribution of this "Message," including attachments. The originator intended this Message for the specified recipients only; it may contain the originator's confidential and proprietary information. The originator hereby notifies unintended recipients that they have received this Message in error, and strictly proscribes their Message review, dissemination, copying, and content-based actions. Recipients-in-error shall notify the originator immediately by e-mail, and delete the original message. Authorized carriers of this message shall expeditiously deliver this Message to intended recipients. See: Quon v. Arch. *Wireless Copyright Notice*. Federal and State laws govern copyrights to this Message. You must have the originator's full written consent to alter, copy, or use this Message. Originator acknowledges others' copyrighted content in this Message. Otherwise, Copyright C 2011 by originator Eliot Ivan Bernstein, iviewit@iviewit.tv and www.iviewit.tv. All Rights Reserved.

**PALM BEACH COUNTY
SHERIFF'S OFFICE**

RIC L. BRADSHAW, SHERIFF



REVIEWED & APPROVED

JAN 31 2014

CAPTAIN MARK ALEXANDER



REVIEWED & APPROVED

JAN 31 2014

INTER-OFFICE MEMORANDUM

Division of Internal Affairs

TO: Captain Mark Alexander

DATE: January 28, 2014

FROM: Sergeant Sean Bozdech

FILE:

SUBJECT: Incident Review

REVIEWED & APPROVED

JAN 31 2014

LT. PETE PALENZUELA

On July 15, 2013, Mr. Eliot Bernstein filed a fraud report with the Palm Beach County Sheriff's Office. This incident was documented under PBSO case number 13-097087. According to the offense report completed by D/S Brian Longworth, Mr. Bernstein claimed several documents had been "forged" and filed at the South County Courthouse. These alleged "forged" documents involved the estates of Mr. Bernstein's deceased parents.

A short time after Mr. Bernstein's initial report, Detective Ryan Miller of the Financial Crimes Unit was assigned the case to conduct a follow up investigation regarding the allegations made. Detective Miller completed supplemental reports regarding information obtained throughout his investigation. Detective Miller determined several legal documents were legitimately signed by Mr. Bernstein, his siblings, and his father (prior to his passing). These documents were forwarded to the appropriate courts for proper filing, with the assistance of a legal firm hired by the family. After these documents were sent, the legal assistant who assisted the family in completing this was contacted and notified the documents needed to be notarized. Detective Miller spoke with the legal assistant who confessed she "traced" the signatures of Mr. Bernstein, his siblings, and his father so she could notarize them. During the interview, the legal assistant stated she never received any financial benefit. According to the legal assistant, this was a "poor decision." Detective Miller spoke with all of the affected parties (Mr. Bernstein and his siblings) and Mr. Bernstein was the only one who wanted to pursue the matter criminally, involving the legal assistant. Detective Miller established probable cause to charge the legal assistant with one count of Florida State Statute 843.0855 (3) (*Criminal actions under color of law or through use of simulated legal process*). Detective Miller completed the appropriate paperwork which was sent to the Palm Beach County State Attorney's Office. On or around October 9, 2013, the Palm Beach County State Attorney's Office charged the legal assistant with one (1) count for violating Florida State Statute 117.105 (*False or fraudulent acknowledgments- Notaries*).

On January 7, 2014, Mr. Bernstein sent an E-mail to Captain Gregg (SID) regarding the manner in which Detective Miller completed his reports and investigation. I reviewed Mr. Bernstein's email and he believes the legal assistant who was charged with violating Florida

State Statute 117.105 should have been charged with six (6) counts, instead of one (1) as there were six (6) signatures involved. Mr. Bernstein also feels the legal assistant should be charged with "forgery" instead.

After reviewing Mr. Bernstein's email, I spoke with Detective Miller who provided me copies of emails from Mr. Bernstein's siblings indicating they did not want to pursue the matter criminally involving the legal assistant. In one instance, Detective Miller did not receive any correspondence back and another instance involved Mr. Bernstein's now deceased father.

According to Florida State Statute 831.01 (Forgery), the person who commits the forgery must also receive some type of financial benefit. As determined by Detective Miller during his investigation, the legal assistant admitted to receiving no financial benefit from her action.

On January 28, 2014, I spoke with Mr. Bernstein via telephone. Mr. Bernstein explained to me that Detective Miller wanted to meet with him in person to discuss the additional information he allegedly had. Mr. Bernstein continued to tell me he asked Detective Miller to have his counsel present, which according to Mr. Bernstein, Detective Miller refused to allow. Mr. Bernstein then asked me if it was common practice to deny a "victim" the right to counsel during an interview. I explained to him each situation was different; however, I would try and determine if Detective Miller did in fact refuse his request, and if so, was there a particular reason for denying the request. I asked Mr. Bernstein to forward any correspondence to me which he had with Detective Miller regarding this.

Mr. Bernstein then told me he believed his father was "murdered" back in 2012, and said the "coroner" is reopening the file to prove his father was in fact poisoned. I explained to Mr. Bernstein if the Medical Examiner did in fact discover any possible criminal activity, they would contact our Violent Crimes Division for further criminal investigation.

After I spoke with Mr. Bernstein, I spoke with Detective Miller and asked him to forward any correspondence he had with Mr. Bernstein, specifically where he (Detective Miller), requested to meet with Mr. Bernstein in person.

I then received numerous emails from Mr. Bernstein regarding this matter which I reviewed. These emails are requests from Detective Miller to meet with Mr. Bernstein in person to discuss these matters further. Mr. Bernstein agrees to meet with him on several dates, and just prior to the meeting, Mr. Bernstein would cancel for one reason or another. Mr. Bernstein does ask Detective Miller if when a meeting occurs, if he (Mr. Bernstein) would be able to contact an attorney out of state, via telephone. Detective Miller explained to Mr. Bernstein that contacting someone via telephone during a victim interview would not be appropriate, and Detective Miller needed to get Mr. Bernstein's account of the situation. Detective Miller also explained to Mr. Bernstein he would not know for sure who was on the other end of the telephone, claiming to be an attorney. In the last email sent by Mr. Bernstein (dated January 28, 2014), he told Detective Miller that he has already given formal statements and interviews and again asks why he cannot have anyone present, specifically counsel, during the interview. Detective Miller responded to Mr. Bernstein explaining he has only met in person one time. He continues to explain there are times when a detective needs to meet with victims in person for clarification purposes. He continues to say that sending emails back in forth is not an effective mode of communication for this case.

After reviewing the emails between Detective Miller and Mr. Bernstein I reviewed the offense report involving Mr. Bernstein's deceased father. This incident was documented under PBSO case 12-121312. The original report stated Mr. Bernstein's father was taken to Delray

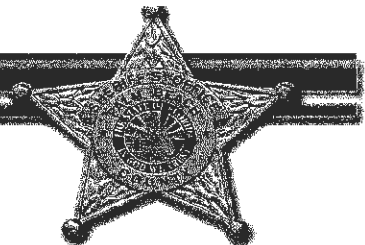
Community Hospital and questions were brought forward by the family regarding the death. According to the original report, the Palm Beach County Medical Examiner was notified and given the information. Detective Miller then completed a supplemental report which said the medical examiner ruled the manner of death for Mr. Bernstein's father was "natural" and the cause of death was listed as "myocardial infarct due to severe atherosclerosis." Detective Miller also stated in his supplemental report that the Bernstein family did not conduct a private autopsy as they originally said they would.

Based on the supplemental reports completed by Detective Miller, the correspondence from Mr. Bernstein's siblings, the information obtained in the Florida State Statute 831.01, and the fact the legal assistant was in fact charged with a felony regarding this matter, a preponderance of evidence does not exist to support the allegations regarding Palm Beach County Sheriff's Office Rule and Regulation X (A) Job Knowledge, and Rule and Regulation VII (12) Completion of Reports and Documents.

No further follow up is required at this time by the Division of Internal Affairs.

PALM BEACH COUNTY
SHERIFF'S OFFICE

RIC L. BRADSHAW, SHERIFF



February 5, 2014

Mr. Elliot Bernstein
2753 34 St NW
Boca Raton, FL 33434

RE: Complaint Case Number: IR14-025

Dear Mr. Bernstein,

The Palm Beach County Sheriff's Office has completed its investigation of your complaint filed on January 9, 2014. The investigation, and a review of all information failed to disclose sufficient evidence to clearly prove or disprove the complaint.

If you have additional information you believe should be considered, please contact the Division of Internal Affairs at 561-688-3035. If no additional information is received within 10 days, this case will be considered closed.

Thank you for bringing the matter to our attention.

Sincerely,

Division of Internal Affairs
Palm Beach County Sheriff's Office

sgt
file

Bozdech, Sean A.

From: Eliot Ivan Bernstein <iviewit@iviewit.tv>
Sent: Tuesday, January 28, 2014 12:18 PM
To: Bozdech, Sean A.
Subject: Possible conflict with Eliot and Det Miller.

In reflecting on our call and talking with advisors, it was learned that Det Miller and you have spoken regarding my complaint against him and I think in addition to the conflicts that may exist with his conversations with Judge Colin already, this conversation with you regarding the IA complaint will also prejudice him against me and I think the denial of counsel represents more problems on top of that. Also, after speaking with you it appears that you have come to the same conclusion that everyone else comes to after reading Det Miller's report that he was brought a case against Moran for Forgery and Fraud and he investigated it and arrested her and what more is to complain about. But that is not the case, I brought to Det Miller a host of other complaints and evidence regarding far more serious crimes and he stated he was investigating them all and all the other people complained of and then he attempted to state he reviewed everything and found nothing else and this prejudices my case as explained in the letters to Captain Gregg and Det Miller that I just sent you and that them to provide information regarding the specifics of what and who they investigated and what they were dismissing in this broad language he was using and no reply from either for months. In fact I see no evidence of any of the crimes alleged against the others being investigated by Det Miller at all and this concerns me further.

Please, I would like to request new investigators who are not conflicted with the past matters that can review the case and materials with me and respond to my written requests in detail first and then meet me if necessary. Please also note that all of the attorneys at law, Robert Spallina, Esq., Donald Tescher, Esq. and Mark Manceri, Esq. involved in the estates of my mother and father and the attorneys that were acting as Personal Reps/Executors have submitted papers to the court to withdraw. Finally, Robert Spallina has also been alleged in Federal Court Northern District Illinois of filing a fraudulent insurance claim while impersonating an Institutional Trust Company, an Institutional Trust Company Officer, Insurance Fraud and Fraud on the Estate Beneficiaries and I have provided some information to Det Miller already regarding these events and if you need more information I will be happy to provide it to you as well.

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>

NOTICE: Due to Presidential Executive Orders, the National Security Agency may have read this email without warning, warrant, or notice. They may do this without any judicial or legislative oversight and it can happen to ordinary Americans like you and me. You have no recourse nor protection save to vote against any incumbent endorsing such unlawful acts.

CONFIDENTIALITY NOTICE:

This message and any attachments are covered by the Electronic Communications Privacy Act, 18 U.S.C. SS 2510-2521. This e-mail message is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the

intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message or call (561) 245-8588. If you are the intended recipient but do not wish to receive communications through this medium, please so advise the sender immediately.

*The Electronic Communications Privacy Act, 18 U.S.C. 119 Sections 2510-2521 et seq., governs distribution of this "Message," including attachments. The originator intended this Message for the specified recipients only; it may contain the originator's confidential and proprietary information. The originator hereby notifies unintended recipients that they have received this Message in error, and strictly proscribes their Message review, dissemination, copying, and content-based actions. Recipients-in-error shall notify the originator immediately by e-mail, and delete the original message.

Authorized carriers of this message shall expeditiously deliver this Message to intended recipients. See: Quon v. Arch.

Wireless Copyright Notice. Federal and State laws govern copyrights to this Message. You must have the originator's full written consent to alter, copy, or use this Message. Originator acknowledges others' copyrighted content in this Message. Otherwise, Copyright © 2011 by originator Eliot Ivan Bernstein, iviewit@iviewit.tv and www.iviewit.tv. All Rights Reserved.

Bozdech, Sean A.

From: Eliot Ivan Bernstein <iviewit@iviewit.tv>
Sent: Tuesday, January 28, 2014 11:26 AM
To: Bozdech, Sean A.
Subject: FW: Eliot Bernstein

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]
Sent: Tuesday, January 28, 2014 11:25 AM
To: 'Miller, Ryan W.'
Cc: Captain Carol Gregg @ Palm Beach County Sheriff (greggc@pbso.org); Caroline Prochotska Rogers Esq. (caroline@cprogers.com); Michele M. Mulrooney ~ Partner @ Venable LLP (mmulrooney@Venable.com); Andrew R. Dietz @ Rock It Cargo USA
Subject: RE: Eliot Bernstein

Detective Miller,

I have met with you and given formal statements and interviews and provided ample evidence in person and at your request went and filed additional criminal complaints that I still have not heard back on for months now. I have submitted to you formal written requests for information regarding the old complaints and you refuse to reply in writing and instead demand to meet and I would feel much better meeting after you have answered all my questions in the two letters first and that subject matter I am not sure why I have to do face to face other than in writing and phone conversations. You are well aware that I am involved in several court cases nationwide currently that demand massive amounts of time and all relate to the larger crimes than forgery and fraud of Moran's six documents and that I am being further victimized by those I have already complained of in retaliation and these are the strains I refer to making it difficult for me to meet, other than when I have to come in to file new complaints, which I am doing as requested, as I stated I will do that, like I did with the Jewelry Theft case as I formulate them and put the evidence in place. Yet, that does not interfere with your answering my questions or reviewing the work done and new information in the initial complaint you started. A phone call to discuss these follow up matters is not unreasonable and I feel that your conversations with Judge Colin may have influenced your work and opinions of me and am uncomfortable meeting without representation and have been advised that this does not seem proper to deny a victim / complainant the right to counsel present. These are not unidentified people who I have asked to have present but people with intimate knowledge of the crimes, attorneys at law that have better legal/statutory aspects of the crimes I have complained of. I have requested them there as witness as well and for safety, as you know that I am taking on some very powerful and influential members of the Florida Supreme Court, The Florida Bar, Florida Law Enforcement and others in my other RICO and ANTITRUST related matters I have shared with you. You are also aware that I am complaining of possible interference with my PBSO complaints that and so I hope you understand my concerns in this regard.

I am more than happy to meet telephonically or with others present to present my case information in more detail. I have asked why it has to be in person, without representation when I am already uncomfortable and why I am being denied counsel present and if there are any procedural rules that demand things be done and conducted in the manner you propose. I do want to keep the investigation moving but I do not see my requests being a reason to stop them and why we cannot meet on the phone when necessary and in person when I can and when it can be done to meet our schedules and new complaints have to be filed. I am not sure why emails and attachments are not conducive and why you have stated you do not read them and this also makes me uncomfortable.

Please let me know if we can start with a phone call to go over my letters to you that you will not respond to in writing and then determine if I need to come back to meet after we get through that first. I am not sure there is other evidence I need to provide in that regard but I think you already have everything for those complaints.

Thank you,

Eliot

From: Miller, Ryan W. [mailto:MillerR@pbso.org]
Sent: Tuesday, January 28, 2014 10:15 AM
To: Eliot Ivan Bernstein
Subject: RE: Eliot Bernstein

Mr. Bernstein,

This is an open investigation and a very serious matter. You have made claims/allegations that crimes have taken place. To give this investigation the most thorough review, we will need to meet in person and go over everything. I will need you to provide me with a statement, including everything that you know (firsthand) about this case. You are a potential victim/witness, so this needs to be your account of events that occurred. An open case is considered confidential, therefore, an unknown person at the end of a phone is not good for the case. Also, I need your statement (understanding), not theirs. I investigate crimes, not civil complaints. Your e-mails and attachments are not an efficient way of conducting an investigation. They have seemed to only create confusion and miscommunication. I do not understand what strain there is, when you are the one who made the complaint. I would think that you would want to meet in person, as to keep to this investigation moving, providing you with the opportunity to explain (in depth) your complaint. E-mail and phone calls create barriers that can be overcome through face to face communication. Captain Gregg is aware and will not be attending. Please do not expect that I will be able to meet on Thursday. I have many other cases and need ample time to review my schedule, as well as coordinate a meeting room in the West Boca Substation. Once you are feeling better, let me know, and supply me with a few dates and times you are available, on a Tues, Wed., Thurs, or Friday.

Thank you,

Det. Ryan Miller #7704
Palm Beach Co Sheriff's Office
Special Investigations Division
(Financial Crimes Unit)
Desk: 561-688-4077
Cell: 561-389-8655

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]
Sent: Tuesday, January 28, 2014 8:03 AM
To: Miller, Ryan W.; Gregg, Carol A
Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA
Subject: RE: Eliot Bernstein

I have a dental appointment today from 9-11 to put in my upper teeth that were repaired, the process usually takes a day or two to recover from the headaches etc. associated with the process. I am still feeling ill from the flu that whole family has suffered this weekend but I am feeling much better from that. I will let you know but it will probably be Thursday. Also, I was wondering if Captain Carol Gregg has knowledge of our meeting and if she will be attending. I would also like some form of explanation as to why this meeting must be in person and not via telephone and why I cannot have representative counsel attend via phone, etc. I have already submitted most of the evidence necessary for us to discuss and so I am unclear why when this puts additional strain on me this must be conducted in this manner.

Eliot

From: Miller, Ryan W. [<mailto:MillerR@pbso.org>]
Sent: Tuesday, January 28, 2014 7:26 AM
To: Eliot Ivan Bernstein
Subject: RE: Eliot Bernstein

Mr. Bernstein,

I received the message from your wife stating that you had to cancel this week's meeting. Please let me know when you are feeling better.

Thank you,

Det. Ryan Miller

From: Miller, Ryan W.
Sent: Thursday, January 23, 2014 2:04 PM
To: 'Eliot Ivan Bernstein'
Subject: RE: Eliot Bernstein

Ok, confirmed!

Date & time: Wednesday, Jan. 29, 2014 @ 10:00 am
Location: PBSO, West Boca Sub-station (same as before)

Thanks

From: Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]
Sent: Thursday, January 23, 2014 12:17 PM
To: Miller, Ryan W.
Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.
Subject: RE: Eliot Bernstein

Thanks, here are a few times, let me know. Also, does Captain Gregg know about this meeting and will she be attending?

Tuesday at 11:00am, have court before this at 8:45am
Wed at 10:00am works good.

Eliot

From: Miller, Ryan W. [<mailto:MillerR@pbso.org>]
Sent: Thursday, January 23, 2014 10:54 AM
To: Eliot Ivan Bernstein
Subject: RE: Eliot Bernstein

Mr. Bernstein,

Please provide me a FEW dates and times to choose from, so that I can coordinate things. They will need to be on a Tuesday, Wednesday, Thursday, or Friday.

Thank you,

Det. Ryan Miller #7704
Palm Beach Co Sheriff's Office
Special Investigations Division
(Financial Crimes Unit)
Desk: 561-688-4077

-----Original Message-----

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]
Sent: Thursday, January 23, 2014 10:44 AM
To: Miller, Ryan W.
Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Andrew R. Dietz @ Rock It Cargo USA
Subject: RE: Eliot Bernstein

Thank you for understanding, I too am feeling a bit of this bug, can we schedule for Monday at say 10:30am at Boca station. Thanks, Eliot

-----Original Message-----

From: Miller, Ryan W. [mailto:MillerR@pbso.org]
Sent: Thursday, January 23, 2014 9:52 AM
To: Eliot Ivan Bernstein
Subject: RE: Eliot Bernstein

Mr. Bernstein,

Sorry to hear that your son is ill. Please let me know a few dates and times you are available to meet (reschedule) , so that I can coordinate things accordingly.

Thank you,

Det. Ryan Miller #7704
Palm Beach Co Sheriff's Office
Special Investigations Division
(Financial Crimes Unit)
Desk: 561-688-4077

-----Original Message-----

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]
Sent: Thursday, January 23, 2014 7:03 AM
To: Miller, Ryan W.
Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Andrew R. Dietz @ Rock It Cargo USA
Subject: RE: Eliot Bernstein

That will not work for me, I have to be back in Boca after court and then I was coming to see you. Can you please identify who will be at this meeting and if I can call in other parties who are waiting to know. Thanks.
Eliot

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>

NOTICE: Due to Presidential Executive Orders, the National Security Agency may have read this email without warning, warrant, or notice. They may do this without any judicial or legislative oversight and it can happen to ordinary Americans like you and me. You have no recourse nor protection save to vote against any incumbent endorsing such unlawful acts.

CONFIDENTIALITY NOTICE:

This message and any attachments are covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521.

This e-mail message is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message or call (561) 245-8588. If you are the intended recipient but do not wish to receive communications through this medium, please so advise the sender immediately.

*The Electronic Communications Privacy Act, 18 U.S.C. 119 Sections 2510-2521 et seq., governs distribution of this "Message," including attachments. The originator intended this Message for the specified recipients only; it may contain the originator's confidential and proprietary information. The originator hereby notifies unintended recipients that they have received this Message in error, and strictly proscribes their Message review, dissemination, copying, and content-based actions. Recipients-in-error shall notify the originator immediately by e-mail, and delete the original message. Authorized carriers of this message shall expeditiously deliver this Message to intended recipients. See: Quon v. Arch.
Wireless Copyright Notice. Federal and State laws govern copyrights to this Message. You must have the originator's full written consent to alter, copy, or use this Message. Originator acknowledges others' copyrighted content in this Message. Otherwise, Copyright C 2011 by originator Eliot Ivan Bernstein, iviewit@iviewit.tv and www.iviewit.tv. All Rights Reserved.

-----Original Message-----

From: Miller, Ryan W. [mailto:MillerR@pbs.org]
Sent: Thursday, January 23, 2014 6:53 AM
To: Eliot Ivan Bernstein
Subject: RE: Eliot Bernstein

since you will be east off 95 you can always just come to our office off 95 and southern. Then we do not have to drive down to wesly Boca hoping you get out on time. Let me know what works.

Det. Ryan Miller

Eliot Ivan Bernstein <iviewit@iviewit.tv> wrote:

Hi Detective Miller - I was just inundated with new filings slipped in at about 5pm for the hearing tomorrow from all the counsel and pr's resigning.

Thus, I may be in court longer than was originally expected and we can either postpone or I can keep you updated tomorrow on the fly. Let me know.

Eliot

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<<mailto:iviewit@iviewit.tv>>

<http://www.iviewit.tv><<http://www.iviewit.tv/>>

NOTICE: Due to Presidential Executive Orders, the National Security Agency may have read this email without warning, warrant, or notice. They may do this without any judicial or legislative oversight and it can happen to ordinary Americans like you and me. You have no recourse nor protection save to vote against any incumbent endorsing such unlawful acts.

CONFIDENTIALITY NOTICE:

This message and any attachments are covered by the Electronic Communications Privacy Act, 18 U.S.C. SS 2510-2521. This e-mail message is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message or call (561) 245-8588. If you are the intended recipient but do not wish to receive communications through this medium, please so advise the sender immediately.

*The Electronic Communications Privacy Act, 18 U.S.C. 119 Sections 2510-2521 et seq., governs distribution of this "Message," including attachments. The originator intended this Message for the specified recipients only; it may contain the originator's confidential and proprietary information. The originator hereby notifies unintended recipients that they have received this Message in error, and strictly proscribes their Message review, dissemination, copying, and content-based actions. Recipients-in-error shall notify the originator immediately by e-mail, and delete the original message. Authorized carriers of this message shall expeditiously deliver this Message to intended recipients. See: Quon v. Arch. *Wireless Copyright Notice*. Federal and State laws govern copyrights to this Message. You must have the originator's full written consent to alter, copy, or use this Message. Originator acknowledges others' copyrighted content in this Message. Otherwise, Copyright C 2011 by originator Eliot Ivan Bernstein, iviewit@iviewit.tv and www.iviewit.tv. All Rights Reserved.

Bozdech, Sean A.

From: Eliot Ivan Bernstein <iviewit@iviewit.tv>
Sent: Tuesday, January 28, 2014 10:46 AM
To: Bozdech, Sean A.
Subject: FW: Meeting / Thursday / 1-23-14

From: Miller, Ryan W. [mailto:MillerR@pbso.org]
Sent: Thursday, January 23, 2014 7:34 AM
To: Eliot Ivan Bernstein (iviewit@iviewit.tv)
Subject: FW: Meeting / Thursday / 1-23-14

This was sent yesterday.

From: Miller, Ryan W.
Sent: Wednesday, January 22, 2014 11:32 AM
To: 'Eliot Ivan Bernstein'
Subject: RE: Meeting / Thursday / 1-23-14

Sgt. Groover and I will be attending. Please bring all documentation relating to this that you have. Sorry, no conference calls. Please call me at 688-4077 if you need too.

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]
Sent: Wednesday, January 22, 2014 11:26 AM
To: Miller, Ryan W.
Subject: RE: Meeting / Thursday / 1-23-14

Hi Det Miller, who will be attending the meeting and do we have the capability to conference in an out of state attorney? Eliot

From: Miller, Ryan W. [mailto:MillerR@pbso.org]
Sent: Tuesday, January 21, 2014 10:19 AM
To: Eliot Ivan Bernstein
Subject: RE: Meeting / Thursday / 1-23-14

Mr. Bernstein,

So, 10:30 it is, at the West Boca Substation on 1/23/14, which is where we met before.

- 1) Please notify me if you are **not** going to make it.
- 2) Please bring with you, evidence specific to any crime you may have uncovered or came across, so that we can address any & all concerns that you may have.

Thank you,

Det. Ryan Miller #7704
Palm Beach Co Sheriff's Office
Special Investigations Division
(Financial Crimes Unit)

Desk: 561-688-4077
Cell: 561-389-8655

From: Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]
Sent: Tuesday, January 21, 2014 10:06 AM
To: Miller, Ryan W.
Subject: RE: Meeting / Thursday / 1-23-14

Hi Det Miller,

I have court Thursday morning at 8:30am for Mark Manceri's withdrawal as counsel in my parents' estates but I am free after that, probably around 10:30-11am. Does that work for you? Eliot

From: Miller, Ryan W. [<mailto:MillerR@pbso.org>]
Sent: Tuesday, January 21, 2014 8:39 AM
To: Elliot Ivan Bernstein (iviewit@iviewit.tv)
Subject: Meeting / Thursday / 1-23-14

Mr. Bernstein,

I would like to meet with you Thursday (1-23-14) morning at the PBSO, West Boca Sub-station. Are you able to meet that morning?

Det. Ryan Miller #7704
Palm Beach Co Sheriff's Office
Special Investigations Division
(Financial Crimes Unit)
Desk: 561-688-4077
Cell: 561-389-8655

Bozdech, Sean A.

From: Eliot Ivan Bernstein <iviewit@iviewit.tv>
Sent: Tuesday, January 28, 2014 10:46 AM
To: Bozdech, Sean A.
Subject: FW: Eliot Bernstein

From: Miller, Ryan W. [mailto:MillerR@pbso.org]
Sent: Tuesday, January 28, 2014 10:15 AM
To: Eliot Ivan Bernstein
Subject: RE: Eliot Bernstein

Mr. Bernstein,

This is an open investigation and a very serious matter. You have made claims/allegations that crimes have taken place. To give this investigation the most thorough review, we will need to meet in person and go over everything. I will need you to provide me with a statement, including everything that you know (firsthand) about this case. You are a potential victim/witness, so this needs to be your account of events that occurred. An open case is considered confidential, therefore, an unknown person at the end of a phone is not good for the case. Also, I need your statement (understanding), not theirs. I investigate crimes, not civil complaints. Your e-mails and attachments are not an efficient way of conducting an investigation. They have seemed to only create confusion and miscommunication. I do not understand what strain there is, when you are the one who made the complaint. I would think that you would want to meet in person, as to keep to this investigation moving, providing you with the opportunity to explain (in depth) your complaint. E-mail and phone calls create barriers that can be overcome through face to face communication. Captain Gregg is aware and will not be attending. Please do not expect that I will be able to meet on Thursday. I have many other cases and need ample time to review my schedule, as well as coordinate a meeting room in the West Boca Substation. Once you are feeling better, let me know, and supply me with a few dates and times you are available, on a Tues, Wed., Thurs, or Friday.

Thank you,

Det. Ryan Miller #7704
Palm Beach Co Sheriff's Office
Special Investigations Division
(Financial Crimes Unit)
Desk: 561-688-4077
Cell: 561-389-8655

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]
Sent: Tuesday, January 28, 2014 8:03 AM
To: Miller, Ryan W.; Gregg, Carol A
Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA
Subject: RE: Eliot Bernstein

I have a dental appointment today from 9-11 to put in my upper teeth that were repaired, the process usually takes a day or two to recover from the headaches etc. associated with the process. I am still feeling ill from the flu that whole

family has suffered this weekend but I am feeling much better from that. I will let you know but it will probably be Thursday. Also, I was wondering if Captain Carol Gregg has knowledge of our meeting and if she will be attending. I would also like some form of explanation as to why this meeting must be in person and not via telephone and why I cannot have representative counsel attend via phone, etc. I have already submitted most of the evidence necessary for us to discuss and so I am unclear why when this puts additional strain on me this must be conducted in this manner.

Eliot

From: Miller, Ryan W. [<mailto:MillerR@pbso.org>]
Sent: Tuesday, January 28, 2014 7:26 AM
To: Eliot Ivan Bernstein
Subject: RE: Eliot Bernstein

Mr. Bernstein,

I received the message from your wife stating that you had to cancel this week's meeting. Please let me know when you are feeling better.

Thank you,

Det. Ryan Miller

From: Miller, Ryan W.
Sent: Thursday, January 23, 2014 2:04 PM
To: 'Eliot Ivan Bernstein'
Subject: RE: Eliot Bernstein

Ok, confirmed!

Date & time: Wednesday, Jan. 29, 2014 @ 10:00 am
Location: PBSO, West Boca Sub-station (same as before)

Thanks

From: Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]
Sent: Thursday, January 23, 2014 12:17 PM
To: Miller, Ryan W.
Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.
Subject: RE: Eliot Bernstein

Thanks, here are a few times, let me know. Also, does Captain Gregg know about this meeting and will she be attending?

Tuesday at 11:00am, have court before this at 8:45am
Wed at 10:00am works good.

Eliot

From: Miller, Ryan W. [<mailto:MillerR@pbso.org>]
Sent: Thursday, January 23, 2014 10:54 AM
To: Eliot Ivan Bernstein
Subject: RE: Eliot Bernstein

Mr. Bernstein,

Please provide me a FEW dates and times to choose from, so that I can coordinate things. They will need to be on a Tuesday, Wednesday, Thursday, or Friday.

Thank you,

Det. Ryan Miller #7704
Palm Beach Co Sheriff's Office
Special Investigations Division
(Financial Crimes Unit)
Desk: 561-688-4077

-----Original Message-----

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]

Sent: Thursday, January 23, 2014 10:44 AM

To: Miller, Ryan W.

Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Andrew R. Dietz @ Rock It Cargo USA

Subject: RE: Eliot Bernstein

Thank you for understanding, I too am feeling a bit of this bug, can we schedule for Monday at say 10:30am at Boca station. Thanks, Eliot

-----Original Message-----

From: Miller, Ryan W. [mailto:MillerR@pbso.org]

Sent: Thursday, January 23, 2014 9:52 AM

To: Eliot Ivan Bernstein

Subject: RE: Eliot Bernstein

Mr. Bernstein,

Sorry to hear that your son is ill. Please let me know a few dates and times you are available to meet (reschedule), so that I can coordinate things accordingly.

Thank you,

Det. Ryan Miller #7704
Palm Beach Co Sheriff's Office
Special Investigations Division
(Financial Crimes Unit)
Desk: 561-688-4077

-----Original Message-----

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]

Sent: Thursday, January 23, 2014 7:03 AM

To: Miller, Ryan W.

Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Andrew R. Dietz @ Rock It Cargo USA

Subject: RE: Eliot Bernstein

That will not work for me, I have to be back in Boca after court and then I was coming to see you. Can you please identify who will be at this meeting and if I can call in other parties who are waiting to know. Thanks.

Eliot

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>

NOTICE: Due to Presidential Executive Orders, the National Security Agency may have read this email without warning, warrant, or notice. They may do this without any judicial or legislative oversight and it can happen to ordinary Americans like you and me. You have no recourse nor protection save to vote against any incumbent endorsing such unlawful acts.

CONFIDENTIALITY NOTICE:

This message and any attachments are covered by the Electronic Communications Privacy Act, 18 U.S.C. 55 2510-2521.

This e-mail message is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message or call (561) 245-8588. If you are the intended recipient but do not wish to receive communications through this medium, please so advise the sender immediately.

*The Electronic Communications Privacy Act, 18 U.S.C. 119 Sections 2510-2521 et seq., governs distribution of this "Message," including attachments. The originator intended this Message for the specified recipients only; it may contain the originator's confidential and proprietary information. The originator hereby notifies unintended recipients that they have received this Message in error, and strictly proscribes their Message review, dissemination, copying, and content-based actions. Recipients-in-error shall notify the originator immediately by e-mail, and delete the original message. Authorized carriers of this message shall expeditiously deliver this Message to intended recipients. See: Quon v. Arch. *Wireless Copyright Notice*. Federal and State laws govern copyrights to this Message. You must have the originator's full written consent to alter, copy, or use this Message. Originator acknowledges others' copyrighted content in this Message. Otherwise, Copyright C 2011 by originator Eliot Ivan Bernstein, iviewit@iviewit.tv and www.iviewit.tv. All Rights Reserved.

-----Original Message-----

From: Miller, Ryan W. [<mailto:MillerR@pbs.org>]

Sent: Thursday, January 23, 2014 6:53 AM

To: Eliot Ivan Bernstein

Subject: RE: Eliot Bernstein

since you will be east off 95 you can always just come to our office off 95 and southern. Then we do not have to drive down to wesy Boca hoping you get out on time. Let me know what works.

Det. Ryan Miller

Eliot Ivan Bernstein <iviewit@iviewit.tv> wrote:

Hi Detective Miller - I was just inundated with new filings slipped in at about 5pm for the hearing tomorrow from all the counsel and pr's resigning.

Thus, I may be in court longer than was originally expected and we can either postpone or I can keep you updated tomorrow on the fly. Let me know.

Eliot

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<<mailto:iviewit@iviewit.tv>>

<http://www.iviewit.tv><<http://www.iviewit.tv/>>

NOTICE: Due to Presidential Executive Orders, the National Security Agency may have read this email without warning, warrant, or notice. They may do this without any judicial or legislative oversight and it can happen to ordinary Americans like you and me. You have no recourse nor protection save to vote against any incumbent endorsing such unlawful acts.

CONFIDENTIALITY NOTICE:

This message and any attachments are covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521. This e-mail message is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message or call (561) 245-8588. If you are the intended recipient but do not wish to receive communications through this medium, please so advise the sender immediately.

*The Electronic Communications Privacy Act, 18 U.S.C. 119 Sections 2510-2521 et seq., governs distribution of this "Message," including attachments. The originator intended this Message for the specified recipients only; it may contain the originator's confidential and proprietary information. The originator hereby notifies unintended recipients that they have received this Message in error, and strictly proscribes their Message review, dissemination, copying, and content-based actions. Recipients-in-error shall notify the originator immediately by e-mail, and delete the original message. Authorized carriers of this message shall expeditiously deliver this Message to intended recipients. See: Quon v. Arch.

Wireless Copyright Notice. Federal and State laws govern copyrights to this Message. You must have the originator's full written consent to alter, copy, or use this Message. Originator acknowledges others' copyrighted content in this Message. Otherwise, Copyright © 2011 by originator Eliot Ivan Bernstein, iviewit@iviewit.tv and www.iviewit.tv. All Rights Reserved.

Bozdech, Sean A.

From: Miller, Ryan W.
Sent: Thursday, January 09, 2014 2:17 PM
To: Bozdech, Sean A.
Subject: FW: Candace & Eliot Bernstein Petitions to Appoint Oppenheimer Trust Company as Successor Trustee

Next e-mail acknowledging sisters don't want to prosecute.

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]
Sent: Thursday, September 12, 2013 4:14 PM
To: Miller, Ryan W.
Cc: Carollne Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA
Subject: RE: Candace & Eliot Bernstein Petitions to Appoint Oppenheimer Trust Company as Successor Trustee

Det Miller, in furtherance of my email below, I admit to making a slight math error in the number of people that would be claiming that the forged and fraudulent documents were now ok by them and signing whatever waiver Tescher & Spallina, P.A. has prepared for them in efforts to now cover up for his law firms criminal acts of forgery and fraud, notary public fraud, fraud on a court and possibly mail and wire fraud. I stated below that 4/5 of the parties (Ted, Pam, Jill and Lisa) were onboard together in claiming that they had previously agreed to the terms of that original waiver and were therefore ok with it being later forged and fraudulently submitted in their names to the Probate court, as they claim it wouldn't change anything. However, the number should be 4/6 of the parties to the forged and fraudulent waivers agree on the terms that they signed in the previously forged and fraudulent waivers and were therefore ok with the forgery and fraud going forward, yet, I am fairly certain that my father will not be signing the new waiver Tescher and Spallina have prepared claiming everyone but myself is ok with their prior crimes, unless perhaps they will again sign and notarize my father's name after his death as with his prior waiver. Without my father's agreement and consent currently that,

1. the prior forged and fraudulent document is ok by him,
2. he is waiving his rights to seek prosecution for the felony crimes committed against him after his death by forging his name,
3. he is signing the new waiver Spallina and Tescher have prepared for Ted, Pam, Jill and Lisa to sign vindicating them in their criminal actions and Moran's,
4. the distribution scheme changing the beneficiaries that was proposed was final and agreed to by all six parties, and,
5. the changes to the estate were filed and signed properly despite their lacking proper notarization evidencing that he appeared before the notary and certain documents were forged after his death,

as is apparently being alleged by the other 4/6 parties, we cannot be sure my father would now be ok with any of these new claims as he is no longer with us for almost a year to the day. Therefore, my father will not be able to give his signature, consent, approval and acknowledgement of any proposed new waiver or confirmation of any supposed oral agreements made in the past to get the waivers originally. I have alleged that with the admission of notary forgery and fraud in the estate pertaining to my father's signature on his original waiver, signed after his death, that I am still uncertain if my father ever signed any of the documents in the estate while he was alive, including but not limited to, his improperly notarized and witnessed Will and Amended Trust on file, which the notarizations all fail to state if he appeared before the notary when signing, which will most likely invalidate the near deathbed changes entirely. The new attempt to cover up this matter by the parties attempting to make these claims through signing new waivers and claiming that everyone but me is onboard, when only 4/6 appear to be, calls for further need for a full and formal investigation into the felony crimes admitted to by Tescher & Spallina P.A. and Moran with the six waivers and those

alleged in Petition 1-7 below. Without the main party, my father's consent to any proposed new waiver and verification that he actually signed any alleged agreed changes this plan seems an exercise in futility to me. The same questions about forgery and fraud will also have to next be addressed again in regard to the newly discovered improperly notarized documents on file in both my parents estates that were not a part of the original complaint with the Florida Governor's office regarding the Notary Forgery and Fraud, which all documents now become suspect where Tescher & Spallina, P.A. and Moran are involved after admitting felony acts, as it appears a pattern and practice is emerging regarding the validity of these major beneficiary changing documents in the estates and how they are being used in the other financial and other crimes alleged in Petitions 1-7 below. Eliot

Det Miller, I just spoke with Lisa and Jill, my sisters, who claimed to have spoken with you. Based on their statements to me, it appears that they now may be aiding and abetting the criminal fraud and forgery admitted to by Tescher & Spallina, P.A., through their legal assistant/notary Moran, where they are wholly responsible for her acts for the law firm under Florida law, in efforts to cover up the crimes admitted to. My sisters both told me that they were ok with the fraudulent and forged documents and stated so to you and did not want to press charges against the law firm or Moran. The reason I further believe they may not only be aiding and abetting but actually participating in further fraud, is due to the Response by Ted (my brother) and Adam Simon, Esq. (my sister Pam's brother in law) to Jackson National Insurance Company's counter complaint against them in the Northern District of Illinois, whereby they claim that "4/5" of Simon's children (Ted, Pam, Jill and Lisa) are claiming that the beneficiaries of a large life insurance policy are believed by them, to be them, despite the carriers contention that the death benefit claim is deficient and the beneficiary may not even "exist." I have been added by Jackson as a Defendant in that Federal case and my response is due shortly and I will send you a copy when completed. After reading that in the pleadings and hearing their statements today that the forgery of documents was ok with them, I believe that they too may be participating in the alleged frauds taking place, as outlined in the Petitions 1-7 below and therefore may have much to lose with an investigation by your offices. Until these events I was not certain where they stood in relation to the frauds but this appears to put them on the side of Ted and Pam who have already been alleged to be committing a variety of frauds with Tescher and Spallina.

As you may not be aware, in the creditor claim of Stansbury v. Ted Bernstein in my father's estate, my brother Ted is also being alleged there to be signing checks fraudulently and converting the monies to himself and more. As these family members are the same 4/5 that were boycotting my father with all their children for over a year prior to his death and Ted and Pam are alleged to have been pressuring my father to make the near deathbed estates changes, I am not at all surprised at their claims that criminal forgery and fraud is ok. It should be noted that they may also have been upset that even after Simon had allegedly made the changes to his estate (as the Will and Amended Trust are also improperly notarized and may not hold up as legal) they were still excluded from the estate, as he allegedly elected their children as beneficiaries and not them. Thus, all these efforts may be additionally to fraudulently convert monies from the grandchildren to the children and in Ted and Pam's instance their children are adults already and thus again they are wholly excluded unless successful in these alleged crimes which inure them benefits directly. They also both claimed that nothing changed with the forged and fraudulent documents in the outcome of the distributions of the estates, which is wholly false, as beneficial interests and beneficiaries change entirely if the document is rescinded in the end as fraudulent and even if that document were to survive, it is doubtful the Will of Simon and his Amended Trust will survive being legally deficient in notarization. If you have any questions please feel free to call.

i. May 6, 2013 EIB filed Docket #23 an "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" ("Petition 1").

a. www.iviewit.tv/20130506PetitionFreezeEstates.pdf 15th Judicial Florida Probate Court and

b. www.iviewit.tv/20130512MotionRehearReopenObstruction.pdf US District Court Pages 156-582

ii. May 29, 2013, EIB filed Docket #28 "RENEWED EMERGENCY PETITION" ("Petition 2")

a. www.iviewit.tv/20130529RenewedEmergencyPetitionSimon.pdf

iii. June 26, 2013, EIB filed Docket #31 "MOTION TO: CONSIDER IN ORDINARY COURSE THE 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 FILED BY PETITIONER" ("Petition 3")

- a. www.iviewit.tv/20130626MotionReconsiderOrdinaryCourseSimon.pdf
- iv. July 15, 2013, EIB filed Docket #32 "MOTION TO RESPOND TO THE PETITIONS BY THE RESPONDENTS" ("Petition 4")
- a. www.iviewit.tv/20130714MotionRespondPetitionSimon.pdf
- v. July 24, 2013, EIB filed Docket #33 "MOTION TO REMOVE PERSONAL REPRESENTATIVES" for insurance fraud and more. ("Petition 5")
- a. www.iviewit.tv/20130724SimonMotionRemovePR.pdf
- vi. August 28, 2013, EIB filed Docket #TBD "NOTICE OF MOTION FOR: INTERIM DISTRIBUTION FOR BENEFICIARIES NECESSARY LIVING EXPENSES, FAMILY ALLOWANCE, LEGAL COUNSEL EXPENSES TO BE PAID BY PERSONAL REPRESENTATIVES AND REIMBURSEMENT TO BENEFICIARIES SCHOOL TRUST FUNDS" ("Petition 6")
- a. www.iviewit.tv/20130828MotionFamilyAllowanceShirley.pdf
- vii. September 04, 2013, EIB filed Docket #TBD "NOTICE OF EMERGENCY MOTION TO FREEZE ESTATES OF SIMON BERNSTEIN DUE TO ADMITTED AND ACKNOWLEDGED NOTARY PUBLIC FORGERY, FRAUD AND MORE BY THE LAW FIRM OF TESCHER & SPALLINA, P.A., ROBERT SPALLINA AND DONALD TESCHER ACTING AS ALLEGED PERSONAL REPRESENTATIVES AND THEIR LEGAL ASSISTANT AND NOTARY PUBLIC, KIMBERLY MORAN: MOTION FOR INTERIM DISTRIBUTION DUE TO EXTORTION BY ALLEGED PERSONAL REPRESENTATIVES AND OTHERS; MOTION TO STRIKE THE MOTION OF SPALLINA TO REOPEN THE ESTATE OF SHIRLEY; CONTINUED MOTION FOR REMOVAL OF ALLEGED PERSONAL REPRESENTATIVES AND ALLEGED SUCCESSOR TRUSTEE. ("Petition 7")
- a. www.iviewit.tv/20130904MotionFreezeEstatesShirleyDueToAdmittedNotaryFraud.pdf

Eliot

From: Miller, Ryan W. [mailto:MillerR@pbso.org]
Sent: Tuesday, September 10, 2013 9:25 AM
To: Eliot Ivan Bernstein
Subject: RE: Candace & Eliot Bernstein Petitions to Appoint Oppenheimer Trust Company as Successor Trustee

Eliot,

Do you have phone numbers for your siblings up north? They did not respond to my e-mail. Otherwise I will have to send them a contact letter via U.S. Mail. I need to speak with them before I can move forward on this case.

Thank you,

Det. Ryan Miller #7704
Palm Beach Co Sheriff's Office
Special Investigations Division
(Financial Crimes Unit)
Desk: 561-688-4077
Cell: 561-389-8655

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]
Sent: Tuesday, September 10, 2013 8:52 AM
To: Miller, Ryan W.
Subject: FW: Candace & Eliot Bernstein Petitions to Appoint Oppenheimer Trust Company as Successor Trustee

From: Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]

Sent: Tuesday, September 10, 2013 8:51 AM

To: Hunt Worth ~ President @ Oppenheimer Trust Company (Hunt.Worth@opco.com); Janet Craig, CTFA ~ Senior Vice President & Compliance Officer @ Oppenheimer Trust Company (Janet.Craig@opco.com)

Cc: Caroline Prochotska Rogers Esq. (caroline@cp Rogers.com); Michele M. Mulrooney ~ Partner @ Venable LLP (mmulrooney@Venable.com); Andrew R. Dietz @ Rock It Cargo USA

Subject: FW: Candace & Eliot Bernstein Petitions to Appoint Oppenheimer Trust Company as Successor Trustee

Hunt, the attached documents regarding the alleged trusts you have sent today in two emails that you are operating under as fiduciary, appear to be incomplete and missing signatures and further in one instance improperly attested to. In certain instances, the trusts are not initialed on each page as intended. On a Notarized document submitted to the Probate Court with your name as the signor, the Notary did not complete the form properly, as appears a pattern and practice in documents involving the estates at this point, as you are aware. Please send over your complete files on these accounts as previously requested and please have all documents you sent verified and certified by Oppenheimer to be true and correct copies of what you have on file as previously requested. Finally, for future reference my wife Candice's name is spelled with an i not an a. Eliot

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>

NOTICE: Due to Presidential Executive Orders, the National Security Agency may have read this email without warning, warrant, or notice. They may do this without any judicial or legislative oversight and it can happen to ordinary Americans like you and me. You have no recourse nor protection save to vote against any incumbent endorsing such unlawful acts.

CONFIDENTIALITY NOTICE:

This message and any attachments are covered by the Electronic Communications Privacy Act, 18 U.S.C. SS 2510-2521. This e-mail message is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message or call (561) 245-8588. If you are the intended recipient but do not wish to receive communications through this medium, please so advise the sender immediately.

*The Electronic Communications Privacy Act, 18 U.S.C. 119 Sections 2510-2521 et seq., governs distribution of this "Message," including attachments. The originator intended this Message for the specified recipients only; it may contain the originator's confidential and proprietary information. The originator hereby notifies unintended recipients that they have received this Message in error, and strictly proscribes their Message review, dissemination, copying, and content-based actions. Recipients-in-error shall notify the originator immediately by e-mail, and delete the original message. Authorized carriers of this message shall expeditiously deliver this Message to intended recipients. See: Quon v. Arch.

Wireless Copyright Notice. Federal and State laws govern copyrights to this Message. You must have the originator's full written consent to alter, copy, or use this Message. Originator acknowledges others' copyrighted content in this Message. Otherwise, Copyright © 2011 by originator Eliot Ivan Bernstein, iviewit@iviewit.tv and www.iviewit.tv. All Rights Reserved.

From: Worth, Hunt [<mailto:Hunt.Worth@opco.com>]

Sent: Monday, September 9, 2013 2:03 PM

To: 'Eliot Bernstein (iviewit@gmail.com)'

Subject: Candace & Eliot Bernstein Petitions to Appoint Oppenheimer Trust Company as Successor Trustee

Mr. Bernstein:

Attached please find the June 18, 2010 Petitions by you and Mrs. Bernstein seeking to have Oppenheimer Trust Company Appointed as Successor Trustee.

Hunt Worth
Oppenheimer Trust Company
215-656-2815

This communication and any attached files may contain information that is confidential or privileged. If this communication has been received in error, please delete or destroy it immediately. Please go to www.opco.com/EmailDisclosures

Bozdech, Sean A.

From: Miller, Ryan W.
Sent: Thursday, January 09, 2014 2:08 PM
To: Bozdech, Sean A.
Subject: FW: Investigation / Documents

Importance: High

This is also an attempt to contact siblings.

From: Miller, Ryan W.
Sent: Thursday, September 05, 2013 2:50 PM
To: 'lisa.friedstein@gmail.com'; 'jilliantoni@gmail.com'; 'psimon@stpcorp.com'
Subject: Investigation / Documents
Importance: High

Greetings,

I am looking into a criminal case that was filed with the Palm Beach County Sheriff's Office by Eliot Bernstein. I would like to speak with you reference this case. You are not a target of this investigation, yet may be a witness. Could you please call me or reply with a phone number that I can reach you at? The case number to reference is 13-097087.

Thank you,

Det. Ryan Miller #7704
Palm Beach Co Sheriff's Office
Special Investigations Division
(Financial Crimes Unit)
Desk: 561-688-4077
Cell: 561-389-8655

Bozdech, Sean A.

From: Miller, Ryan W.
Sent: Thursday, January 09, 2014 1:31 PM
To: Bozdech, Sean A.
Subject: FW: SERVICE OF MOTION - ESTATE OF SIMON BERNSTEIN CASE NO. 502012CP004391XXXXSB

Me asking him for contact info & his first response.

From: Eliot Ivan Bernstein [mailto:iviewit@ivlewit.tv]
Sent: Thursday, September 05, 2013 2:45 PM
To: Miller, Ryan W.
Subject: RE: SERVICE OF MOTION - ESTATE OF SIMON BERNSTEIN CASE NO. 502012CP004391XXXXSB

Respondents sent US Mail, Fax and Email

Robert L. Spallina, Esq.
Teschler & Spallina, P.A.
Boca Village Corporate Center I
4855 Technology Way
Suite 720
Boca Raton, FL 33431
rspallina@tescherspallina.com

Donald Tescher, Esq.
Teschler & Spallina, P.A.
Boca Village Corporate Center I
4855 Technology Way
Suite 720
Boca Raton, FL 33431
dtescher@tescherspallina.com

Theodore Stuart Bernstein
Life Insurance Concepts
950 Peninsula Corporate Circle, Suite 3010
Boca Raton, Florida 33487
tbernstein@lifeinsuranceconcepts.com

Interested Parties and Trustees for Beneficiaries

Lisa Sue Friedstein
2142 Churchill Lane
Highland Park IL 60035
Lisa@friedsteins.com
lisa.friedstein@gmail.com

Jill Marla Iantoni
2101 Magnolia Lane

Highland Park, IL 60035
jilliantoni@gmail.com
lantoni_jill@ne.bah.com

Pamela Beth Simon
950 North Michigan Avenue
Suite 2603
Chicago, IL 60611
psimon@stpcorp.com

Eliot Ivan Bernstein
2753 NW 34th St.
Boca Raton, FL 33434
iviewit@iviewit.tv
iviewit@gmail.com

From: Miller, Ryan W. [<mailto:MillerR@pbso.org>]
Sent: Thursday, September 5, 2013 2:14 PM
To: Eliot Ivan Bernstein
Subject: RE: SERVICE OF MOTION - ESTATE OF SIMON BERNSTEIN CASE NO. 502012CP004391XXXXSB

Eliot,

Do you have contact information for Lisa, Pamela, Ted, and Jill? If so, can I please have that. I need to reach out to each of them.

Thank you,

Det. Ryan Miller #7704
Palm Beach Co Sheriff's Office
Special Investigations Division
(Financial Crimes Unit)
Desk: 561-688-4077
Cell: 561-389-8655

From: Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]
Sent: Wednesday, September 04, 2013 2:49 PM
To: Miller, Ryan W.
Subject: FW: SERVICE OF MOTION - ESTATE OF SIMON BERNSTEIN CASE NO. 502012CP004391XXXXSB

Same motion basically as last but in my father's case.

From: Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]
Sent: Wednesday, September 4, 2013 12:31 PM
To: Robert L. Spallina, Esq. ~ Attorney at Law @ Tescher & Spallina, P.A. (rspallina@tescherspallina.com); Donald R. Tescher ~ Attorney at Law @ Tescher & Spallina, P.A. (dtescher@tescherspallina.com); Ted Bernstein; Pamela Beth Simon (psimon@stpcorp.com); Jill M. Iantoni (jilliantoni@gmail.com); Jill M. Iantoni (Iantoni_jill@ne.bah.com); Lisa (lisa.friedstein@gmail.com); Lisa S. Friedstein (Lisa@friedsteins.com)
Subject: SERVICE OF MOTION - ESTATE OF SIMON BERNSTEIN CASE NO. 502012CP004391XXXXSB

Please accept the attached PDF file as service of the "NOTICE OF EMERGENCY MOTION TO FREEZE ESTATES OF SIMON BERNSTEIN DUE TO ADMITTED AND ACKNOWLEDGED NOTARY PUBLIC FORGERY, FRAUD AND MORE BY THE LAW FIRM OF TESCHER & SPALLINA, P.A., ROBERT SPALLINA AND DONALD TESCHER ACTING AS ALLEGED PERSONAL REPRESENTATIVES AND THEIR LEGAL ASSISTANT AND NOTARY PUBLIC, KIMBERLY MORAN: MOTION FOR INTERIM DISTRIBUTION DUE TO EXTORTION BY ALLEGED PERSONAL REPRESENTATIVES AND OTHERS; MOTION TO STRIKE THE MOTION OF SPALLINA TO REOPEN THE ESTATE OF SHIRLEY; CONTINUED MOTION FOR REMOVAL OF ALLEGED PERSONAL REPRESENTATIVES AND ALLEGED SUCCESSOR TRUSTEE" submitted IN THE CIRCUIT COURT OF THE FIFTEEN JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA. If you have any trouble with this email or the attached file please notify the sender and a new copy will be forwarded, for a printable copy please visit the URL www.iviewit.tv/20130904MotionFreezeEstatesSimonDueToAdmittedNotaryFraud.pdf

Thank you,

Eliot

Eliot I. Bernstein
Inventor
Iviewit Holdings, Inc. – DL
2753 N.W. 34th St.
Boca Raton, Florida 33434-34S9
(561) 245.8588 (o)
(561) 886.7628 (c)
(561) 245-8644 (f)
iviewit@iviewit.tv
<http://www.iviewit.tv>

NOTICE: Due to Presidential Executive Orders, the National Security Agency may have read this email without warning, warrant, or notice. They may do this without any judicial or legislative oversight and it can happen to ordinary Americans like you and me. You have no recourse nor protection save to vote against any incumbent endorsing such unlawful acts.

CONFIDENTIALITY NOTICE:

This message and any attachments are covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521. This e-mail message is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message or call (561) 245-8588. If you are the intended recipient but do not wish to receive communications through this medium, please so advise the sender immediately.

*The Electronic Communications Privacy Act, 18 U.S.C. 119 Sections 2510-2521 et seq., governs distribution of this "Message," including attachments. The originator intended this Message for the specified recipients only; it may contain the originator's confidential and proprietary information. The originator hereby notifies unintended recipients that they have received this Message in error, and strictly proscribes their Message review, dissemination, copying, and content-based actions. Recipients-in-error shall notify the originator immediately by e-mail, and delete the original message. Authorized carriers of this message shall expeditiously deliver this Message to intended recipients. See: Quon v. Arch. *Wireless Copyright Notice*. Federal and State laws govern copyrights to this Message. You must have the originator's full written consent to alter, copy, or use this Message. Originator acknowledges others' copyrighted content in this Message. Otherwise, Copyright © 2011 by originator Eliot Ivan Bernstein, iviewit@iviewit.tv and www.iviewit.tv. All Rights Reserved.

Bozdech, Sean A.

From: Miller, Ryan W.
Sent: Thursday, January 09, 2014 1:33 PM
To: Bozdech, Sean A.
Subject: FW: Case # 13097087 - RE: Candace & Eliot Bernstein Petitions to Appoint Oppenheimer Trust Company as Successor Trustee

Me asking now for more info since I did not get responses to e-mails. This time I asked for phone numbers. His response.

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]
Sent: Tuesday, September 10, 2013 11:06 AM
To: Miller, Ryan W.
Subject: Case # 13097087 - RE: Candace & Eliot Bernstein Petitions to Appoint Oppenheimer Trust Company as Successor Trustee

Telephone numbers as requested.

Robert L. Spallina, Esq.
Tescher & Spallina, P.A.
Boca Village Corporate Center I
4855 Technology Way
Suite 720
Boca Raton, FL 33431
rspallina@tescherspallina.com
(561) 997-7008

Donald Tescher, Esq.
Tescher & Spallina, P.A.
Boca Village Corporate Center I
4855 Technology Way
Suite 720
Boca Raton, FL 33431
dtescher@tescherspallina.com
(561) 997-7008

Theodore Stuart Bernstein
Life Insurance Concepts
950 Peninsula Corporate Circle, Suite 3010
Boca Raton, Florida 33487
tbernstein@lifeinsuranceconcepts.com
561-988-8984
866.395.8984
561-988-0833 (fax)

Interested Parties and Trustees for Beneficiaries

Lisa Sue Friedstein
2142 Churchill Lane
Highland Park IL 60035

lisa@friedsteins.com
lisa.friedstein@gmail.com
847-877-4633

Jill Marla Iantoni
2101 Magnolia Lane
Highland Park, IL 60035
jilliantoni@gmail.com
iantoni_jill@ne.bah.com
847-831-4915
312-804-2318

Pamela Beth Simon
950 North Michigan Avenue
Suite 2603
Chicago, IL 60611
psimon@stpcorp.com
312-819-7474

Eliot Ivan Bernstein
2753 NW 34th St.
Boca Raton, FL 33434
iviewit@iviewit.tv
iviewit@gmail.com
561-245-8588
561-886-7628

From: Miller, Ryan W. [<mailto:MillerR@pbso.org>]
Sent: Tuesday, September 10, 2013 9:25 AM
To: Eliot Ivan Bernstein
Subject: RE: Candace & Eliot Bernstein Petitions to Appoint Oppenheimer Trust Company as Successor Trustee

Eliot,

Do you have phone numbers for your siblings up north? They did not respond to my e-mail. Otherwise I will have to send them a contact letter via U.S. Mail. I need to speak with them before I can move forward on this case.

Thank you,

Det. Ryan Miller #7704
Palm Beach Co Sheriff's Office
Special Investigations Division
(Financial Crimes Unit)
Desk: 561-688-4077
Cell: 561-389-8655

From: Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]
Sent: Tuesday, September 10, 2013 8:52 AM
To: Miller, Ryan W.
Subject: FW: Candace & Eliot Bernstein Petitions to Appoint Oppenheimer Trust Company as Successor Trustee

From: Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]

Sent: Tuesday, September 10, 2013 8:51 AM

To: Hunt Worth ~ President @ Oppenheimer Trust Company (Hunt.Worth@opco.com); Janet Craig, CTFA ~ Senior Vice President & Compliance Officer @ Oppenheimer Trust Company (Janet.Craig@opco.com)

Cc: Caroline Prochotska Rogers Esq. (caroline@cprogers.com); Michele M. Mulrooney ~ Partner @ Venable LLP (mmulrooney@Venable.com); Andrew R. Dietz @ Rock It Cargo USA

Subject: FW: Candace & Eliot Bernstein Petitions to Appoint Oppenheimer Trust Company as Successor Trustee

Hunt, the attached documents regarding the alleged trusts you have sent today in two emails that you are operating under as fiduciary, appear to be incomplete and missing signatures and further in one instance improperly attested to. In certain instances, the trusts are not initialed on each page as intended. On a Notarized document submitted to the Probate Court with your name as the signor, the Notary did not complete the form properly, as appears a pattern and practice in documents involving the estates at this point, as you are aware. Please send over your complete files on these accounts as previously requested and please have all documents you sent verified and certified by Oppenheimer to be true and correct copies of what you have on file as previously requested. Finally, for future reference my wife Candice's name is spelled with an i not an a. Eliot

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>

NOTICE: Due to Presidential Executive Orders, the National Security Agency may have read this email without warning, warrant, or notice. They may do this without any judicial or legislative oversight and it can happen to ordinary Americans like you and me. You have no recourse nor protection save to vote against any incumbent endorsing such unlawful acts.

CONFIDENTIALITY NOTICE:

This message and any attachments are covered by the Electronic Communications Privacy Act, 18 U.S.C. SS 2510-2521. This e-mail message is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message or call (561) 245-8588. If you are the intended recipient but do not wish to receive communications through this medium, please so advise the sender immediately.

*The Electronic Communications Privacy Act, 18 U.S.C. 119 Sections 2510-2521 et seq., governs distribution of this "Message," including attachments. The originator intended this Message for the specified recipients only; it may contain the originator's confidential and proprietary information. The originator hereby notifies unintended recipients that they have received this Message in error, and strictly proscribes their Message review, dissemination, copying, and content-based actions. Recipients-in-error shall notify the originator immediately by e-mail, and delete the original message. Authorized carriers of this message shall expeditiously deliver this Message to intended recipients. See: Quon v. Arch.

Wireless Copyright Notice. Federal and State laws govern copyrights to this Message. You must have the originator's full written consent to alter, copy, or use this Message. Originator acknowledges others' copyrighted content in this Message. Otherwise, Copyright © 2011 by originator Eliot Ivan Bernstein, iviewit@iviewit.tv and www.iviewit.tv. All Rights Reserved.

From: Worth, Hunt [<mailto:Hunt.Worth@opco.com>]
Sent: Monday, September 9, 2013 2:03 PM
To: 'Eliot Bernstein (iviewit@gmail.com)'
Subject: Candace & Eliot Bernstein Petitions to Appoint Oppenheimer Trust Company as Successor Trustee

Mr. Bernstein:

Attached please find the June 18, 2010 Petitions by you and Mrs. Bernstein seeking to have Oppenheimer Trust Company Appointed as Successor Trustee.

Hunt Worth
Oppenheimer Trust Company
215-656-2815

This communication and any attached files may contain information that is confidential or privileged. If this communication has been received in error, please delete or destroy it immediately. Please go to www.opco.com/EmailDisclosures

Bozdech, Sean A.

From: Miller, Ryan W.
Sent: Thursday, January 09, 2014 1:38 PM
To: Bozdech, Sean A.
Subject: FW: Notarized Docs

From sister Lisa Friedstein.

From: Lisa Friedstein [<mailto:lisa.friedstein@gmail.com>]
Sent: Tuesday, September 10, 2013 6:29 PM
To: Miller, Ryan W.
Subject: Re: Notarized Docs

Yes, I do not wish to pursue a criminal investigation at this time.
Thank you,
Lisa Friedstein

Miller, Ryan W. wrote:

Lisa,

Per our conversation today, is it fair for me to say that you do not wish to pursue a criminal investigation referenc the notarized documents?

Thank you,

/Det. Ryan Miller #7704/

Palm Beach Co Sheriff's Office

Special Investigations Division

(Financial Crimes Unit)

*Desk:***561-688-4077***

*Cell: **561-389-8655***

Bozdech, Sean A.

From: Miller, Ryan W.
Sent: Thursday, January 09, 2014 1:40 PM
To: Bozdech, Sean A.
Subject: FW: Shirley Bernstein Estate Docs

Sent this to other sister Jill, just after I spoke with her. She never responded back.

From: Miller, Ryan W.
Sent: Tuesday, September 10, 2013 4:34 PM
To: 'jilliantoni@gmail.com'
Subject: Shirley Bernstein Estate Docs

Jill,

Thank you for taking the time to speak with me today. Per our conversation, I am understanding it correctly, that you do not wish to pursue anything criminally against the notary at Tescher & Spallina for forging your name on the October 1, 2012 waiver?

Thanks,

Det. Ryan Miller #7704
Palm Beach Co Sheriff's Office
Special Investigations Division
(Financial Crimes Unit)
Desk: 561-688-4077
Cell: 561-389-8655

Bozdech, Sean A.

From: Miller, Ryan W.
Sent: Thursday, January 09, 2014 1:45 PM
To: Bozdech, Sean A.
Subject: FW: PBSO / Shirley Bernstein Estate

This is the only sibling I never spoke with. From what I understand, this is common for her. Her siblings told me she is very much into her career. I tried phone & e-mail.

From: Miller, Ryan W.
Sent: Wednesday, September 11, 2013 11:20 AM
To: 'psimon@stpcorp.com'
Subject: PBSO / Shirley Bernstein Estate

Greetings Ms. Simon,

I left a message on your work phone yesterday. Could you please call me when you get a chance? My numbers are listed below.

Thank you,

Det. Ryan Miller #7704
Palm Beach Co Sheriff's Office
Special Investigations Division
(Financial Crimes Unit)
Desk: 561-688-4077
Cell: 561-389-8655

Bozdech, Sean A.

From: Miller, Ryan W.
Sent: Thursday, January 09, 2014 1:47 PM
To: Bozdech, Sean A.
Subject: FW: Shirley Bernstein Estate Waiver / PBSO report

This brother is local. I ended up speaking with him in person. We played phone tag a bit, then I spoke to him the day I interviewed the suspect. I am checking to see if I recorded the conversation, but it was brief. D/S Mark Berey was present when I spoke with him.

From: Miller, Ryan W.
Sent: Wednesday, September 11, 2013 11:19 AM
To: 'tbernstein@lifeinsuranceconcepts.com'
Subject: Shirley Bernstein Estate Waiver / PBSO report

Greetings Mr. Bernstein,

I left a message on your work phone. Could you please call me when you get a chance? My numbers are listed below.

Thank you,

Det. Ryan Miller #7704
Palm Beach Co Sheriff's Office
Special Investigations Division
(Financial Crimes Unit)
Desk: 561-688-4077
Cell: 561-389-8655

Select Year: 2013

The 2013 Florida Statutes

[Title XLVI](#)
CRIMES

[Chapter 831](#)
FORGERY AND COUNTERFEITING

[View Entire Chapter](#)

831.01 Forgery.—Whoever falsely makes, alters, forges or counterfeits a public record, or a certificate, return or attestation of any clerk or register of a court, public register, notary public, town clerk or any public officer, in relation to a matter wherein such certificate, return or attestation may be received as a legal proof; or a charter, deed, will, testament, bond, or writing obligatory, letter of attorney, policy of insurance, bill of lading, bill of exchange or promissory note, or an order, acquittance, or discharge for money or other property, or an acceptance of a bill of exchange or promissory note for the payment of money, or any receipt for money, goods or other property, or any passage ticket, pass or other evidence of transportation issued by a common carrier, with intent to injure or defraud any person, shall be guilty of a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

History.—s. 1, ch. 1637, 1868; RS 2479; s. 6, ch. 4702, 1899; GS 3359; RGS 5206; CGL 7324; s. 1, ch. 59-31; s. 1, ch. 61-98; s. 959, ch. 71-136; s. 32, ch. 73-334.

Copyright © 1995-2014 The Florida Legislature • [Privacy Statement](#) • [Contact Us](#)

Elliot I. Bernstein
Direct Dial: (561) 245-8588 (o)
(561) 886-7628 (e)

Sent Via Email:

Tuesday, January 7, 2014

Captain Carol Gregg
Palm Beach County Sheriff's Office
17901 US Highway 441
Boca Raton, FL 33498-6445

RE: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

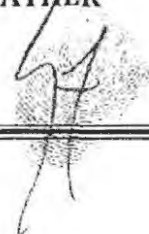
Dear Captain Gregg,

Captain Carol Gregg @ Palm Beach County Sheriff (greggc@pbso.org)

Dear Captain Gregg,

Thank you so much for your patience in listening to my complaints regarding the handling of the cases (13097087), (13097087) & (12121312) filed in 2013 and allowing me the opportunity to present you with supplemental information and evidence so that we ascertain if the PBSO Official Reports were handled correctly and determine if the information in them is factually correct and complete. This review should including review of the ALL the evidence and ALL the alleged crimes against ALL the alleged perpetrators and clearly explain who and what was investigated and what was not and why. I will provide a brief background on the cases first and you may note that there are two similar case numbers filed months apart and I am not sure how that happened but I am sure it can be easily rectified and am awaiting for a call back from PBSO to straighten that out. As these sophisticated financial crimes can be difficult to dissect, I will do my best herein to explain and unravel them and explain how the investigations may have missed key crimes that may lead to a gross miscarriage of justice.

**I. COMPLAINT #1 CASE NUMBER 13097087 - FOR FORGERY,
FRAUD, FRAUD ON A COURT, GRAND THEFT, REAL ESTATE FRAUD,
FRAUD ON BENEFICIARIES OF THE ESTATE, PERJURY, FALSE
OFFICIAL STATEMENTS AND MORE IN REGARDS TO THE ESTATES
OF MY MOTHER AND FATHER**



Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

This case was filed and partially involved a series of alleged, and in some instances now proven, FORGED AND FRAUDULENT documents. The documents were used to Seize Dominion and Control of the Estates of my parents and then begin a series of crimes to loot the Estates of an amount estimated to be about \$40 Million Dollars¹ by members of my family and the Attorneys at Law who did the estate plans of my parents.

1. THE CRIMES OF FORGERY AND FRAUDULENT NOTARIZATIONS ADMITTED TO BY KIMBERLY MORAN.

Within the series of hundreds of documentary evidence submitted to PBSO were six documents, alleged Waivers done in my siblings and my father's names that later were learned to have been WHOLLY created through FORGERY and then a FRAUDULENT NOTARIZATION was affixed to the FORGED documents. One of these documents was FORGED and FRAUDULENTLY NOTARIZED for my Father POST MORTEM and one was done for me without my knowledge or consent.

Arrest has been made of a one Kimberly Moran in this case for these six documents, for six separate people that were FORGED and FRAUDULENTLY NOTARIZED and she has Admitted FORGING THEM and FRAUDULENTLY NOTARIZING them as noted in the PBSO Report. However, despite this proof of Forgery and Fraud, Detective Miller recommend only to the State Attorney she be charged with one count of violation 843 0855 3. Despite my siblings stating to PBSO that they are OK with their names being FORGED and FRAUDULENT NOTARIZATIONS affixed to documents for them and their deceased Father, these are still 4 more counts of FORGERY and FRAUDULENT NOTARIZATIONS Moran should be charged with that Detective Miller was fully aware of and chose to selectively prosecute. Finally, I am sure Detective Miller did not get a statement from my Father, whose name was also FORGED and a Waiver FRAUDULENTLY NOTARIZED POST MORTEM for him. Unlike some of his children who find this OK by them, my Father would have not given consent or approved of a document FORGED and FRAUDULENTLY NOTARIZED in his name that was used in his beloved wife's estate and used to fraudulently change he and his wife's last wishes illegally.

Therefore, for this small crime in the larger criminal acts alleged, Moran should be charged with at minimum two counts of Forgery and Fraudulently Notarizing documents, one count for my father and one count for myself. If the State Attorney ("SA") wants to reduce the charges that is OK but Detective Miller must put down in his

¹ The reason the amounts are estimated is due to the fact that Beneficiaries and Interested Parties have been denied the financial information legally owed to them by the Fiduciaries of the Estates, which are those that were complained about in the Report.

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

report all the crimes he was aware of, as he incorrectly states he was unaware of any other crimes but those he charged against Moran. Despite what my siblings said about these crimes being OK by them as indicated in the report and that the documents FORGED and FRAUDULENT in their Father's name that was illegally used to close their Mother's Estate were OK by them, this does not negate the fact that these were criminal acts that Det Miller was cognizant of.

Moran nonetheless should be charged with all six counts of FORGERY and FRAUD that she ADMITTED to PBSO committing. My siblings, who may have all been disinherited at the end by my Father for their torturous treatment of him in the end, as described in my complaint and the evidence submitted, and more specifically two of them who had been disinherited for years, Theodore and Pamela, were trying to force my Father to change his Beneficiaries to include them back into the Estates in the final days before he died. In fact, it should have sent up RED FLAGS that anyone would be OK with FORGED and FRAUDULENT documents done in their names and their deceased Father's name and additional investigation should have been warranted for the suspect statements they made to PBSO trying to exculpate Moran from her crimes that directly benefit them and they may be involved in.

It should be noted that Spallina made false statements to Det. Miller as evidenced in his report, regarding when he knew about the crimes and this has been explained in my attached Letter dated December 03, 2013 to Det. Miller. This shows that Spallina knew about the crimes far earlier than he stated to Det. Miller, and was fully aware of the crimes when he was served Court documents by me that exhibited the Forged and Fraudulent documents in May 2013. Yet, Spallina, my brother and sisters did nothing once they knew of the crimes to report them or Moran to the Courts or Authorities until the day of the September 13, 2013 hearing, when Spallina partially confessed in Court, claiming he was "involved" in the crimes to the Judge as the Attorney. Further, Spallina perjured himself attempting to claim the documents were not Forged to a sitting Judge, Martin Colin and did not admit to that in Court, instead further continuing the Fraud. I also gave Det. Miller a listing of the false statements made in that official proceeding, which also showed Spallina lying and concealing from Judge Colin that Moran's documents were FORGED. Judge Colin even stated that if someone was to prove FORGERY had taken place in the documents it would change everything and that is why getting the counts against Moran of Forgery is important but also charging Spallina for continuing the Fraud in the Court by false official statements is also important. Some of those false statements from the hearing can be found @ www.iviewit.tv/20131010MotionCompelFreezeYouHaveTheRighttoRemainSilent.pdf. Detective Miller also thought last week when we spoke that he had charged Moran with Forgery and when I read him the code he charged her with he was surprised to learn that it did not mention FORGERY.

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

Moran's crimes do not end with the six documents and in the attached Letter dated December 03, 2013 to Detective Miller clear evidence of Perjury and False Official Statements made in three separate official proceedings by Moran is evidenced therein. Three conflicting statements to how and why she did the crimes and where her statements directly influenced his Report unchallenged, as he apparently took her story at face value as to why and how she did the crimes. None of the perjured and false statements were investigated or mentioned in his report, despite the factual and irrefutable evidence of these crimes that was provided to him after reading his report and discovering the conflicting claims made under oath. Evidence submitted to Detective Miller of several other ongoing crimes appears to have been possibly wholly overlooked and in conversation with him last week, he stated he did not read many of the emails I sent to him as part of his investigation. This would presume that he did not review the corresponding evidence attached to each email and yet in his report he states the exact opposite, that he had read all the emails and reviewed several hundred documents and found no other crimes.

2. THE CRIMES ALLEGED AGAINST SPALLINA, TESCHER, MY BROTHER THEODORE AND OTHERS

The FORGED and FRAUDULENT Waivers and OTHER documents then were posited and filed with the Del Ray Beach Probate Court by Attorneys at Law, Robert Spallina, Esq. and Donald Tescher, Esq., of the law firm Tescher & Spallina, P.A., as part of a larger Fraud on the Court and true and proper Beneficiaries to seize Dominion and Control of the Estates. Combined with Moran's documents they were all used to illegally seize Dominion and Control of both my Mother and Father's Estates by giving within them fiduciary controls to Tescher, Spallina and my brother over the Estates. Using this series of documents, some done by Moran and some done by others, the Estate of my Deceased Mother was closed illegally by my Deceased Father, as if he were alive and serving the documents on the Court as the Personal Representative/Executor when he was factually dead at the time. These documents filed with the Court occurred during the period of September 13, 2012 (his DOD) to January 03, 2013 four months after he was dead. These documents were all filed for him POST MORTEM with the Court, as if he were alive and in some of them he is giving sworn statements in the present under penalty of perjury, as the acting (while dead) Personal Representative/Executor at the time. These documents were posited with the Court by Tescher and Spallina illegally for him while dead and knowingly fail to notify the Court he was dead and elect Successors and this represents a whole host of additional and separate Felony Crimes, above and beyond those of Moran that Detective Miller had Prima Facie evidence of. The documents filed for my deceased Father as if he were alive and serving as the Personal Representative/Executor include but are not limited to, the following:

OFFICIAL DOCUMENTS FILED WITH THE COURT AND ACTS DONE

2753 N.W. 34th St. Boca Raton, Florida 33434-3459
(561) 245.8588 (o) / (561) 886.7628 (e) / (561) 245-8644 (f)
iviewit@iviewit.tv - www.iviewit.tv

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

**WHILE SIMON "SERVED" ILLEGALLY AS PERSONAL REPRESENTATIVE
WHILE DEAD²**

- On 24-Oct-2012, Simon while deceased acted as Personal Representative and filed an AFFIDAVIT/STATEMENT RE: CREDITORS, filed by Tescher and Spallina as if Simon were alive and submitting the document as an Affidavit on this date of October 24, 2012. Petitioner alleges that this document is FORGED and FRAUDULENT. This document was alleged signed on April 09, 2012 and not deposited with the Court until October 24, 2012, after his date of death. Spallina files the document for a dead Personal Representative Simon, knowing he was dead at the time he was making the statements to the court and that Simon could not serve anything legally at this time. Further, as was learned in the September 13, 2013 Hearing, Spallina and Tescher failed to notify the Court that Simon was dead and could no longer "serve" as Personal Representative and that this was done with intent and scienter as part of the larger fraud being committed.
- On 24-Oct-2012, Simon while deceased acted as Personal Representative and filed a PETITION FOR DISCHARGE, filed by Tescher and Spallina as if Simon were alive and submitting the Petition on this date alive and in the present. Where almost all of the alleged statements made by Simon under penalty of perjury in this Petition are false no matter what date it was signed or filed. The perjured statements by Simon in this document make it further suspect on the date the document is allegedly signed on April 09, 2012, months prior to positing it with the Court on October 24, 2013 when Simon was already dead. Petitioner alleges this document is Forged and Fraudulent, as there are many problems with the voracity and factual accuracy of the statements made by Simon in the Petition, as virtually every statement made under penalty of perjury on that date of April 09, 2012 when he allegedly signed the document are proven untrue. One instance of these alleged perjurious statements is that Simon allegedly claims in the Petition that he has all the Waivers for the Beneficiaries and Interested Parties, yet his daughter Jill Iantoni ("Iantoni") did not sign and return a Waiver until October 2012 after Simon was dead. How therefore could Simon claim in April 2012 that

² That this listing of items was filed in previous pleadings was filed with incorrect information in the list as to who filed the documents and more and this was due to Petitioner only learning of the Fraud on the Court and these documents in the September 13, 2013 hearing when they were exposed by Your Honor. Thus, Petitioner based information off the docket but upon getting and examining the documents it was learned that some of the prior statements were wrong and have been corrected herein after review of the documents and therefore any reference prior to this list should be replaced with this Amended version.

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

he had all the Waivers at any time when he was alive, as lantoni never returned hers while my father was alive? At no time while living did Simon have all the Waivers and this document appears wholly Forged and Fraudulent or Simon was committing major perjuries in his sworn, under penalty of perjury, claims in the estate documents of his beloved wife's estate. Spallina and Tescher knew Simon never had all the Waivers while alive, as Spallina after he was deceased was desperately concerned that lantoni had not sent her Waiver and the Estate of Shirley was never closed prior to Simon's death. Yet, despite knowing the statements contained therein were false, Spallina filed this perjurious Petition for Discharge with the Court, for Simon as Personal Representative when he knew he was dead.

- On 24-Oct-2012, Simon while deceased acted as Personal Representative and allegedly filed a WAIVER OF ACCOUNTING AND PORTIONS OF PETITION FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR DISCHARGE; AND RECEIPT OF BENEFICIARY AND CONSENT TO DISCHARGE, allegedly filed by Simon on October 24, 2012 POST MORTEM with the Court, again acting as Personal Representative while factually dead. It is alleged that this is a FORGED and Fraudulent document created Post Mortem for Simon and was never filed and docketed with Judge Colin's court while Simon was alive, as this document filed Post Mortem was rejected as it lacked a NOTARIZATION per this Court's rules. Simon, filed all six Waivers on this date as if alive and serving as Personal Representative.
- On 24-Oct-2012, Simon while deceased acted as Personal Representative and filed a NON-TAX CERT /RECEIPT/AFFIDAVIT of No Florida Estate Tax Due filed by Tescher and Spallina as if Simon were alive and acting as Personal Representative while deceased. Again, this document is posited with the Court by Simon acting as Personal Representative on Oct 24, 2012 POST MORTEM. That this may in fact be evidence of Tax fraud as it was then filed with The Florida Department of Revenue by Tescher and Spallina, which may be evidence of Mail and Wire Fraud as well.
- On 24-Oct-2012, Simon while deceased acted as Personal Representative and filed a PROBATE CHECKLIST and allegedly this Closing Document is Dated Feb 15, 2012 but not filed until October 24, 2012 when again Simon is still dead. The document is filed by Spallina and docketed with Simon listed as Personal Representative on the date the document was filed with the Court on October 24, 2012 when Simon was dead, yet it was signed and filed by Spallina with Simon

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

listed as acting Personal Representative. This PROBATE CHECKLIST closing document is dated February 15, 2012 almost a year before it was used to close the Estate on January 03, 2013, yet it is not docketed by the Court until October 24, 2012. Further, this Checklist done in February 2012, filed on October 24, 2012 and used to close the Estate almost a year later in January 2013 is void as it is not a properly completed Checklist at the time it was filed on October 24, 2012 as required by Probate Rules and Statutes. The Checklist is wholly missing docketed items filed from October 24, 2013 forward and therefore the Petition to Discharge filed October 24, 2013 and according to FL Probate Rules and Statutes shall not be reviewed by the Court. This was an intentionally incomplete Checklist, which purposely hid the Waiver documents filed and other fraudulently filed documents from the Court and the Beneficiaries. All documents filed with the Court are required to be on the closing Checklist used to close the Estate in January 2013. Further, Spallina, knew no successors PR's were elected to the Estate and that Letters were not issued to a successor personal representative after Simon's death. Therefore, Spallina signing and filing the document as Attorney for my father in this document were done knowingly for a dead Personal Representative/Executor as Spallina listed Simon as the PR on this Checklist he filed with the Court on October 24, 2012. All the while Spallina and Tescher failing to notify the Court their client was dead on this date and therefore could not be the Personal Representative filing this document or the many others they filed POST MORTEM for him as if alive.

- On 19-Nov-2012, Simon while deceased acted as Personal Representative and filed an alleged replacement and BRAND NEW SIGNED AND NOTARIZED, WAIVERS OF ACCOUNTING AND PORTIONS OF PETITION FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR DISCHARGE; AND RECEIPT OF BENEFICIARY AND CONSENT TO DISCHARGE. **PROBLEM IS THAT MY FATHER'S WAS SIGNED FOR HIM THROUGH NOW PROVEN FORGERY AND THEN FRAUDULENTLY NOTARIZED FOR HIM AND ALL DONE POST MORTEM AND ON A WHOLLY CREATED FROM WHOLE CLOTH DOCUMENT DONE BY MORAN.** That this was a NEW Waiver filed again by Simon acting as Personal Representative while dead to replace the Waiver that was filed with the Court on October 24, 2012 when he was dead and which was rejected on November 06, 2012 by the Court. The New and Improved Waivers then amazingly were notarized in November 2013 for Simon while he was still dead. Yet the Notary

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

Moran pre dated her Notary Statement to April 09, 2012 to match the prior document dated April 09, 2012, even though it was alleged signed and notarized sometime in November 2012 after the Court sent it back demanding a new notarized Waiver from the deceased Simon and others. This new Waiver was Forged for and Fraudulent Notarized for a dead man and it uses dates in the past as if in the present and was filed with the Court for Simon illegally for him while acting as Personal Representative while dead. Simon filed five other WHOLLY FORGED AND FRAUDULENTLY NOTARIZED WAIVERS for his five children on this date while dead. ALL FORGED and FRAUDULENTLY NOTARIZED from scratch by Moran and filed by Tescher and Spallina for Simon acting as Personal Representative as if he were alive, now in November 2012 two months Post Mortem. Still Spallina and Tescher never notify the Court Simon was dead and legally elect a Successor Personal Representative to replace him and close the Estate legally.

- On 03-Jan-2013, Judge Colin signed an ORDER OF DISCHARGE that in part states, "On the Petition for Discharge of Simon Bernstein as personal representative [meaning according to Judge Colin in the September 13, 2013 hearing Simon in the present as alive on the date Judge Colin is signing the Order on January 03, 2013 when Simon was deceased] of the Estate of Shirley Bernstein, deceased." That the Order of Discharge's date is also scratched out on the document and changed from January 3, 2012 to January 3, 2013 and the handwritten change to the date has no marking or initials of who altered the document, which will need to be clarified through deposition of all those involved in the documents preparation and filing with the Court, including but not limited to, Judge Colin who approved the document and signed it.
- On 03-Jan-2013, Judge Martin Colin signed a FINAL DISPOSITION SHEET in part based in part on FORGED AND FRAUDULENTLY NOTARIZED DOCUMENTS to close the estate of Shirley, in part on a Checklist that was not proper, in part on a Petition for Discharge that fails, in part based on FORGED AND FRAUDULENT DOCUMENTS and more, which culminated in the Estate being reopened.

The crimes exposed in Court of using a dead person, my father, as if alive to commit a Fraud on the Court and Fraud on the Beneficiaries was committed by Tescher and Spallina and appears overlooked in Detective Miller's Official Report, when he makes the most damaging and factually incorrect statement that he saw no evidence of any other crimes than those he was recommending to the State Attorney against Moran.

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

Det. Miller never mentions anything about investigating the main culprits who Moran worked for, Spallina and Tescher, who directly supervised her and who are wholly responsible actions under Florida law. Nor does he appear to have investigated Spallina and Tescher for any of the crimes alleged against them. Despite Moran's claims and Spallina's claims to Det Miller that she acted alone and which he took at face value apparently with no verification under deposition or other requisite fact checking of the guilty parties statements, despite his having evidence that Moran perjured her statements to three state investigatory agencies and none of this is put into his Report. The crimes of Fraud on the Court, Identity Theft of a Deceased Person and Fraud on the Beneficiaries, are wholly separate crimes than the crimes committed by Moran. Det. Miller had ample evidence that Spallina and Tescher had committed these crimes and yet he does not mention a word in his Report about these crimes and if Spallina and Tescher were investigated or anything. Therefore, before anything is swept under the rug as part of his investigation of Moran's limited crimes, I need to ascertain what Detective Miller investigated exactly and what crimes he is exonerating any party from, including but not limited to, those that were alleged against Tescher, Spallina, my brother Theodore and others involved. All of the other crimes alleged that Moran's documents partially enabled that I reported to Det. Miller and provided evidence for are wholly excluded from his Report, which myopically focuses only on Moran and the Forgeries and Fraudulent Notarizations she did and thus the Report misses the forest from the trees.

Moran is not the prime suspect I complained about and handled only a fraction of the documents used in the crimes alleged. Again, the documents are minor in the list of crimes that were further evidenced to Det. Miller and merely aided Tescher, Spallina and Theodore in illegally seizing Dominion and Control of the Estates to then commit a plethora of other crimes to loot the Estates of an estimated \$40,000,000.00 million dollars or so. Detective Miller states that he reviewed over 500 documents regarding the case and did not see other crimes. In regard to that statement I would like a report detailing each and every document he reviewed, all the evidence submitted that he tested for each alleged crime and the reason he dismissed each particular crime and who the suspects were that he is attempting to exonerate and from what crimes.

Det. Miller made it clear to me last week that he did not review all the evidence and emails I sent him and therefore we need to make sure each crime, each perpetrator of the alleged crime and the corresponding evidence were investigated before attempting to be dismissed in his blanket statement that he saw no evidence of other undefined crimes. Did he see no evidence of other crimes than those of Moran or is speaking to all the other crimes presented to him in his Report against the others involved? If so that will need to be made crystal clear in the review of his Report so as not to let others off the hook without investigating them and possibly obstruct justice against them or preclude future investigations interfering with my due process and procedure rights. The clarification in his Report is important before sentencing of Moran as the crimes presented to Det. Miller

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

involve crimes of other more central conspirators, Tescher, Spallina and my brother Theodore, and this statement that he saw no other crimes could lead to a vindication for them as from his report they could infer they were exonerated and free from further investigations of the same matters. The false statement that no other crimes were seen by Det. Miller would be a gross miscarriage of Justice if allowed to prevail, as it is based on misleading and false statements in the Report, as further evidenced in my December 03, 2013 Letter attached herein.

In fact, when asked about the crimes of Fraud on the Court, Identity Theft of my Deceased Father and more and charging those involved he stated that he spoke to Judge Colin and that it would be up to him to file charges against them and if he did not, there was nothing he could do further. When I explained that despite what Judge Colin did with his evidence of Fraud on his Court, Fraud, Identity Theft and more that I still wanted to file Felony complaints for the crimes discovered in the hearings, as they were committed directly against my deceased Father and me by others, not Moran. Det. Miller stated he would not intake them and charge them and became rather hostile at me, reiterating that only the Judge could do this as he had basically superpowers and his hands were now tied. When I stated that if the Judge failed for any reason to report the crimes, I wanted him to have PBSO counsel state that I would not lose my possible rights to pursue them through a loss of my Statutes of Limitations for failing to file timely and Detective Miller failed to have counsel answer my request and has left these crimes completely out of his Report. It appears the suspects were not investigated for these crimes and that Judge Colin has not reported the crimes he has knowledge of and I would like a response to these questions I raised in writing as requested so as not to have justice obstructed and my rights further interfered with. Factually, Det Miller did not enter any of these crimes into his Report, even as a footnote, or anything regarding his calls with Judge Colin and it appears he investigated none of it and again we must clarify the who and what he investigated and what he did not.

In an Order by Judge Colin he stated that he would not be reviewing documents "SERVED" by my father while he was legally acting as Personal Representative and served them on the Court while alive. At the time of the Order, I had not complained of any of those documents, as I too thought they were filed legally by my father while alive³. However, Judge Colin DID NOT exclude the documents that my Father DID NOT "SERVE" while he was alive, which were illegally filed for him as if he were alive by Attorneys at Law Tescher & Spallina, who knew at the time my Father was dead and therefore could not legally "SERVE" in any capacity documents with the Court. These

³ We will be appealing Judge Colin's order not to review the documents we thought my father filed while alive, as the new information in a new criminal complaint filed with PBSO regarding theft of Personal Properties of my Mother of approximately a million dollars, shows evidence that some of those documents may also have been tampered with illegally, including now a suspect inventory of my Mother that is missing a mass of assets as reported and discussed further herein.

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

documents and the additional crimes involved in using a dead man's identity to Fraud a Court and Fraud Beneficiaries of the Estate must be investigated as part of these proceedings before the whole case against everyone is attempted to be closed, after review of Moran's crimes only. The language in the Report could possibly exonerate others without any investigation of them or the evidence submitted against them tested and this exoneration would be based on materially false statements made in the Report. All of these crimes are related to the same nexus of events to steal approximately \$40,000,000.00 of assets and involve a much larger group of people accused of many other crimes. Thus, the Report needs to be reviewed now by independent reviewers detailing the specifics of each crime and each suspect investigated by Miller and who and what this blanket exoneration is meant for and what crimes are being referenced as it is wholly unclear in the report. I have asked for this detail in my Letter of December 03, 2013 to Det. Miller and other correspondences he admittedly did not review and he has refused to respond formally and in writing as requested to my Letter so that no mistakes or misunderstanding are made and my rights not interfered with further.

Detective Miller failed to note many crimes in his Report although he had absolute evidence of the crimes, including Judge Colin's statements in Court at a September 13, 2013 Hearing whereby he stated that he had enough evidence at that time to read the Attorneys at Law and my brother their Miranda rights, twice. These warnings coming after Judge Colin learned of the Fraud in and upon his Court, Identity Theft of a Dead Person, Fraud committed against Beneficiaries and more. These crimes committed NOT BY MORAN but instead, by OFFICERS OF HIS COURT, Spallina, Tescher, Mark Manceri and my brother Theodore. Judge Colin did not issue this warning to Moran for her crimes and she was not even present at that hearing and he directed his claim he had enough to read them their Miranda's directly and specifically to Tescher, Spallina, Manceri and Theodore for the larger Fraud discovered in the hearing. Judge Colin when asked by Manceri if he meant him as well being read his rights, was on the second warning excluded by Judge Colin. However, after reviewing the Transcript of the September 13, 2013 hearing I prepared my Motion to Clarify and Set Straight the Record as evidenced already herein, evidenced to Det Miller that there were many false and misleading statements made to the Court by Manceri, Spallina and Theodore, involving even more criminal acts, including inferring the Waivers were not Forged when directly confronted by Judge Colin and none of them came clean in efforts to further conceal the crimes they were involved in.

Tescher and Spallina further intentionally and with scienter failed to notify the Court that they were filing documents with a dead Personal Representative as if alive, instead of just notifying the Court he was dead and electing a new Personal Representative/Executor. Tescher and Spallina concealed my Father's death from the Court as they need him alive for their larger fraud to work, as my father needed to be alive when he closed the Estate of my Mother so that he could then allegedly change the Beneficiaries of her Estate while alive. The problem was that my father was dead and her

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

Estate was not factually closed while he was alive and no changes were made by my Father while alive and so these cleverly architected frauds was made to appear that he closed the Estate while alive and that he then made the Beneficiary changes to her Estate while alive. Thus, why all the documents that were submitted for investigation that were used in this scheme have a mass of legal problems and defects in their creation and execution and appear fraudulent and legally deficient.

Spallina and Tescher then attempted fraudulently to change the Beneficiaries of the Estate of my Mother and my Father with other documents in the series that were filed POST MORTEM in my Father's Estate. These documents are being challenged for a number of legal and criminal grounds in the creation of them and docketing of them with the Court by Spallina and Tescher, including but not limited to, an ALLEGED Will and an ALLEGED Amended and Restated Trust. These documents alleged to change the Beneficiaries were signed only days before my Father died and while under extreme emotional and physical duress and were not posited with the Court until after his death⁴. Did Detective Miller investigate these documents and all those involved in the creation and execution of them? This to needs to be clarified in particular in the review of his work and the possible correcting of his Report so that one may not think these crimes were investigated when they were not and obstruct justice of them being investigated and prosecuted properly in the future.

The entire series of documents, those of Moran and some done by others, were all filed illegally by Tescher and Spallina with the Court under Judge Colin and Judge David E French and were used to seize Dominion and Control of the Estates illegally and then begin a series of other alleged crimes to loot the Estates. These crimes, include but are not limited to, allegations of Theft of Assets (a new report has been filed with PBSO), Insurance Fraud (involving Spallina and Moran), Fraud on a US District Court (Case No. 13 cv 3643 NORTHERN DISTRICT COURT ILLINOIS EASTERN DIVISION), Real Estate Fraud, Fraud on the Del Ray Beach Probate Court, Fraud and more.

That the following email exchange between two Attorneys at Law, Marc R. Garber, Esq. of Philadelphia and Christine Yates, Esq. of Florida regarding the activities of Spallina and Tescher in these matters, which was presented to Det. Miller, certainly should have been cause to further investigate these attorneys and contact the authors of the letters regarding their claims. Yet, again it does not appear anything was done with

⁴ Another Notary is being investigated currently with Governor Rick Scott's Notary Public Division, a one Lindsay Baxley on documents Moran was also a witness to with along with Spallina, including an ALLEGED Will and an ALLEGED Amended and Restated Trust, which have been challenged on several other grounds for violations of Probate Rules and Statutes and Law. Det. Miller was given this evidence and it needs to be clearly stated in his report if he reviewed these documents and investigated those involved with these documents and if so, who, how and when and get it clearly stated in the Report.

Captain Carol Gregg
Palm Beach County Sheriff's Office
Financial Crimes Unit

Page 13 of 36
Tuesday, January 7, 2014

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

the information by Detective Miller despite it coming from OUTSTANDING members of the legal community.

From: marcgarber@gmail.com
To: cty@trippscott.com
Subject: RE: Bernstein - E/O Shirley Bernstein & E/O Leon Bernstein: FW: Bernstein - E/O Shirley Bernstein & E/O Leon Bernstein: Status
Date: Thu, 13 Jun 2013 11:02:40 -0400

Christine:

I had difficulty sleeping, as I was sorting through our conversation. What troubles me has troubled me in prior situations. Spallina is not the first "bully lawyering" situation I have seen or heard about. "If you scream loud enough and pound the table hard and often, the other side will cave". It troubles me that many times this approach works. Sometimes it becomes a fee and time matter, other situations result in the good lawyer becoming tired of dealing with "hard headed" uncompromising opponent. I have heard some people actually seek out a bully lawyer for these reasons. The reasons include the fact that they win using this approach. Further, and as you implied, with all the time you expended, Spallina gave us very little, in terms of everything; from documents to involvement in the administration.

It truly troubles me that Spallina continues to spin his web of deceit, and I believe this conduct is further circumstantial evidence that "something is very wrong". I am very glad Eliot filed whatever he filed and I do hope he prevails. I also hope Spallina is removed and perhaps punished for all he is doing. It also troubles me that once he learns of your withdrawal, Spallina will celebrate his victory. If I was licensed in Florida, I would take this on pro bono. Simply out of principal, and I would make certain a probate judge learns of Spallina's behavior. Unfortunately, I am not a Florida lawyer. If Eliot is able to get his motions before a probate judge, I hope he asks and you agree to testify as to how Spallina treated you. A judge may take real notice of that testimony.

Thanks,
Marc

2753 N.W. 34th St. Boca Raton, Florida 33434-3459
(561) 245-8588 (o) / (561) 886-7628 (o) / (561) 245-8644 (f)
biewill@iviewill.com www.iviewill.com

Captain Carol Gregg
Palm Beach County Sheriff's Office
Financial Crimes Unit

Page 14 of 36
Tuesday, January 7, 2014

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

From: Christine Yates [mailto:cty@TrippScott.com]
Sent: Friday, June 7, 2013 11:57 AM
To: 'Eliot Ivan Bernstein'; 'Eliot Ivan Bernstein'
Cc: Ibis A. Hernandez

Subject: Bernstein - E/O Shirley Bernstein & E/O Leon Bernstein: Status

Eliot and Candace, first I am glad that you are feeling better Eliot.

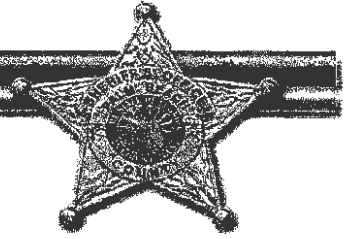
I have made no progress with Spallina in regards to obtaining documents and in my last call with him and Mark Manceri, Mr. Spallina reiterated his position that the mortgage on the property you are currently residing in was what your father wanted, and that any information regarding the trust of your father would have to be addressed to your brother as trustee.

At this time, in order to receive the information you want, I believe you will need to institute legal proceedings against the estate and trust. Since a new course of action will need to be undertaken, at this time, I will be withdrawing as counsel for your children, and believe that you should now hire separate litigation counsel for them. I will be happy to assist your new counsel in providing them with any information and thank you for the opportunity you gave me to assist you.

110 SE Sixth Street, Suite 1500
Fort Lauderdale, FL 33301
954-525-7500
Christine T. Yates
Director
Direct: (954) 760-4916
Fax: (954) 761-8475
cty@trippscott.com

Detective Miller also forced me to file separate cases now for other crimes ongoing and this seems bizarre since they are all related to this complaint and we would not want someone to claim in a new case that the crimes were already investigated and dismissed by Miller and thus deprive me of due process and procedure. Again, why we need to be crystal clear on what crimes were investigated, who was investigated and what his specific determinations were for each before anyone is sentenced for anything. These matters must also be clarified for the State Attorney, as their prosecution is based in part

2753 N.W. 34th St. Boca Raton, Florida 33434-3459
(561) 245-8588 (o) / (561) 886-7628 (e) / (561) 245-8644 (f)
www.bjrcwll.com - www.bjrcwll.com



INCIDENT REVIEW COVER PAGE

Date: February 5, 2014 Investigative Case #: IR14-025

On January 9, 2014 the Palm Beach County Sheriff's Office initiated an Incident Review into a complaint which occurred on July 15, 2013. Based on the facts of the complaint, and any additional information obtained, this complaint was closed without additional investigation needed.

ALLEGED VIOLATION:

Rule & Regulation #: Rule X Proficiency

COMPLAINANT:

Complainant's Name: Elliot Bernstein

EMPLOYEE:

Involved Employee: Detective Ryan W Miller ID#: 7704

Assignment: 5070-Special Invest

INVESTIGATOR:

Assigned Investigator: Sergeant Sean Bozdech

FINAL DISPOSITION OF INVESTIGATION: Incident Review

FINAL DISCIPLINARY ACTION TAKEN BY AGENCY: No Action

Pending any additional information this incident is considered closed.

A handwritten signature in black ink, appearing to read "Mark B. Alexander". The signature is written in a cursive style and is located below the text of the report.

Captain Mark Alexander
Division of Internal Affairs

Re: CASE NUMBERS - #1 (13097097), #2 (13097097) & #3 (12121312)

on the statements made in Miller's report and it is unclear at this time if they have investigated any other crimes or people involved in the other alleged crimes, other than those of Moran. The SA might not have investigated these other crimes and the perpetrators of them based on what was claimed by Miller when he stated he saw no evidence of other crimes, a claim made despite his having ABSOLUTE PRIMA FACIE EVIDENCE of other crimes committed by other people. I will be asking the State Attorney to clarify as well for the record just who and what they investigated and if it was only Moran's crimes so that we may be clear on what and who is being prosecuted and what and who are being exonerated specifically.

This clarification is further necessary as Detective Miller refused to review certain emails sent to him regarding evidence against Spallina and Moran, including but not limited to, a FALSE INSURANCE CLAIM they filed together and where the carrier DENIED the claim outright. In this Insurance Fraud Spallina claimed that he was the "Trustee" of a lost and missing insurance trust for my Father that he claimed in several correspondences that he had never seen or possessed. Whether or not the insurance fraud is under PBSO jurisdiction or not, it presents dramatic new evidence of FRAUD that both Spallina and Moran are directly involved in, regarding the same nexus of events and is absolute cause for further investigation of not only Moran but everyone else complained of in my complaints.

The insurance fraud also exposes my brother Theodore in Fraud, as once the claim was DENIED by the carrier, my brother Theodore then filed with a Federal Court a Breach of Contract suit claiming he was now "Trustee" of the lost and missing trust, not Spallina who filed the claim as "Trustee." In fact, my brother was suing on a claim denied by the carrier with Spallina as Trustee, again both of them acting in unauthorized fiduciary capacities in efforts to convert assets of the estates illegally, where my brother Theodore and sister Pamela would be excluded from the benefits if they were paid to the Estate of my father and so they executed this fraudulent scheme. No executed trust or executed copies of the trust were attached to the lawsuit as they are claimed to be wholly missing and Theodore failed to notify the Court that Spallina was not the Trustee when he claimed to be, suppressing this information. In fact, Jackson National Insurance company in their counter complaint claimed that Theodore was advised by counsel prior to filing this baseless suit that he had no basis or authority to file it. A further claim by the carrier in response to questions asked by Theodore in pleadings further illustrates something is rotten in Rotterdam, they state to every question, "ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon information and belief, is not the proper trustee of the Trust, and therefore he does

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

not have standing to pursue this matter on behalf of the Trust, including propounding these requests.”

I provided information to Det. Miller that documents were also illegally removed from the Estate of my Father on the night he died by Rachel Walker and given to my brother who had no legal authority to remove documents from the Estate. These documents were witnessed by others and Walker and contained a mass of Estate Documents and where now claims are made that there are missing insurance contracts and trusts and again cause for further investigation. That again, this crime attempts to abscond with an insurance policy where Theodore and Pamela would directly benefit to the detriment of other beneficiaries of the estate and was orchestrated without notice of certain beneficiaries and others with interests in the Estate and Policy. When there is no beneficiary under Florida law the proceeds are paid to the estate of the insured and not to a trust that does not exist and were no one could be proven to be Trustee, neither my brother Theodore or Spallina and despite what they claim they think the beneficiaries are, which include themselves, without a document and legal beneficiary the law is clear and why the Insurance Carrier apparently denied the claim in the first place. I believe the carrier may have also begun investigation of these claims.

Suddenly, the story of the one off crime of Moran made by herself for a variety of conflicting reasons she claimed to Det. Miller and others becomes wholly worthless, as she and others are now involved in other alleged crimes where solid evidence exists making all of this ripe for further investigation. Further investigation is also warranted in light of the perjurious statements and false official statements made by Moran, Spallina and Theodore, which indicate a need to find out the truth and base nothing further on anything they may say or do without fully investigating the voracity and truth of their claims. Yet, despite all this information Det Miller did nothing investigative regarding all of this, even after learning of Fraud and Forgery he just accepted their statements as to what happened and did not seize or subpoena original records of Tescher and Spallina, take depositions or even contact witnesses I provided. Witnesses that include but are not limited to, a medical psychological professional of Simon's he was seeing relating to the problems he was having with his children, Simon's close personal friends and other injured victims of these crimes and instead Detective Miller just took the accused parties word and account of events and put it straight into the flawed Report with absolutely no fact checking. Further, Det Miller never came back to me to re-interview me to allow me to contest or refute or clarify the assertions made by those he interviewed prior to completing his Report.

This would seem the exact opposite of what procedural law and good investigative work would require, as when there is smoke there is fire and where there is PERJURY and FALSE STATEMENTS there is more. So why the rush to pin one crime on Moran and rush to a possible injustice to the victims of the real crimes occurring and

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

refusal to look at or document evidence showing so much more crime by others? Again, we must make sure we know exactly what Det Miller investigated and what he did not and whom and how he investigated each crime and insure the SA is clear on this as well before sentencing of Moran. These are all reasons the sentencing should be delayed of Moran while these matters are further investigated now by your office and internal affairs and we determine exactly what crimes were investigated and who was investigated for them and then clarify and correct any inaccuracies in the Report.

Therefore, I would like all of these issues addressed herein and in my December 03, 2013 letter in writing by your offices, in specific and before any sentencing is done of anyone, unless the sentencing is specifically and only for the crimes alleged against Moran, which are a fraction of the total crimes alleged in the big picture. If only Moran and her crimes are involved in the investigation and sentencing then we can begin the process of filing separate complaints or new complaints for all the other crimes that were alleged and evidenced to Detective Miller but that apparently he failed to investigate.

Also in seeking to have a phone meeting with Detective Miller regarding my Letter of December 03, 2013 and more, I asked to have a lawyer present on the call who had some questions and to insure accuracy of what was transpiring and he refused to allow me to bring them into the call and stated I was not allowed that privilege as a Victim. When asked what statutes or procedures he was making this decision on, he grew angry me and I asked to speak then to his superiors, which then elevated to your office and I would like to know why I cannot have a lawyer present with me when meeting with PBSO as the Victim of a crime.

Finally, I would like Detective Miller's Report reviewed and conducted by all new fresh investigators, as I fear that the conversations with Judge Martin Colin may have influenced the course of the investigations already. I have just pled for the Disqualification of Judge Colin in the case, as the FORGERY, FRAUDULENT NOTARIZATIONS, FRAUD ON THE COURT and FRAUD ON THE BENEFICIARIES were all committed IN AND UPON HIS COURT, by OFFICERS OF HIS COURT, that he is responsible for and centrally involved in and at minimum he and his Court officials will be fact and material witnesses, which conflict him from further adjudicating the case. Further, Judge Colin may have incentive to bury this all up instead of opening it all up to the questions of how and why and who committed these crimes and did anyone at the Court help them, etc., as this will certainly be a high profile case that took place under his nose. These adverse interests and conflicts should have caused his own voluntary disqualification once he knew that Officers of his Court had committed the crimes. Yet, he continued not only to handle the case but allow the Attorneys at Law to continue to file pleadings and move the Court and this is in opposite of Judicial Cannons and Law that require him to report this illegal activity of Officers of His Court to all the proper authorities. This failure to report the crimes or do anything about them

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

at all, even after he had enough evidence to Warn Miranda right readings to the Attorneys at Law may impart a desire to Cover Up the matters before the matters are exposed that may negatively affect his Court. The failure to report these crimes and demand further investigation may also need to be investigated but either way Judge Colin and his Court are now centrally involved in the crimes, whether intentionally or not and that will have to be investigated and litigated out further.

**II. COMPLAINT #2 - WRONGLY ASSIGNED CASE NUMBER
13097087 - THEFT OF ASSETS WORTH BETWEEN \$600,000-
900,000.**

That on December 23, 2013 on the advice of Detective Miller I filed a new criminal complaint for Theft of Assets from the Estates, including approximately \$600,000.00 of Jewelry, a Bentley automobile and more that were all not included on the inventory of my Father and Mother and just disappeared into others possession with no accounting. This complaint was supposed to be issued a separate case number as requested by Detective Miller but it appears it may have fallen under the first complaint above and calls have been made to Deputy Sam Raineri #5189 to clarify how he input the case and if there is a new number, as nobody has contacted me in several weeks. You can see that if we had sentenced Moran the other week when it was first scheduled we would be back here to investigate the new crimes she and others are alleged to have done and would then have to reopen these matters to see if Detective Miller had investigated them or not, as it appears he only investigated the limited crimes of Moran.

**III. COMPLAINT #3 - CASE NUMBER 12121312 WRONGLY
DOCKETED COMPLAINT THAT SHOULD HAVE BEEN FILED AS
ALLEGED ATTEMPTED MURDER OF SIMON BERNSTEIN THROUGH
POISONING.**

That on the morning of my Father's death, only hours later, PBSO officers were called to my Father's house by my brother Theodore who controlled the process for an alleged possible poisoning of my Father, which he and my sisters, Lisa, Jill and Walker all gave accounts that they thought he was murdered by his companion Maritza Puccio Rivera. The morning my Father died on September 13, 2012, when I arrived at the hospital after being contacted by the hospital to return immediately because my Father who was listed as stable when we left him hours earlier was having seizures and being resuscitated, I was refused entry to the ICU. The hospital had sealed off his room and blocked the entry way because someone claimed to them that Simon had been murdered

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

by poisoning, allegedly by Puccio. Puccio had been sleeping in the room with my Father that night and by the time I arrived she had already been escorted out to the waiting room and was denied access to him as he laid dying. I was allowed in after several minutes waiting while my Father lay dying until security that was dispatched arrived but it was already too late despite best efforts to revive him.

Threats were made to Puccio by my brother at the hospital (and all this information was given to Det. Miller) that she better be gone from my Father's home or else and when I arrived at his home she was frantically packing afraid of my siblings and the threats made to her and left in the middle of the night without most of her personal possessions. Truly, this all seemed surreal at the time, especially where Puccio had no interests in the Estate that we know of and thus a motive seemed lacking. During the interview by PBSO at the home, claims were made by Walker and Theodore that they thought Puccio was drugging him and switching pills with unknown substances with his regular medication and may have poisoned him through this ploy. The detective then counted one bottle's contents out of thirty or so that were brought out of the house to him of pain medication in front of Walker, Theodore and I. He stated after counting them that he determined that the number of pills in the container appeared correct and so he did not think anything looked to suspect. Walker protested with him that there were other bottles of pills that he was not inspecting and none of the other bottles were inspected and amazingly and to my surprise none of it was booked into evidence to check to see if the pills in the bottles were actually what was claimed to be in them.

This incident was listed in the Official Report as a call for a "395.3025(7)(a)⁵ and/or 456.057(7)(a)⁶ Medical information" and I am wholly unclear how either of these

⁵ Title XXIX PUBLIC HEALTH Chapter 395 HOSPITAL LICENSING AND REGULATION 395.3025 Patient and personnel records; copies; examination.—

(7)(a) If the content of any record of patient treatment is provided under this section, the recipient, if other than the patient or the patient's representative, may use such information only for the purpose provided and may not further disclose any information to any other person or entity, unless expressly permitted by the written consent of the patient. A general authorization for the release of medical information is not sufficient for this purpose. The content of such patient treatment record is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

⁶ Title XXXII REGULATION OF PROFESSIONS AND OCCUPATIONS Chapter 456 HEALTH PROFESSIONS AND OCCUPATIONS: GENERAL PROVISIONS

SECTION 057 Ownership and control of patient records report or copies of records to be furnished.
(7)(a) Except as otherwise provided in this section and in s. 440.13(4)(c), such records may not be furnished to, and the medical condition of a patient may not be discussed with, any person other than the patient or the patient's legal representative or other health care practitioners and providers involved in the care or treatment of the patient, except upon written authorization of the patient. However, such records may be furnished without written authorization under the following circumstances:

1. To any person, firm, or corporation that has procured or furnished such examination or treatment with the patient's consent.

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

applies to what the Officers responded to. I was amazed by the lack of care and securing of evidence in the matter and my brother informed me that his friends would take care of these matters at the higher up levels at PBSO later and this was just an initial intake. I repeatedly asked Theodore and Spallina in the following weeks what was going on with the PBSO investigation and the Coroner's examination that Theodore also instigated and controlled. Detective Miller informed me that a Coroner's report was available and when I read it I found that it too did not make sense and appeared factually incorrect. I have contacted the Coroner directly regarding the information in his report and to determine if in addition to a drug toxicology, a poison toxicology was done considering the allegations made to PBSO and others of poisoning of my Father. Despite repeated requests from the Coroner for information he has not responded yet and this is further cause to not rush to justice in the Moran case.

IV. REQUESTS TO PBSO REGARDING THE THREE SEPARATE CASES

Captain Miller you asked that I put in writing a list of what I wanted accomplished in the review of these cases by your offices to make sure everything went by the book. First off, I would like a written response to my formal written Letter dated December 03, 2013 addressed by a non-conflicted party that was not involved at all in the prior investigation that may have been comprised for a number of reason described herein and in my previous Letter. I would like each crime listed that was alleged and reviewed and what materials were reviewed and who was reviewed and how determinations were made and if additional information is required or if it is being dismissed as part of the Moran et al. case. I would like to know, where it is legally possible, what was done and why no witnesses or other victims I provided to Detective Miller were contacted at all, despite his Reports claims that he interviewed Witnesses and Victims. It appears that the only people Det Miller interviewed were the people allegedly involved in the crimes, which most of his report appears based on their statements as truth despite evidence of

2. When compulsory physical examination is made pursuant to Rule 1.360, Florida Rules of Civil Procedure, in which case copies of the medical records shall be furnished to both the defendant and the plaintiff.
3. In any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the patient or the patient's legal representative by the party seeking such records.
4. For statistical and scientific research, provided the information is abstracted in such a way as to protect the identity of the patient or provided written permission is received from the patient or the patient's legal representative.
5. To a regional poison control center for purposes of treating a poison episode under evaluation, case management of poison cases, or compliance with data collection and reporting requirements of s. 395.1027 and the professional organization that certifies poison control centers in accordance with federal law.

2753 N.W. 34th St. Boca Raton, Florida 33434-3459
(561) 245-8588 (o) / (561) 886-7628 (c) / (561) 245-8644 (f)
iviewit@iviewit.com - www.iviewit.com

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

perjury and false statements. Did any of the interviewed subjects have Attorneys at Law present and if so whom? I would like to know immediately if I have to file separate complaints for all the crimes, including the new crimes discovered after his Report was completed and explanation as to why they are being separated when they involve the same people and nexus of events described in my initial complaint and subsequent information submitted. I would like to know exactly which emails and correspondences Detective Miller did not review as he stated and why he did not review them and why his Report indicates that read them all and tested the evidences contained therein. I would like a log of all his conversation date and times with Judge Martin Colin and Judge David French and for now a list of date and times he contacted anyone regarding the case. I would like to know how the interviews were conducted, were sworn statements made, was anything signed by any of those questioned or witnesses and victims he contacted, were requests for documents made of anyone and any other pertinent information that your offices can legally give me as a Victim. Do I have to FOIA any of this information and if so who do I contact?

I have provided Det. Miller my Court filings regarding these events and have listed them below to evidence that hosts of other criminal acts are being committed and ongoing, including violations of virtually all Probate Rules and Statutes and Law. As I mentioned yesterday, information is flowing in from various sources and ongoing legal actions in the matters, all involving these same suspects and I am gaining information in the Courts and with each piece we have discovered new and evolving crimes that will all inter relate with the crimes I alleged to PBSO and so rushing to justice will inevitably lead to reinvestigation of these matters and who and what was investigated and how it was deflected, so getting it right this time around and specifically identifying the crimes investigated will save us all time later and prevent possible errors in prosecution and loss of rights.

PRIOR MOTIONS AND PETITIONS FILED IN THE STATE AND FEDERAL COURTS

- i. That on May 6, 2013 Petitioner filed an "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 SIMON/SHIRLEY BERNSTEIN AND MORE." Filed in both estates.
 - www.jviewil.tv/20130506PetitionFreezeEstates.pdf 15th Judicial Florida Probate Court and
 - www.jviewil.tv/20130512MotionReluctReopenObstruction.pdf US District Court Southern District of New York, Most Honorable Shira A. Scheindlin. Pages 156-582 reference estate matters in Simon and Shirley as it relates to RICO allegations.

2753 N.W. 34th St, Boca Raton, Florida 33434-3459
(561) 245-8588 (o) / (561) 886-7628 (c) / (561) 245-8644 (f)
j.l.wil@jviewil.tv - www.jviewil.tv

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

-
-
- ii. That on May 29, 2013, Petitioner filed a "RENEWED EMERGENCY PETITION" in the estates of Shirley and Simon.
- www.iviewit.tv/20130529RenewedEmergencyPetitionShirley.pdf
- iii. That on June 26, 2013, Docket #39 Petitioner filed in both estates a "MOTION TO: CONSIDER IN ORDINARY COURSE THE 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 FILED BY PETITIONER."
- www.iviewit.tv/20130626MotionReconsiderOrdinaryCourseShirley.pdf
- iv. That on July 15, 2013, Petitioner filed a "MOTION TO RESPOND TO THE PETITIONS BY THE RESPONDENTS" in both estates.
- www.iviewit.tv/20130714MotionRespondPetitionShirley.pdf
- v. That on July 24, 2013, Petitioner filed a "MOTION TO REMOVE PERSONAL REPRESENTATIVES" for insurance fraud and more in both estates.
- www.iviewit.tv/20130724ShirleyMotionRemovePR.pdf
- vi. That on August 28, 2013, Petitioner filed a "NOTICE OF MOTION FOR: INTERIM DISTRIBUTION FOR BENEFICIARIES NECESSARY LIVING EXPENSES, FAMILY ALLOWANCE, LEGAL COUNSEL EXPENSES TO BE PAID BY PERSONAL REPRESENTATIVES AND REIMBURSEMENT TO BENEFICIARIES SCHOOL TRUST FUNDS" in both estates.
- www.iviewit.tv/20130828MotionFamilyAllowanceSHIRLEY.pdf
- vii. That on September 04, 2013, ELIOT filed Docket #TBD, in the estate of Simon, a "NOTICE OF EMERGENCY MOTION TO FREEZE ESTATES OF SIMON BERNSTEIN DUE TO ADMITTED AND ACKNOWLEDGED NOTARY PUBLIC FORGERY, FRAUD AND MORE BY THE LAW FIRM OF TESCHER & SPALLINA, P.A., ROBERT SPALLINA AND DONALD TESCHER ACTING AS ALLEGED PERSONAL REPRESENTATIVES AND THEIR LEGAL ASSISTANT AND NOTARY PUBLIC, KIMBERLY MORAN; MOTION FOR INTERIM DISTRIBUTION DUE TO EXTORTION BY ALLEGED PERSONAL REPRESENTATIVES AND OTHERS; MOTION TO STRIKE THE MOTION OF SPALLINA TO REOPEN THE ESTATE OF SHIRLEY; CONTINUED MOTION FOR REMOVAL OF ALLEGED PERSONAL REPRESENTATIVES AND ALLEGED SUCCESSOR TRUSTEE." Hereby incorporated by reference in entirety herein.
- www.iviewit.tv/20130904MotionFreezeEstatesSHIRLEYDueToAdmittedNotaryFraud.pdf
- viii. That on September 21, 2013 Petitioner filed in the IN THE UNITED STATES DISTRICT

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

COURT FOR THE NORTHERN DISTRICT COURT ILLINOIS EASTERN DIVISION,
Case No. 13-cv-03643, an Answer and Cross Claim titled "ELIOT IVAN BERNSTEIN
("ELIOT") (1) ANSWER TO JACKSON NATIONAL LIFE INSURANCE
COMPANY ("JACKSON") ANSWER AND COUNTER-CLAIM AND THIRD-
PARTY COMPLAINT FOR INTERPLEADER AND (2) CROSS CLAIM."

www.iviewit.tv/20130921/AnswerJacksonSimonIstateHeritage.pdf

- ix. That on October 10, 2013 Petitioner filed in Shirley's estate case Motions titled,
- (I) MOTION TO ORDER ALL DOCUMENTS BOTH CERTIFIED AND VERIFIED REGARDING ESTATES OF SHIRLEY AND SIMON (SIMON'S DOCUMENT ARE REQUESTED AS IT RELATES TO SHIRLEY'S ALLEGED CHANGES IN BENEFICIARIES) BE SENT TO ELIOT AND HIS CHILDREN IMMEDIATELY IN PREPARATION FOR THE EVIDENTIARY HEARING ORDERED BY THIS COURT
 - (II) MOTION TO FOLLOW UP ON SEPTEMBER 13, 2013 HEARING AND CLARIFY AND SET STRAIGHT THE RECORD
 - (III) MOTION TO COMPEL FOR IMMEDIATE, EMERGENCY RELIEF!!!, INTERIM DISTRIBUTIONS AND FAMILY ALLOWANCE FOR ELIOT, CANDICE & THEIR THREE MINOR CHILDREN DUE TO ADMITTED AND ACKNOWLEDGED FRAUD BY FIDUCIARIES OF THE ESTATE OF SHIRLEY AND ALLEGED CONTINUED EXTORTION
 - (IV) MOTION TO CORRECT AND DETERMINE THE BENEFICIARIES OF THE ESTATE BASED ON PRIOR CLOSING OF THE ESTATE THROUGH FRAUD ON THE COURT BY USING FRAUDULENT DOCUMENTS SIGNED BY SIMON WHILE HE WAS DEAD AND POSITED BY SIMON IN THIS COURT WHEN HE WAS DEAD AS PART OF A LARGER FRAUD ON THE ESTATE BENEFICIARIES
 - (V) MOTION TO ASSIGN NEW PERSONAL REPRESENTATIVES AND ESTATE COUNSEL TO THE ESTATE OF SHIRLEY FOR BREACHES OF FIDUCIARY DUTIES AND TRUST, VIOLATIONS OF PROFESSIONAL ETHICS, VIOLATIONS OF LAW, INCLUDING BUT NOT LIMITED TO ADMITTED AND ACKNOWLEDGED FRAUD, ADMITTED AND ACKNOWLEDGED FRAUD ON THE COURT, ALLEGED FORGERY, INSURANCE FRAUD, REAL PROPERTY FRAUD AND MORE
 - (VI) MOTION FOR GUARDIAN AD LITUM FOR THE CHILDREN OF TED, P. SIMON, TANTONI AND FRIEDSTEIN AND ASSIGN A TRUSTEE AD LITUM FOR TED FOR CONFLICTS OF INTEREST, CONVERSION AND MORE
 - (VII) MOTION TO RECONSIDER AND RESCIND ORDER ISSUED BY THIS COURT "ORDER ON NOTICE OF EMERGENCY MOTION TO FREEZE ASSETS" ON SEPTEMBER 24TH FOR ERRORS AND MORE AND
 - (VIII) MOTION TO RECONSIDER AND RESCIND ORDER ISSUED BY THIS

2753 N.W. 34th St. Boca Raton, Florida 33434-3459
(561) 245-8588 (o) / (561) 886-7628 (c) / (561) 245-8644 (f)

www.iviewit.tv

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

**COURT "AGREED ORDER TO REOPEN THE ESTATE AND APPOINT
SUCCESSOR PERSONAL REPRESENTATIVES" ON SEPTEMBER 24TH
FOR ERRORS AND MORE**

- www.iviewit.tv/2013/10/10/MotionCompelFreezeYouLfaceTheRighttoRemainSilent.pdf
- x. That on October 10, 2013 Petitioner filed in Simon's estate, a "PETITION TO DETERMINE AND RELEASE TITLE OF EXEMPT PROPERTY."
- www.iviewit.tv/2013/10/10/PETITIONDETERMINERELEASETITLEOFEXEMPTPROPERTY.JOSIUAKJA.pdf
- xi. That on December 08, 2013 Petitioner filed in the IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT COURT ILLINOIS EASTERN DIVISION, Case No. 13-cv-03643, a motion titled, "(1) MOTION TO STRIKE PLEADINGS AND REMOVE ADAM SIMON FROM LEGAL REPRESENTATION IN THIS LAWSUIT OTHER THAN AS DEFENDANT FOR FRAUD ON THE COURT AND ABUSE OF PROCESS AND (2) MOTION TO REMOVE ADAM SIMON FROM LEGAL REPRESENTATION ON BEHALF OF ANY PARTIES IN THIS LAWSUIT OTHER THAN AS A DEFENDANT PRO SE or REPRESENTED BY INDEPENDENT NON-CONFLICTED COUNSEL."
- www.iviewit.tv/2013/12/08/MotionStrikePleadingAdamSimonForFraudOnCourt.pdf
- xii. That on December 10, 2013 Petitioner filed in the estate of Shirley, an Objection titled "BENEFICIARY AND INTERESTED PARTY ELIOT BERNSTEIN OBJECTIONS TO SUCCESSOR PERSONAL REPRESENTATIVE'S OBJECTIONS TO FIRST SET OF INTERROGATORIES AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS PROPOUNDED BY ELIOT BERNSTEIN"
- www.iviewit.tv/2013/12/10/PetitionerObjectionToObjectionsToDiscovery.pdf
- xiii. That on December 10, 2013 Petitioner filed in the estate of Shirley, a "MOTION TO TAX ATTORNEY'S FEES AND COSTS AND IMPOSE SANCTIONS."
- www.iviewit.tv/2013/12/10/TaxAttorneyFees.pdf
- xiv. That on December 17, 2013 Petitioner filed in the estate of Simon, a "OBJECTION TO MOTION TO STRIKE PETITION TO DETERMINE AND RELEASE TITLE OF EXEMPT PROPERTY"
- www.iviewit.tv/2013/12/17/ObjectionToMotionReKIA/Fregel.pdf

2. That the following Motions and Petitions were filed by Petitioner in the courts that remain unheard other than limited items by this Court, including Motions for all of the following,

2753 N.W. 34th St. Boca Raton, Florida 33434-3459
(561) 245-8588 (o) / (561) 886-7628 (e) / (561) 245-8644 (f)
iviewit@iviewit.tv - www.iviewit.tv

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)


- i. MOTION TO FREEZE ESTATE ASSETS,
- ii. MOTION TO APPOINT NEW PERSONAL REPRESENTATIVES,
- iii. MOTION TO INVESTIGATE FORGED AND FRAUDULENT DOCUMENTS SUBMITTED TO THIS COURT AND OTHER INTERESTED PARTIES,
- iv. MOTION TO RESCIND SIGNATURE OF ELIOT BERNSTEIN IN ESTATE OF SHIRLEY BERNSTEIN,
- v. MOTION TO RESPOND TO THE PETITIONS BY THE RESPONDENTS,
- vi. SECOND MOTION TO REMOVE PERSONAL REPRESENTATIVES,
- vii. MOTION FOR INTERIM DISTRIBUTION FOR BENEFICIARIES NECESSARY LIVING EXPENSES,
- viii. MOTION FOR FAMILY ALLOWANCE,
- ix. MOTION FOR LEGAL COUNSEL EXPENSES TO BE PAID BY PERSONAL REPRESENTATIVES,
- x. MOTION FOR REIMBURSEMENT TO BENEFICIARIES SCHOOL TRUST FUNDS.
- xi. SECOND MOTION TO FREEZE ESTATES OF SIMON BERNSTEIN DUE TO ADMITTED AND ACKNOWLEDGED NOTARY PUBLIC FORGERY, FRAUD AND MORE BY THE LAW FIRM OF TESCHER & SPALLINA, P.A., ROBERT SPALLINA AND DONALD TESCHER ACTING AS ALLEGED PERSONAL REPRESENTATIVES AND THEIR LEGAL ASSISTANT AND NOTARY PUBLIC, KIMBERLY MORAN,
- xii. MOTION FOR INTERIM DISTRIBUTION DUE TO EXTORTION BY ALLEGED PERSONAL REPRESENTATIVES AND OTHERS,
- xiii. MOTION TO STRIKE THE MOTION OF SPALLINA TO REOPEN THE ESTATE OF SHIRLEY,
- xiv. CONTINUED MOTION FOR REMOVAL OF ALLEGED PERSONAL REPRESENTATIVES AND ALLEGED SUCCESSOR TRUSTEE.
- xv. MOTION TO ORDER ALL DOCUMENTS BOTH CERTIFIED AND VERIFIED REGARDING ESTATES OF SHIRLEY AND SIMON (SIMON'S DOCUMENT ARE REQUESTED AS IT RELATES TO SHIRLEY'S ALLEGED CHANGES IN BENEFICIARIES) BE SENT TO ELIOT AND HIS CHILDREN IMMEDIATELY IN PREPARATION FOR THE EVIDENTIARY HEARING ORDERED BY THIS COURT
- xvi. MOTION TO FOLLOW UP ON SEPTEMBER 13, 2013 HEARING AND CLARIFY AND SET STRAIGHT THE RECORD
- xvii. MOTION TO COMPEL FOR IMMEDIATE, EMERGENCY RELIEF!!!, INTERIM DISTRIBUTIONS AND FAMILY ALLOWANCE FOR ELIOT, CANDICE & THEIR THREE MINOR CHILDREN DUE TO ADMITTED AND ACKNOWLEDGED FRAUD BY FIDUCIARIES OF THE ESTATE OF SHIRLEY AND ALLEGED CONTINUED EXTORTION
- xviii. MOTION TO CORRECT AND DETERMINE THE BENEFICIARIES OF THE ESTATE BASED ON PRIOR CLOSING OF THE ESTATE THROUGH FRAUD ON THE COURT BY USING FRAUDULENT DOCUMENTS SIGNED BY SIMON WHILE HE WAS DEAD AND POSITED BY SIMON IN THIS COURT WHEN HE WAS DEAD AS PART OF A LARGER FRAUD ON THE ESTATE BENEFICIARIES
- xix. MOTION TO ASSIGN NEW PERSONAL REPRESENTATIVES AND ESTATE COUNSEL TO THE ESTATE OF SHIRLEY FOR BREACHES OF FIDUCIARY DUTIES AND TRUST, VIOLATIONS OF PROFESSIONAL ETHICS, VIOLATIONS OF LAW, INCLUDING BUT NOT LIMITED TO ADMITTED AND ACKNOWLEDGED FRAUD, ADMITTED AND ACKNOWLEDGED FRAUD ON THE COURT, ALLEGED FORGERY, INSURANCE FRAUD, REAL PROPERTY FRAUD AND MORE
- xx. MOTION FOR GUARDIAN AD LITUM FOR THE CHILDREN OF TED, P. SIMON, LANTONI AND FRIEDSTEIN AND ASSIGN A TRUSTEE AD LITUM FOR TED FOR

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

-
-
- xxi. CONFLICTS OF INTEREST, CONVERSION AND MORE
MOTION TO RECONSIDER AND RESCIND ORDER ISSUED BY THIS COURT
"ORDER ON NOTICE OF EMERGENCY MOTION TO FREEZE ASSETS" ON
SEPTEMBER 24TH FOR ERRORS AND MORE; AND
 - xxii. MOTION TO RECONSIDER AND RESCIND ORDER ISSUED BY THIS COURT
"AGREED ORDER TO REOPEN THE ESTATE AND APPOINT SUCCESSOR
PERSONAL REPRESENTATIVES" ON SEPTEMBER 24TH FOR ERRORS AND
MORE
 - xxiii. BENEFICIARY AND INTERESTED PARTY ELIOT BERNSTEIN OBJECTIONS TO
SUCCESSOR PERSONAL REPRESENTATIVE'S OBJECTIONS TO FIRST SET OF
INTERROGATORIES AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
AND THINGS PROPOUNDED BY ELIOT BERNSTEIN
 - xxiv. MOTION TO TAX ATTORNEY'S FEES AND COSTS AND IMPOSE SANCTIONS
 - xxv. OBJECTION TO MOTION TO STRIKE PETITION TO DETERMINE AND RELEASE
TITLE OF EXEMPT PROPERTY

NOTE: All pleading listed in items (i-xiv) above filed in each of the state and federal courts listed above are hereby incorporated by reference in entirety, including but not limited to inclusion of, ALL motions, petitions, orders, etc. in each case, as they all relate to the same nexus of events in the Estates of both Simon and Shirley.

That I will close stating that much of what is occurring may revolve around Trillion Dollar Intellectual Properties that me and my father owned in technologies that I invented and that I allege were stolen by local Attorneys at Law and others. That recent news information regarding a New York Supreme Court Whistleblower Lawsuit on Public Office Corruption, filed by an Attorney Regulatory Expert, Christine C. Anderson, which my RICO and ANTITRUST action was LEGALLY RELATED to by Federal Judge Shira Scheindlin, were all interfered with through a bizarre series of crimes that intended to Obstruct Justice in our cases. Obstruction by Members of the Courts and prosecutorial offices and Disciplinary Departments of New York, who actually had what was referred to as a Cleaner, a one Naomi Goldstein who is alleged to have whitewashed complaints and coordinated efforts to block due process rights of countless victims of the system. The recent articles imply that other states were also infected. My RICO alleges the main perpetrators were Attorneys of Law from Boca Raton and that part of the crimes included putting a bomb in my family's minivan in Del Ray Beach in efforts to murder my family and graphic images can be found at www.iviewit.tv my homepage. Several of these same Law Firms now appear to be involved in my parents estates and may have much to do with any interference in state investigatory agencies. I am suing the Florida Bar, Members of the Florida Supreme Court, members of the Fifteenth Judicial were the Probate is occurring and more and so any Investigators should be screened for conflicts in advance of handling these matters.


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 - www.iviewit.tv

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

Based on the information of the below news articles, we (the legally related cases to Anderson who were also Victims of this Obstruction in our cases and violations of our privacy rights are looking at filing appeals to rehear our entire cases due to these explosive new facts. These facts also include that former Chairman of the New York Senate Judiciary Committee and head of the New York Democratic Party, Senator John Sampson, who Anderson and I and several other related cases testified before at Judiciary Committee hearings on Public Office corruption and where it is now learned that he was threatened and took bribes to cover up the corruption. We are waiting for further information regarding the Sampson matters and other matters relevant in the articles below. Therefore, the idea of official corruption in these matters is a very real possibility, especially again where key players in my RICO are now involved in the Estates of my parents.

Breaking News

**INDICTMENTS COMING! US SENATOR JOHN SAMPSON
FORMER HEAD OF THE NEW YORK DEMOCRATIC PARTY AND
CHAIRMAN OF THE NEW YORK SENATE JUDICIARY
COMMITTEE WAS THREATENED & BRIBED TO COVER UP NY
& FEDERAL CORRUPTION!!**

UPDATE - INDICTMENTS COMING: Iviewit Breaking News: NY Supreme Court Ethics Oversight Bosses Alleged MISUSE of Joint Terrorism Task Force Resources & Funds & Violations of Patriot Acts Against Civilian Targets for Personal Gain... US Senator John Sampson Threatened & Bribed to Cover Up NY & Federal Corruption!!

<http://www.free-press-release.com/news-iviewit-breaking-indictments-coming-us-senator-john-sampson-threatened-bribed-to-cover-up-ny-federal-corruption-1360140092.html>

Wednesday, May 15, 2013
Expose Corrupt Courts

**INSIDER SAYS NY STATE OFFICIALS BRIEFED ON JUDICIAL
CORRUPTION INDICTMENTS**

BREAKING NEWS: A New York State Court administrative insider says that top state officials have been briefed by the feds on pending federal corruption indictments that will include New York state court employees...

2753 N.W. 34th St. Boca Raton, Florida 33434-3459
(561) 245-8588 (e) / (561) 886-7628 (c) / (561) 245-8644 (f)
iviewit@iviewit.com - www.iviewit.com

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

And late this morning, a Washington, D.C. source confirmed the information, adding that the target of one federal corruption indictment will include at least one sitting New York State judge and other individuals- all with ties to major banks.....

<http://exposecorruptcourts.blogspot.com/2013/05/insider-says-ny-state-officials-briefed.html>

UPDATE: SENATOR JOHN SAMPSON, FORMER NEW YORK SENATE JUDICIARY CHAIR THREATENED AND BRIBED TO COVER UP OFFICIAL CORRUPTION

FRIDAY, MAY 17, 2013

Washington, D.C. Insider Says Senator John Sampson Covered-Up Court Corruption

BREAKING NEWS: Washington, D.C. insider says NYS Senator John Sampson covered-up evidence of widespread corruption in New York Surrogate's Courts.

Source says Sampson was first threatened, but then successfully bribed, to bury evidence involving countless state and federal crimes involving billions of dollars.

Syracuse, Rochester, Albany, White Plains, Brooklyn and Manhattan Surrogate's Courts are said to top the list of areas involved.

It was revealed on Wednesday that a New York State Court administrative insider said that top state officials had been briefed by the feds on pending federal corruption indictments that would include employees of New York's Office of Court Administration (a/ka/ "OCA"). Most court employees, including judges, are employed by OCA.

It was further confirmed by the Washington, D.C. source that judges, with ties to banks, would be among those charged.

<http://ethicsgate.blogspot.com/2013/05/washington-dc-insider-says-senator-john.html>

VIEWIT BREAKING NEWS: NY SUPREME COURT ETHICS OVERSIGHT BOSSES ALLEGED MISUSE OF JOINT TERRORISM TASK FORCE RESOURCES & FUNDS & VIOLATIONS OF

2753 N.W. 34th St. Palm Bay, Florida 32909
(561) 245-8588 (o) / (561) 866-2628 (e) / (561) 245-8644 (f)
VIEWIT SERVICES, LLC - WWW.VIEWITFLA.COM

Captain Carol Gregg
Palm Beach County Sheriff's Office
Financial Crimes Unit

Page 29 of 36
Tuesday, January 7, 2014

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

PATRIOT ACTS AGAINST CIVILIAN TARGETS FOR PERSONAL GAIN..

May 14, 2013

See Full Story at:

<http://www.free-press-release.com/news-iviewit-breaking-news-ny-supreme-court-ethics-oversight-bosses-alleged-misuse-of-joint-terrorism-task-force-resources-funds-violations-of-patriot-1368533731.html>

and

<http://ethicsgate.blogspot.com/2013/04/formal-complaint-filed-against-nys.html>

FORMAL COMPLAINT FILED AGAINST NYS EMPLOYEES FOR ILLEGAL WIRETAPPING...THE WIDESPREAD ILLEGAL WIRETAPPING INCLUDED TARGETED NEW YORK STATE JUDGES AND ATTORNEYS.....

<http://ethicsgate.blogspot.com/2013/04/formal-complaint-filed-against-nys.html>


SELECT QUOTES FROM THAT NEWS STORY AND LETTER TO THE DOJ

April 3, 2013

Robert Moosy, Jr., Section Chief
Criminal Section, Civil Rights Division
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
via facsimile # 202-514-6588

RE: Formal Complaint Against New York State Employees Involving Constitutional Violations, including widespread illegal wiretapping.

Dear Mr. Moosy,


2753 N.W. 34th St. Boca Raton, Florida 33434-3459
(561) 245-8588 (o) / (561) 886-7628 (e) / (561) 245-8644 (f)
iviewit@iviewit.tv - www.iviewit.tv

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

In researching and reporting on various acts of corruption in and about the New York State Court System, specific reviewed evidence supports allegations that over a ten-year-plus period of time, certain NYS employees participated in the widespread practice of illegal wiretapping, inter alia. As these individuals were in supervisory positions at "ethics oversight" committees, the illegal wiretapping largely concerned attorneys and judges, but their actions also targeted other individuals who had some type of dealings with those judicial and attorney "ethics" committees.

The NY state-employed individuals herein complained of include New York State admitted attorneys Thomas Joseph Cahill, Alan Wayne Friedberg, Sherry Kruger Cohen, David Spokony and Naomi Freyda Goldstein.

At some point in time shortly after 9/11, and by methods not addressed here, these individuals improperly utilized access to, and devices of, the lawful operations of the Joint Terrorism Task Force (the "JTTF"). These individuals completely violated the provisions of FISA, ECPA and the Patriot Act for their own personal and political agendas. Specifically, these NY state employees essentially commenced "black bag operations," including illegal wiretapping, against whomever they chose- and without legitimate or lawful purpose.

To be clear, any lawful act involving the important work of the JTTF is to be applauded. The herein complaint simply addresses the unlawful access- and use- of JTTF related operations for the personal and political whims of those who improperly acted under the color of law. Indeed, illegally utilizing JTTF resources is not only illegal, it is a complete insult to those involved in such important work.

In fact, hard-working and good-intentioned prosecutors and investigators (federal and state) are also victims here, as they were guided and primed with knowingly false information.

Operations involving lawful activity- and especially as part of the important work of the JTTF and related agencies- are not at issue here. This complaint concerns the illegal use and abuse of such lawful operations for personal and political gain, and all such activity while acting under the color of law. This un-checked access to highly-skilled operatives found undeserving protection for some connected wrong-doers, and the complete destruction of others- on a whim, including the pre-prosecution priming of falsehoods ("set-ups"). The aftermath of such abuse for such an extended period of time is staggering.

It is believed that most of the 1.5 million-plus items in evidence now under seal in Federal District Court for the Eastern District of New York, case #09cr405 (EDNY)

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

supports the fact, over a ten-year-plus period of time, of the illegal wiretapping of New York State judges, attorneys, and related targets, as directed by state employees.

To be sure, the defendant in #09cr405, Frederick Celani, is a felon who is now regarded by many as a conman. Notwithstanding the individual (Celani), the evidence is clear that Celani once supervised lawful "black bag operations," and, further, that certain NYS employees illegally utilized access to such operations for their own illegal purposes. (Simple reference is made to another felon, the respected former Chief Judge of the New York State Court of Appeals, Sol Wachtler, who many believe was victimized by political pre-priming prosecution.)

In early February, 2013, I personally reviewed, by appropriate FOIL request to a NYS Court Administrative Agency, over 1000 documents related to the herein complaint. Those documents, and other evidence, fully support Celani's claim of his once-lawful supervisory role in such JTTF operations, and his extended involvement with those herein named. (The names of specific targeted judges and attorneys are available.)

One sworn affidavit, by an attorney, confirms the various illegal activity of Manhattan's attorney "ethics" committee, the Departmental Disciplinary Committee (the "DDC"), which includes allowing cover law firm operations to engage in the practice of law without a law license. Specifically, evidence (attorney affidavits, etc.) supports the claim that Naomi Goldstein, and other DDC employees supervised the protection of the unlicensed practice of law. The evidence also shows that Ms. Goldstein knowingly permitted the unlicensed practice of law, over a five-year-plus period of time, for the purpose of gaining access to, and information from, hundreds of litigants.

Evidence also supports the widespread illegal use of "black bag operations" by the NYS employees for a wide-range of objectives: to target or protect a certain judge or attorney, to set-up anyone who had been deemed to be a target, or to simply achieve a certain goal. The illegal activity is believed to not only have involved attorneys and judges throughout all of the New York State, including all 4 court-designated ethics "departments," but also in matters beyond the borders of New York.

Other evidence points to varying and widespread illegal activity, and knowledge of such activity, by these and other NYS employees- all of startling proportions.

For example:

- The "set-up" of numerous individuals for an alleged plot to bomb a Riverdale, NY Synagogue. These individuals are currently incarcerated. The trial judge, U.S. District Court Judge Colleen McMahon, who publicly expressed concerns over the case, saying,

2753 N.W. 34th St. Boca Raton, Florida 33434-3459
(561) 245-8588 (o) / (561) 886-7628 (c) / (561) 245-8644 (f)
www.iviewn.fl www.iviewfla

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

"I have never heard anything like the facts of this case. I don't think any other judge has ever heard anything like the facts of this case." (2nd Circuit 11cr2763)

- The concerted effort to fix numerous cases where confirmed associates of organized crime had made physical threats upon litigants and/or witnesses, and/or had financial interests in the outcome of certain court cases.

- The judicial and attorney protection/operations, to gain control, of the \$250 million-plus Thomas Carvel estate matters, and the pre-prosecution priming of the \$150 million-plus Brooke Astor estate.

- The thwarting of new evidence involving a mid 1990's "set-up" of an individual, who spent over 4 years in prison because he would not remain silent about evidence he had involving financial irregularities and child molestation by a CEO of a prominent Westchester, NY non-profit organization. (Hon. John F. Keenan)

- The wire-tapping and ISP capture, etc., of DDC attorney, Christine C. Anderson, who had filed a lawsuit after being assaulted by a supervisor, Sherry Cohen, and after complaining that certain evidence in ethics case files had been improperly destroyed. (See SDNY case #07cv9599 - Hon. Shira A. Scheindlin, U.S.D.J.)

- The eToys litigation and bankruptcy, and associates of Marc Dreier, involving over \$500 million and the protection by the DDC of certain attorneys, one who was found to have lied to a federal judge over 15 times.

- The "set-up" and "chilling" of effective legal counsel of a disabled woman by a powerful CEO and his law firms, resulting in her having no contact with her children for over 6 years.

- The wrongful detention for 4 years, prompted by influential NY law firms, of an early whistleblower of the massive Wall Street financial irregularities involving Bear Sterns and where protected attorney-client conversations were recorded and distributed.

- The blocking of attorney accountability in the \$1.25 billion Swiss Bank Holocaust Survivor settlement where one involved NY admitted attorney was ultimately disbarred in New Jersey. Only then, and after 10 years, did the DDC follow with disbarment. (Gizella Weisshaus v. Fagan)

Additional information will be posted on www.Reform2013.com

2753 N.W. 34th St. Boca Raton, Florida 33434-3459
(561) 245-8588 (o) / (561) 886-7628 (c) / (561) 245-8644 (f)
iviewit@iviewit.com - www.iviewit.com

Captain Carol Gregg
Palm Beach County Sheriff's Office
Financial Crimes Unit

Page 33 of 36
Tuesday, January 7, 2014

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

The allegations of widespread wiretapping by New York's so-called "ethics" committees were relayed to New York Governor Andrew M. Cuomo on February 15, 2013, and to the DDC Chairman Mr. Roy R. L. Reardon, Esq., who confirmed, on March 27, 2013, his knowledge of the allegations. (Previously, on March 25, 2013, I had written to DDC Deputy Chief Counsel Naomi Goldstein, copying Mr. Reardon, of my hope that she would simply tell the truth about the improper activity, inter alia.)

New York judges and lawyers, and obviously the public, deserve immediate action to address the widespread corruption in and about New York's so-called "ethics" oversight entities.

Please take immediate action regarding this troubling issue, and so as to continue the DOJ's efforts to help all New Yorkers restore their faith in their government.

cc:

U.S. Attorney Loretta E. Lynch via facsimile 718-254-6479 and 631-715-7922
U.S. DOJ Civil Rights Section via facsimile 202-307-1379, 202-514-0212
The Hon. Arthur D. Spatt, via facsimile 631-712-5626
The Hon. Colleen McMahon via facsimile 212-805-6326
Hon. Shira A. Scheindlin via facsimile 212-805-7920
Assistant U.S. Attorney Demetri Jones via facsimile 631-715-7922
Assistant U.S. Attorney Perry Carbone via facsimile 914-993-1980
Assistant U.S. Attorney Brendan McGuire via 212-637-2615 and 212-637-0016
FBI SSA Robert Hennigan via facsimile 212-384-4073 and 212-384-4074
Pending SEC Chair Mary Jo White via facsimile 212-909-6836
Posted by Ethics Gate at 5:53 AM

**NY SUPREME COURT BOSSES ILLEGALLY WIRETAPPING
JUDGES CHAMBERS & HOMES. CHRISTINE ANDERSON
WHISTLEBLOWER ILLEGALLY TARGETED FOR 24/7/365
SURVEILLANCE IN RELATED CASE TO IVIEWIT ELIOT
BERNSTEIN RICO...**

FOR IMMEDIATE RELEASE

2753 N.W. 84th St. Boca Raton, Florida 33434-3459
(561) 245-8688 (o) / (561) 886.7628 (e) / (561) 245-8644 (f)
iviewit@iviewit.tv - www.iviewit.tv

Captain Carol Gregg
Palm Beach County Sheriff's Office
Financial Crimes Unit

Page 34 of 36
Tuesday, January 7, 2014

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

(Free-Press-Release.com) May 14, 2013 -- According to news reports, yes, the heads of the NY Supreme Court Ethics Department have been accused of derailing Justice by targeting victims and misusing Government Resources against private citizens with no other motive than Obstruction of Justice in court and regulatory actions against them or their cronies.

World Renowned Inventor Eliot Bernstein files NEW RICO RELATED CRIMINAL ALLEGATIONS against Law Firms Proskauer Rose, Foley & Lardner, Greenberg Traurig and more. Allegations that Bernstein was a target of these criminals cloaked as ATTORNEY AT LAW ETHICS BOSSES at the NY Supreme Court were presented to Federal Judge Shira A. Scheindlin. That evidence was presented that Bernstein's father may have been a target and murdered for his efforts to notify the authorities and more!!!

READ ALL ABOUT IT @

<http://www.iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20130512%20FINAL%20Motion%20to%20Rehear%20and%20Reopen%20Obstruction%20of%20Justice165555%20WITI%20EXHIBITS.pdf>

PREVIOUS PRESS RELEASES RELATING TO JUDGES ILLEGALLY WIRETAPPED

That on Tuesday, February 19, 2013, ECC released the story,

ETHICSGATE UPDATE FAXED TO EVERY U.S. SENATOR THE ULTIMATE VIOLATION OF TRUST IS THE CORRUPTION OF ETHICS OVERSIGHT EXCLUSIVE UPDATE:

<http://exposecorruptcourts.blogspot.com/2013/02/ethicsgate-update-faxed-to-every-us.html>

That on August 24, 2007 Expose Corrupt Courts released the following story,

"JUSTICE DEPARTMENT WIDENS "PATENTGATE" PROBE BURIED BY ETHICS CHIEF THOMAS J. CAHILL..."

<http://exposecorruptcourts.blogspot.com/2007/08/justice-dept-widens-patentgate-probe.html>

Captain Gregg, thank you for your prompt consideration of these requests and feel free to call me or email regarding any information you may need from me to get all of this clarified.

2753 N.W. 34th St., Boca Raton, Florida 33434-3459
(561) 245-8588 (o) / (561) 389-7628 (e) / (561) 245-8644 (f)
iviewit.com - www.iviewit.tv

Captain Carol Gregg
Palm Beach County Sheriff's Office
Financial Crimes Unit

Page 35 of 36
Tuesday, January 7, 2014

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

Respectfully Yours,



Eliot T. Bernstein
Founder & Inventor

Iviewit Holdings, Inc. - DL
Iviewit Holdings, Inc. - DL
Iviewit Holdings, Inc. - FL
Iviewit Technologies, Inc. - DL
Uview.com, Inc. - DL
Iviewit.com, Inc. - FL
Iviewit.com, Inc. - DL
I.C., Inc. - FL
Iviewit.com LLC - DL
Iviewit LLC - DL
Iviewit Corporation - FL
Iviewit, Inc. - FL
Iviewit, Inc. - DL
Iviewit Corporation

cc/ec: Honorable Shira A. Scheindlin
Florida State Attorneys
Marc R. Garber, Esq.
Caroline Prochotska Rogers, Esq.
Michele Mulrooney, Esq.
Christine Yates, Esq.

Enclosure(s)/Attachment(s)/URL's

All Uniform Resource Locators (URL's) and the contents of those URL's are incorporated in entirety by reference herein and therefore must be included in your hard copy file WITH ALL EXHIBITS, as part of this correspondence and as further evidentiary material to be investigated. Due to allegations alleged by New York State Supreme Court Whistleblower Christine C. Anderson and similar claims in the Iviewit RICO & ANTITRUST Lawsuit regarding Document Destruction and

2753 N.W. 34th St. Boca Raton, Florida 33434-3459
(561) 245-8588 (o) / (561) 886-7628 (c) / (561) 245-8644 (f)
i@iviewit.com - www.iviewit.com

Captain Carol Gregg
Palm Beach County Sheriff's Office
Financial Crimes Unit

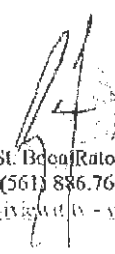
Page 36 of 36
Tuesday, January 7, 2014

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

Tampering with Official Complaints and Records, PRINT all referenced URL's and their corresponding exhibits and attach them to your hard copy file, as this is now necessary to ensure fair and impartial review.

In order to confirm that NO DOCUMENT DESTRUCTION OR ALTERCATIONS have occurred, once complete forward a copy of this correspondence with all exhibits and materials included to, Eliot I. Bernstein at the address listed herein. This will insure that all parties are reviewing the same documentation and no additional illegal activity is taking place. If you, for any reason, are incapable of providing this confirmation copy, please put your reasons for failure to comply in writing and send that to Eliot I. Bernstein at the address listed herein. Note, that this is a request only for a copy of this Correspondence and the referenced materials and NOT a request for any Case Investigation information, which may be protected by law.

cmb/cfb



2753 N.W. 34th St. Boca Raton, Florida 33434-3459
(561) 245-8588 (o) / (561) 886.7628 (c) / (561) 245-8644 (f)
ivc@ivc.com - www.ivc.com

Eliot Ivan Bernstein

Subject: FW: UPDATE CASE NO. TBD - URGENT INFORMATION RE KIMBERLY MORAN ARREST and SENTENCING HEARING
Attachments: 20131203 Letter to Sheriff and State Attorney Regarding Moran Arrest and other crimes.pdf

From: Eliot Ivan Bernstein [mailto:lvewit@vewit.tv]
Sent: Tuesday, December 3, 2013 4:17 PM
To: Michael Rachel @ Florida - State Attorney (15th Judicial Circuit) (mrachel@sa15.state.fl.us); Jean Francis @ Florida - State Attorney (15th Judicial Circuit) (jfrancis@sa15.org)
Cc: Detective Ryan Miller #7704 ~ Special Investigations Division / Financial Crimes Unit @ Palm Beach County Sheriff's Office (millerr@pbso.org); Caroline Prochotska Rogers Esq. (caroline@cprogers.com); Michele M. Mulrooney ~ Partner @ Venable LLP (mmulrooney@Venable.com); Andrew R. Dietz @ Rock It Cargo USA
Subject: UPDATE CASE NO. TBD - URGENT INFORMATION RE KIMBERLY MORAN ARREST and SENTENCING HEARING

Dear Michael, Jean and Det Miller,

I just was notified that the attachment to my earlier email below was truncated when converted to Adobe PDF in my rush to get it over to you before the hearing. Please replace that document with the one attached herein, which should have 20 pages. Sorry for any troubles, as I have been having tremendous email problems over the last several weeks due to a continued server attack, per my ISP, therefore please confirm receipt of this email and the entire attachment. Thank you and I look forward to speaking with all of you soon regarding these matters.

Eliot

Dear Jean,

I was just informed yesterday by your office that you have a hearing scheduled to charge Kimberly Moran tomorrow and I did not get a time and place as of this time. After speaking with you I expressed concerns that the wrong charges may be filed and that new evidence shows perjury in the official statements you are relying on for prosecution of Moran, which leads to a need for further investigation, not immediate prosecution. I have attached a draft letter I was sending to the Sheriff's office regarding the new crimes and misstatements in the Sheriff's arrest report that must be clarified and corrected so that Moran is charged with the exact crimes she committed and confessed to. I asked Det. Miller to have your offices call several weeks ago and he stated you would call me as you needed me and so I was awaiting a time to discuss the case with your offices for the first time and expose the new evidence and crimes alleged. I did not expect the call to be two days before the sentencing hearing and this leaves me rushing to get you this information that I was working on for Detective Miller and your offices. Due to this short notice of the hearing and the need to assess if she is being charged according to all the new evidence, I would like to have the hearing postponed until after we can meet to discuss these new issues. The new evidence shows both Moran and her employer have also perjured themselves in statements made in official proceedings to several different agencies and indicate far more serious crimes than those confessed to already. I have left several messages for Michael Rachel to call me back but I wanted you and him to have this document attached so that we may discuss it more in detail when he calls back and come to a decision regarding the hearing and the charges being filed and if they should be modified after further investigation. As a victim I feel that I deserve a chance to explain these matters before the prosecution of Moran for what I believe is the wrong crime as I will explain further when we speak why the crime being prosecuted for may in fact not be the crime admitted and confessed to. Since I have not been given ample time to review these new evidences and crimes with your offices or the Sheriff's

office matters that directly affect me and my family I ask that we not rush to prosecution. The document enclosed is a draft and due to our limited time I am sending it hurriedly without some of the exhibits installed yet and I will get you those as I finish them, if you would like any of the missing documents referenced in advance of that time please feel free to send me a request and I will email them over.

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>

NOTICE: Due to Presidential Executive Orders, the National Security Agency may have read this email without warning, warrant, or notice. They may do this without any judicial or legislative oversight and it can happen to ordinary Americans like you and me. You have no recourse nor protection save to vote against any incumbent endorsing such unlawful acts.

CONFIDENTIALITY NOTICE:

This message and any attachments are covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521. This e-mail message is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message or call (561) 245-8588. If you are the intended recipient but do not wish to receive communications through this medium, please so advise the sender immediately.

*The Electronic Communications Privacy Act, 18 U.S.C. 119 Sections 2510-2521 et seq., governs distribution of this "Message," including attachments. The originator intended this Message for the specified recipients only; it may contain the originator's confidential and proprietary information. The originator hereby notifies unintended recipients that they have received this Message in error, and strictly proscribes their Message review, dissemination, copying, and content-based actions. Recipients-in-error shall notify the originator immediately by e-mail, and delete the original message. Authorized carriers of this message shall expeditiously deliver this Message to intended recipients. See: Quon v. Arch. *Wireless Copyright Notice*. Federal and State laws govern copyrights to this Message. You must have the originator's full written consent to alter, copy, or use this Message. Originator acknowledges others' copyrighted content in this Message. Otherwise, Copyright © 2011 by originator Eliot Ivan Bernstein, iviewit@iviewit.tv and www.iviewit.tv. All Rights Reserved.

Eliot I. Bernstein
Direct Dial: (561) 245-8588 (o)
(561) 886-7628 (c)

Sent Via Email:

Tuesday, December 3, 2013

Detective Ryan Miller
Palm Beach County Sheriff's Office
Financial Crimes Unit
17901 US Highway 441
Boca Raton, FL 33498-6445

and

Jean Francis
Florida - State Attorney (15th Judicial Circuit)
401 North Dixie Highway
West Palm Beach, FL 33401

and

Michael Rachel
Florida - State Attorney (15th Judicial Circuit)
401 North Dixie Highway
West Palm Beach, FL 33401

**RE: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR
KIMBERLY MORAN**

Dear Detective Ryan Miller, Jean Francis and Michael Rachel,

I received and reviewed a copy of your official report attached herein and there are several issues that need correction in light of new and damning evidence of other crimes, committed by other parties, all involved in preparing fraudulent documents in the estates of my parents and then looting the estates with the use of the forged and fraudulent documents. **These new crimes and documents are in addition to the crimes already admitted to by Moran of forgery, fraud and notary fraud in the six Waivers initially complained about that you arrested her for already.** Since these are new crimes than those originally complained about against Moran, I would like to file new criminal complaints for each crime committed by each of the new individuals alleged to have committed or participated in each crime herein, for the crimes that fall under the Sheriff's office jurisdiction. I would also like to reopen the Moran investigation based on new evidence of perjury in her statements to your office, the Governor Rick Scott's office and Judge Martin Colin and where there is perjury there is more to the story that must be investigated.

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY MORAN

As for waiting for Judge Colin to file charges for the crimes identified by him in his court committed by Spallina, Tescher, Manceri and my brother Ted, as you requested after talking with the Judge, this leaves me feeling uncomfortable. I cannot wait for Judge Colin to file charges, as there are statutes of limitation issues as a victim for each crime that could interfere with my rights later, if Judge Colin fails to file criminal complaints as required by Judicial Canons and Law for the crimes he discovered and exposed. Therefore, I must file the criminal complaints myself to protect my rights for every crime discovered by Judge Colin and the new crimes alleged herein. In the alternative, if you still want to wait for those crimes discovered by Colin to be filed by Colin with your agency for prosecution, can you have your legal departments contact me in writing and explain how this will not cause me a loss of my rights in any way?

In a recent Court Order, dated, November 14, 2013, Judge Colin stated, "The Court has determined that it will take no action regarding the form of the pleadings or other documents that were submitted to the Court to close the Estate while Simon Bernstein was serving as Personal Representative." Judge Colin thus ruled that all documents that were submitted by my father when he was "serving" as Personal Representative have no further process after his review. However, the documents signed and filed in the estate of my mother with Colin, filed illegally POST MORTEM in my father's name, when my father could not be "serving" as Personal Representative, as he was dead at the time they were filed, are still actionable and in need of further investigation and prosecution.

The documents still actionable in Colin's court that were submitted POST MORTEM while Simon WAS NOT "SERVING," include but are not limited to, the Moran Forged and Fraudulent Waivers, the Petition of Discharge (Full Waiver) and other documents filed POST MORTEM for my father in my mother's estate, all are alleged FORGED and FRAUDULENT. These POST MORTEM documents which were filed not just in my mother's estate but also in my father's estate (not handled by Colin), include some done by Moran, others that were not and all of these must now all be investigated for FORGERY AND FRAUD, as these documents all combine to facilitate a host of other crimes.

A pattern and practice of criminal fraud is further evidenced when the Attorneys at Law, Robert Spallina and Donald Tescher, then illegally file a multitude of fraudulent documents over a period of four months with the courts, after my father is dead, with documents he allegedly was signing in the present. These attorneys failed to notify either of the probate courts that the man closing the estate and making significant beneficiary changes in the present, my father, was dead at the time he was doing so. The estate of my mother was closed and discharged by my deceased father by these attorneys as if he

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY MORAN

were alive, which violates a vast number of laws and attorney ethical codes that now are cause for further investigation of not only Moran but the Attorneys at Law involved.

Judge Colin after learning of this crime perpetrated on his court, warned Attorneys at Law, Spallina, Tescher, Manceri and my brother Ted, that they should be read their Miranda Warnings, when he discovered the estate was closed illegally by a dead person at the September 13, 2013 hearing. I have provided copies of that hearing to you in prior submissions in the Moran case.

Even if Judge Colin presses charges with the Sheriff's department for the additional and new felony crimes that he discovered in his courtroom at the hearing against the Attorneys at Law and my brother Ted, this decision would have no bearing on the other documents and other crimes I am asking you to now investigate that are not before him. The other documents not before Colin, include but are not limited to, an alleged Will and Amended Trust Agreement that attempt to change beneficiaries of the estates of both my mother and father. The alleged beneficiary changes took place also are POST MORTEM, the documents used to make the changes are all legally deficient and are also alleged forged and fraudulent, all filed for my father POST MORTEM in my mother's estate, when he was not "acting" legally as Personal Representative.

In light of all these other documents, the Moran stories told regarding the Waivers being a one off event do not hold up and there is further evidence of perjury in her statements to various official agencies. Below, I have compiled a list of questions relating to your arrest report regarding Moran.

1. From the Sheriff's report you claimed,

DOCUMENTS RETURNED. THEY WERE FINALLY RETURNED IN AUGUST AND OCTOBER OF 2012.

- a. Moran claims that the Waivers were not all returned until October 2012, where one was not returned until a few weeks AFTER Simon's death because factually Jill Iantoni NEVER signed and returned her Waiver while Simon was alive and she sent it to Moran in October 2012 and he died in September 2012. This fact is materially important to the investigation because it materially effects statements made on Simon's "Petition to Discharge" -- EXHIBIT 2 -- SIMON'S PETITION TO DISCHARGE. In the Petition to Discharge, Simon claims under penalty of perjury that he has all the Waiver's and yet he never has them all while alive as Moran's statement proves. The Petition to Discharge was allegedly signed on April 09, 2012 with an alleged Waiver of Simon, yet Tescher and Spallina file neither document with the court until months later in October 2012, after Simon was deceased, which Judge Colin even

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY MORAN

question in the hearing how this closing of an estate could be legally possible with a dead personal representative.

12 THE COURT: So you agree that in Shirley's
13 estate it was closed January of this year,
14 there was an order of discharge, I see that.
15 Is that true?

16 MR. ELIOT BERNSTEIN: I don't know.

17 THE COURT: Do you know that that's true?

18 MR. ELIOT BERNSTEIN: Yes, I believe.

19 THE COURT: So final disposition and the
20 order got entered that Simon, your father --

21 MR. ELIOT BERNSTEIN: Yes, sir.

22 THE COURT: -- he came to court and said I
23 want to be discharged, my wife's estate is
24 closed and fully administered.

25 MR. ELIOT BERNSTEIN: No. I think it
00025

1 happened after --

2 THE COURT: No, I'm looking at it.

3 MR. ELIOT BERNSTEIN: What date did that
4 happen?

5 THE COURT: January 3, 2013.

6 MR. ELIOT BERNSTEIN: He was dead.

Page 14

In Re_ The Estate of Shirley Bernstein.txt

7 MR. MANCERI: That's when the order was
8 signed, yes, your Honor.

9 THE COURT: He filed it, physically came
10 to court.

11 MR. ELIOT BERNSTEIN: Oh.

12 THE COURT: So let me see when he actually
13 filed it and signed the paperwork. November.

14 What date did your dad die?

15 MR. ELIOT BERNSTEIN: September. It's

16 hard to get through. He does a lot of things

17 when he's dead.

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY MORAN

18 THE COURT: I have all of these waivers by
19 Simon in November. He tells me Simon was dead
20 at the time.

21 MR. MANCERI: Simon was dead at the time,
22 your Honor. The waivers that you're talking
23 about are waivers from the beneficiaries, I
24 believe.

25 THE COURT: No, it's waivers of
00026
1 accountings.

2 MR. MANCERI: Right, by the beneficiaries.

3 THE COURT: Discharge waiver of service of
4 discharge by Simon, Simon asked that he not
5 have to serve the petition for discharge.

6 MR. MANCERI: Right, that was in his
7 petition. When was the petition served?

8 THE COURT: November 21st.

9 MR. SPALLINA: Yeah, it was after his date
10 of death.

11 THE COURT: Well, how could that happen
12 legally? How could Simon --

13 MR. MANCERI: Who signed that?

14 THE COURT: -- ask to close and not serve
15 a petition after he's dead?

- b. The Petition for Discharge was filed with the court as if Simon were alive in October 2012, as if Simon were making the statements in the present at that time in October when he was deceased, further made under penalty of perjury, is full of perjurious statements made by Simon if signed at any time. For instance, in the Petition to Discharge it states that at the time Simon signed the Petition in April 2012, he possessed all the signed Waivers from his children. Obviously and without doubt this claim of Simon's cannot be true according to the statements made by Moran to the Sheriff's department, whereby she claims first to have sent them out to the children in May 2012, so how could he claim to have them all back in April 2012? Further, Moran claimed she did not receive the Waivers all back until October 2012, after Simon was deceased and therefore Simon never had all the Waivers in his possession at any time while he was alive making his sworn statement false unequivocally. Thus, how could Simon who died on September 13, 2012, claim in a sworn official document signed under penalty of perjury filed with the court, to

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY MORAN

- have had all the Waivers in his possession at any time while he was alive, if Jill's Waiver was not returned to Moran until October 2012? This makes the Petition to Discharge also suspect as yet, another fraudulent and possibly forged document in the chain of documents used to attempt to seize dominion and control of the estates in order to fraudulently change the beneficiaries of Simon and Shirley's estates and convert the assets through a series of frauds that have followed.
- c. Note that almost all of the statements made by Simon in the Petition to Discharge made under penalty of perjury and supposedly signed on April 09, 2012 (the same day Moran admits to forging his name on the other Waiver), are factually perjurious and untrue at the time allegedly signed or filed by Simon. So either Simon was committing fraud and perjury in the document or it is a fraudulent document forged for him POST MORTEM.
 - d. The Waivers and Petition to Discharge were filed with the Court in October 2012 through January 2013 as part of a series of alleged fraudulent documents to close the estate of Shirley, with Simon allegedly filing these documents with the court and acting as the Personal Representative & Trustee while he was deceased. The documents were filed by Tescher & Spallina with the court as if Simon were alive in order to perpetrate a Fraud on the Court through Identity Theft and more, as was learned in the September 13, 2013 hearing. Tescher and Spallina filed documents for several months POST MORTEM on Simon's behalf and never notified the court that Simon was deceased. These crimes were evidenced in the September 13, 2013 hearing, where Judge Colin first warned the lawyers and my brother that he should read them their Miranda warnings for the crimes he had prima facie evidence had taken place in his court by them, crimes separate and distinct from those of Moran and using a variety of different documents.

16 MR. MANCERI: Your Honor, what happened
17 was is the documents were submitted with the
18 waivers originally, and this goes to
19 Mr. Bernstein's fraud allegation. As you know,
20 your Honor, you have a rule that you have to
21 have your waivers notarized. And the original
22 waivers that were submitted were not notarized,
23 so they were kicked back by the clerk. They
24 were then notarized by a staff person from
25 Tescher and Spallina admittedly in error. They
00027

Page 15
1 should not have been notarized in the absentia
2 of the people who purportedly signed them. And

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY
MORAN

3 I'll give you the names of the other siblings,
4 that would be Pamela, Lisa, Jill, and Ted
5 Bernstein.

6 THE COURT: So let me tell you because I'm
7 going to stop all of you folks because I think
8 you need to be read your Miranda warnings.

9 MR. MANCERI: I need to be read my Miranda
10 warnings?

11 THE COURT: Everyone of you might have to
12 be.

13 MR. MANCERI: Okay.

14 THE COURT: Because I'm looking at a
15 formal document filed here April 9, 2012,
16 signed by Simon Bernstein, a signature for him.

17 MR. MANCERI: April 9th, right.

18 THE COURT: April 9th, signed by him, and
19 notarized on that same date by Kimberly. It's
20 a waiver and it's not filed with The Court
21 until November 19th, so the filing of it, and
22 it says to The Court on November 19th, the
23 undersigned, Simon Bernstein, does this, this,
24 and this. Signed and notarized on April 9,
25 2012. The notary said that she witnessed Simon
00028

1 sign it then, and then for some reason it's not
2 filed with The Court until after his date of
3 death with no notice that he was dead at the
4 time that this was filed.

5 MR. MANCERI: Okay.

6 THE COURT: All right, so stop, that's
7 enough to give you Miranda warnings. Not you
8 personally --

9 MR. MANCERI: Okay.

10 THE COURT: Are you involved? Just tell
11 me yes or no.

12 MR. SPALLINA: I'm sorry?

13 THE COURT: Are you involved in the

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY MORAN

14 transaction?

15 MR. SPALLINA: I was involved as the
16 lawyer for the estate, yes. It did not come to
17 my attention until Kimberly Moran came to me
18 after she received a letter from the Governor's
19 Office stating that they were investigating
20 some fraudulent signatures on some waivers that
21 were signed in connection with the closing of
Page 16

In Re_ The Estate of Shirley Bernstein.txt
22 the estate.

- i. The series of exchanges here presumes that Simon's signed the document on April 09, 2012 and it was later submitted in November. Yet, according to Moran's statement that is NOT Simon's signature on the document, it is her FORGED signature, it was not merely notarized in his absentia, it is not his signature at all on the document.

- e. Judge Colin has not at this point arrested Ted, Spallina, Tescher and Manceri for the crimes that he is fully aware of that took place in his court with these forged documents, and I am unclear if he has reported these felony crimes to the proper authorities as required by Judicial Cannons and Law at this time. These felony crimes are not those of Moran or related to her document forgeries and fraud and are wholly new crimes I did not report in my initial complaint, as I had not learned of them at that time. I do believe I sent to your offices updates regarding these matters however. That the Sheriff's department should note that the Judge stated twice in the September 13, 2013 hearing, the transcript exhibited herein, that he should read Robert Spallina, Esq., Donald Tescher, Esq., Mark Manceri, Esq. and my brother Ted, their Miranda warnings. Not for the crimes committed and admitted to by Moran that you have most successfully prosecuted but for NEW CRIMES he found they had committed, including Fraud on the Court and filing of false instruments in official proceedings through identity theft of a deceased person.
- f. Further, at the hearing Spallina LIES to the Court by stating that the signatures on the Waiver's resubmitted by Moran were the same signatures as on the alleged originals, yet Moran's statement to the Sheriff contradicts this statement entirely.

23 THE COURT: So what's the resolution of

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY MORAN

24 the notary problem? Has that been resolved?

25 MR. SPALLINA: I can speak to it.

00050

1 MR. MANCERI: Please, Robert, go ahead.

2 The Judge is addressing you, be my guest.

3 MR. SPALLINA: In April of last year we

Page 28

4 met with Mr. Bernstein in April of 2012 to

5 close his wife's estate.

6 THE COURT: No, I know that part.

7 MR. SPALLINA: Okay.

8 THE COURT: I mean everyone can see he

9 signed these not notarized. When they were

10 sent back to be notarized, the notary notarized

11 them without him re-signing it, is that what

12 happened?

13 MR. SPALLINA: Yes, sir.

14 THE COURT: So whatever issues arose with

15 that, where are they today?

16 MR. SPALLINA: Today we have a signed

17 affidavit from each of the children other than

18 Mr. Bernstein that the original documents that

19 were filed with The Court were in fact their

20 original signatures which you have in the file

21 attached as Exhibit A was the original document

22 that was signed by them.

23 THE COURT: It was wrong for Moran to

24 notarize -- so whatever Moran did, the

25 documents that she notarized, everyone but

00051

1 Eliot's side of the case have admitted that

2 those are still the original signatures of

3 either themselves or their father?

4 MR. SPALLINA: Yes, sir.

- g. From the statement above Mr. Spallina, an Attorney at Law, has falsified information in a court proceeding by stating the signatures were not forged and

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY MORAN

were the original signatures and this poses new crimes that were not originally filed in the Moran investigation. I would like to have Spallina charged with this most serious crime of false statements in official proceedings by an attorney at law.

2. From the Sheriff's report you state,

ELINOUEIN, STATING THE DOCUMENTS WERE NOT NOTARIZED AND THEY NEED TO BE. MORAN STATED THAT AT THIS TIME, SHE TOOK IT UPON HERSELF TO TRACE EACH SIGNATURE OF THE SIX MEMBERS OF THE BERNSTEIN FAMILY ONTO ANOTHER COPY OF THE ORIGINAL WAIVER DOCUMENT. SHE THEN NOTARIZED THEM AND RESUBMITTED THEM TO THE COURTS.

a. That the "tracing" aka FORGERY is critical in these matters, as stated by Judge Colin in the Sept 13, 2013 hearing, when he states,

17 THE COURT: Mr. Bernstein, I want you to
18 understand something. Let's say you prove what
19 seems perhaps to be easy, that Moran notarized
20 your signature, your father's signature, other
21 people's signatures after you signed it, and
22 you signed it without the notary there and they
23 signed it afterwards. That may be a wrongdoing
24 on her part as far as her notary republic
25 ability, but the question is, unless someone
00060
1 claims and proves forgery, okay, forgery,
2 proves forgery, the document will purport to be
3 the document of the person who signs it...

Your investigation and arrest for fraudulent notarization of documents fails to prosecute properly for the admitted crime of forgery, as the document you are arresting her for is not a document I or my father signed that a notary stamp was then affixed to as your charges indicate. Instead, the document contains a forged signature on a document she wholly recreated and affixed a notary stamp on, which is not the document I or my father signed at all but rather a document she signed and this changes everything in the estate.

b. Further, there are conflicting statements made by Moran to two separate investigatory agencies regarding the documents, which implicate her in Perjury. Where at first Moran claims to the Governor's office that the documents were

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY MORAN

"identical" other than the fraudulent notary stamp she affixed and then telling a wholly different story to the Sheriff department, whereby she claims to have wholly recreated the documents and then "traced" aka forged six signatures making them wholly dissimilar and not "identical" at all. This appears to be felony Perjury and obstructing official investigations through false statements.

- c. Moran's statement above to the Sheriff's office therefore contradict her statement to the Governor, as she now admits to "tracing" aka forging the signatures, which is yet another distinct and separate felony crime times six signatures, including one for my deceased father. Therefore, Moran should be charged for felony forgery that she has now admitted to in your investigation, in addition to the fraudulent notarization of documents, which she was arrested for already.
- d. Based on these facts, I would like to press additional charges for the crime of perjury by Moran as well as forgery, as the perjury was not learned until after reviewing your arrest report with the conflicting statement. Now it becomes imperative to find out which of these statements is true, if either, and why she is lying to authorities. Again, we allege that Simon never signed a Waiver in April or November and that both documents were forged for him, along with a host of others.

ACTIONS. WE ALSO SPOKE WITH SPALLINA ALONE. SPALLINA STATED HE WAS NOT AWARE OF MORAN'S ACTIONS UNTIL SHE TOLD HIM. MORAN STATED SHE WAS MADE AWARE THAT OTHERS HAD CAUGHT ONTO WHAT SHE DID ONCE SHE RECEIVED NOTICE FROM THE GOVERNOR'S OFFICE, NOTARY EDUCATION DIVISION. ELIOT FILED A COMPLAINT ON HER WITH THE STATE. I WAS SUPPLIED WITH A COPY OF THE COMPLAINT AND CORRESPONDENCE BY ELIOT. I ALSO SPOKE WITH ERIN TUPER MAKING HER AWARE OF MY INVESTIGATION. ELIOT SUPPLIED A SWORN WRITTEN STATEMENT TO THE ORIGINAL

- e. The statements by Spallina and Moran regarding when Spallina knew of the criminal acts is another highly relevant point in the investigation and evidence of perjury exists in the statements made by both Moran and Spallina. Moran claims to first learn people were on to her, when she is notified by the Governor's Office in a letter dated July 23rd 2013. Spallina states he was not aware of Moran's actions until she told him, which according to her statements to authorities was sometime after July 23rd 2013 when she was contacted by the Governor's office. This statement that they did not know until that time is materially false as they learned of the crimes of Moran and the forged and fraudulent documents on or about May 06, 2013, when Spallina was served two separate Petitions filed by me with the probate courts. The Petitions were already submitted to you in the Moran investigation and contained

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY MORAN

the forged and fraudulent documents and the allegations against Moran and others. The Petitions served to them on May 6, 2013 filed with both Judge Colin and Judge French were titled "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" ("Petition 1".) The Petitions containing the forged and fraudulent documents can be found @
www.iviewit.tv/20130506PetitionFreezeEstates.pdf 15th Judicial Florida Probate Court and
www.iviewit.tv/20130512MotionRehearReopenObstruction.pdf US District Court Pages 156-582

In the September 13, 2013 hearing Spallina also claims to the Judge falsely that,

15 MR. SPALLINA: I was involved as the
16 lawyer for the estate, yes. It did not come to
17 my attention until Kimberly Moran came to me
18 after she received a letter from the Governor's
19 Office stating that they were investigating
20 some fraudulent signatures on some waivers that
21 were signed in connection with the closing of
Page 16
22 the estate.

Therefore, Spallina's claims in your investigation that he did not know about the crimes until Moran confessed to him which is factually false as he must hide that they knew of the crimes in May and did nothing but try to liquidate assets as fast as they could before anyone caught on. Spallina was well aware of the crimes of forgery and fraud alleged against Moran in May 2013 when he was served the Petitions months before he tries to claim in court and to investigators. What is important to note is that Spallina failed to take any actions to notify authorities or correct the matters with the court when he learned of them in May. Until the long arm of the law came knocking months later at Moran's door does he finally take action in September to rectify these matters, claiming that he just learned of them in July when Moran was noticed by the Governor. This again is making false statements in official investigations and in a court and I would like to file a complaint against Robert Spallina for this false statement of fact.

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY MORAN

3. From the Sheriff's report you claim,

IN THIS CASE, IN SPEAKING WITH SPALLINA, WE FOUND THAT THE DOCUMENT IN QUESTION CHANGES THE INHERITANCE OF PERSONAL PROPERTY IN THE ESTATE OF SHIRLEY BERNSTEIN FROM SIMON AND SHIRLEY'S CHILDREN TO THEIR GRANDCHILDREN.

- a. This statement from Spallina that the "document in questions changes the inheritance of personal property in the estate of Shirley Bernstein from Simon and Shirley's children to their grandchildren," contradicts the statements made to the Sheriff's office by Jill and Lisa and Ted in the report whereby they claimed "That as far as they know, the fraudulent notarization changed nothing with the estate" and Ted's claim "that the mistake did not affect the estate." The question now is who is telling the truth, Spallina or my siblings.
- b. If the documents change the beneficiaries fraudulently, this would constitute CONVERSION and THEFT that was enabled through a fraud on the court with forged and fraudulent documents and a fraud on the true and proper beneficiaries.
- c. In the October 28, 2013 Evidentiary Hearing it was learned that not only did the Waivers affect the estate of Shirley but other documents filed, including the alleged fraudulently notarized Will and Amended Trust filed by Spallina and Tescher in my father's estate, all now combine to throw into question who the ultimate beneficiaries will be in my mother's estate. The question of who the beneficiaries are will now have to be determined by the courts, due to the crimes of Moran and others. Therefore, I would say that contrary to my siblings statements that the crimes had no effect on the estate, contradicted by Spallina's statement that it changes beneficial interests, the crimes have had a devastating effect on the estate of my mother and the ultimate beneficiaries who have been damaged immensely and at great cost thus far.

4. From the Sheriff's report you stated,

AND SIMON BERNSTEIN. THE ONLY CRIMINAL WRONGDOINGS FOUND ARE THE AFOREMENTIONED FRAUDULENTLY NOTARIZED DOCUMENTS.

- a. That this statement is materially false and should be corrected in the report, as you also found criminal wrongdoings, including Forgery aka "tracing" of signatures and failed to identify this crime properly in the report or prosecute for ADMITTED FORGERY. That this statement is therefore materially false and should be corrected and the correct crimes prosecuted.

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY MORAN

- b. You were also given evidence of the criminal wrongdoing of Spallina, Tescher, Manceri and Ted exposed in the September 13, 2013 hearings. These crimes involved new crimes in closing the estate with a dead person as if alive and while related to the crimes of Moran, were committed with a variety of different documents and by different parties, who committed fraud on the court and more by Tescher, Spallina, Moran, Manceri, Baxley and Ted. Judge Colin identified these crimes and criminals as already exhibited herein and earlier submissions to your office in the Moran case.
- c. That you were also aware that the documents changed who received personal properties and this is a crime of conversion and theft as well, as the fraudulent and forged documents of Moran, according to Spallina, caused a conversion of personal properties to the wrong beneficiaries.
- d. Did you review the alleged Will and Amended and Restated Trust filed in my father's estate given to you? Whereby these documents also appear fraudulently notarized by now a one Lindsay Baxley, whom complaints were filed against with the Governor's office for improper notarization. On these documents, both Moran and Spallina aided Baxley, as they signed as witnesses to the documents she improperly notarized. Further, the fraudulent Will and Amended and Restated Trust give Tescher & Spallina alleged powers as executors/personal representatives of the estate of Simon and where Spallina drafted these documents as Attorney at Law only days before Simon passed away, while undergoing a battery of physical and psychological tests for problems with his brain and more. Spallina further witnesses the documents on these fraudulently notarized documents, again evidencing alleged fraud and fraudulent official documents in an official proceeding filed with the courts. This fraudulent witnessing of key estate documents that Spallina drafted, witnessed and gained financial benefits from and control of the estates with, represents new crimes which Spallina should be investigated for and prosecuted for. Again, it is alleged that the Will and Amended Trust were done post mortem and are further forgeries and that these documents were used to ILLEGALLY seize Dominion and Control over the estates and begin conversion of the properties to the knowingly wrong parties through a variety of felony frauds and thefts.
- e. Did you review the real estate documents signed by Ted that appear fraudulent and were submitted as part of the additional evidence provided to you in the Moran case? It should be noted that it was learned that prior to the October 28, 2013 Evidentiary Hearing that Ted was acting in fiduciary roles that he had not had prior to that day to liquidate assets. During the time Ted acted in the false fiduciary capacities he sold and converted real estate property and distributed the funds

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY MORAN

knowing that he did not have the fiduciary power to act in any capacity at the time. Ted took no legally necessary steps to properly notify the court or the alleged beneficiaries of his presumed fiduciary capacities in Shirley's estate because they were not legal. It was learned in the September 13, 2013 hearing that no successors to Simon were ever elected in the estate or trusts, as Simon closed the estate of Shirley and administered her trust while dead, as part of the fraud on the court and the beneficiaries.

- f. Ted also claimed in the September 13, 2013 hearing that he was Trustee of the estate of Shirley, which was learned later in the hearing to be a false statement, as Simon died as Personal Representative and Trustee of Shirley's estate and then while dead closed Shirley's estate as if he was alive. Simon was used to fraudulently close the estate while dead, as it was learned that Attorneys at Law Spallina and Tescher did not notify the court of his death and elect a successor Personal Representative or Trustee. Therefore, no successors were ever elected or granted Letters of Administration after Simon died, as would be the normal action when the Personal Representative dies, other than when identity theft and fraud on the court is being committed with a dead person.

5. From your report you claim,

BASED ON THE FACTS AND FINDINGS OF THIS INVESTIGATION, I FIND PROBABLE CAUSE FOR THE ARREST OF MORAN FOR CRIMINAL ACTIONS UNDER THE COLOR OF LAW OR THROUGH USE OF SIMULATED LEGAL PROCESS, P.F.S. 943.0855 (3), DUE TO THE FACT THAT SHE DID WILLINGLY AND KNOWINGLY SIMULATE A LEGAL PROCESS OF A LEGAL DOCUMENT REGARDING PERSONAL PROPERTY, KNOWING THAT THE DOCUMENT CONTAINED FRAUDULENT SIGNATURES. THIS CASE REMAINS OPEN.
DETECTIVE RYAN W. MILLER 37704

- a. Moran's acts were also forgery, why was she not charged with it?
 - b. Moran's acts also became part of a fraud on a court when they were filed in an official proceeding, why was she not charged with that as well?
 - c. Identity Theft was committed regarding Simon's forged documents post mortem being filed in the courts why was she not charged with that?
6. Insurance Fraud and Fraud on a Federal Court involving Robert Spallina, Kimberly Moran and Theodore Bernstein.
 - a. Robert Spallina filed a claim with Heritage Union Life Insurance Company for a policy on my father Simon Bernstein, acting as "trustee" of a what Spallina has stated is a lost trust, allegedly named the "Simon Bernstein Irrevocable Insurance Trust Dtd.

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY MORAN

6/21/95." EXHIBIT 5 – SPALLINA CLAIM FORM. That MORAN is also involved in drafting and sending via mail and wire letters on behalf of Spallina to the insurance carrier to effectuate this fraud.

- b. Robert Spallina knew he was not the "trustee" of this lost trust, as he has consistently maintained that he has never seen the trust or had possession of the trust and that due to the trust being lost, it was a "best guess" as to who the beneficiaries and trustees were, see EXHIBIT 6 – SPALLINA CORRESPONDENCES REGARDING THE "LOST" TRUST
- c. After the claim was rejected by the carrier for failing to provide a clear path to the beneficiaries or trustees and failing to provide a trust document validating Spallina's and Ted's claims to be trustees. Ted and his brother-in-law's brother, attorney at law Adam Simon, Esq. then filed a breach of contract lawsuit in Federal Court with Ted claiming to the federal court now to be the "trustee" of the lost trust. The same lost trust that Spallina claimed to be "trustee" for when filing his fraudulent insurance claim. The breach of contract suit was brought because the carrier would not pay Spallina acting as Trustee of the lost trust and asked for a probate court order approving the lost trust beneficiaries Spallina claimed. The lawsuit was filed without my knowledge despite claims the benefits were in part for me and I was notified when the life insurance company filed a counter complaint against Ted and A. Simon and sued me as a third party defendant. This suit alerted me that they were trying to abscond with the benefits through this frivolous breach of contract lawsuit, constituting Abuse of Process, Fraud on a US District Court and insurance fraud. That Ted, Pam, Jill and Lisa do not want the benefits to flow to the estate as is the law in a lost beneficiary situation typically, as their children will get the funds. In Ted and Pam's case, their children are adults and would directly receive the proceeds if paid to the estate, which provides a motive for the fraud. That the lost trust and the lost insurance policy (not even the carrier appears to have a copy) and the documents and records of certain of the trusts involved were maintained by Pam and her husband David B. Simon, Esq. Despite Rule 26 disclosures from the carrier and Ted, at this time no trust or insurance contract has been produced by any party making claim, including the insurance companies and banks involved and this may indicate suppression or destruction of documents in efforts to perpetrate a fraud.
- d. That Tescher and Spallina have also been counter sued in this federal case but have failed as of this date to respond.

7. Questions for Det Miller

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 - www.iviewit.tv

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY MORAN

- a. Did you just take statements from people at face value when determining the voracity of their statements? Did you investigate any of the perjuries that occurred in the various criminal and civil investigations and court transcripts of Moran or Spallina that were sent to you that wholly contradict statements made to the Sheriff's office?
- b. Did you review the hearing transcript statements whereby Judge Colin identified OTHER documents that were presented to the court by Spallina, Tescher, Manceri and Ted filed POST MORTEM by my father, not the documents done by Moran but other documents used to perpetrate a fraud on the court to close the estate, using documents and claims of Simon after he was dead, using him as if he were alive?
- c. For all of these NEW crimes presented herein I would like to file NEW criminal complaints for identity theft, fraud on the court, conversion, insurance fraud, fraud, etc. against each and every party involved and for each and every crime committed where there is prima facie evidence for each and admissions. Millions of dollars of cash and assets are missing from the estates, inventories are specious, and documents are suppressed from the beneficiaries including two trusts, an insurance contract and more.
- d. Did you review the reasons for Judge Colin claiming that he should read Miranda's to Ted, Spallina, Tescher and Manceri for fraud on a court and more in the closing of Shirley's estate with a series of other apparently fraudulent documents that are all improperly notarized or otherwise signed.

That based on the information contained herein and in my prior complaint regarding Moran and others, I would like to file the following criminal charges in separate claims or as one conspiracy claim, including but not limited to;

1. Perjury, several counts against Moran for conflicting statements regarding forgery and fraud in investigations.
2. Forgery, against Moran
3. Fraudulent Notarizations and alleged Forgery, against Lindsay Baxley
4. Perjury and false statements in official proceedings by Robert Spallina
5. Fraud on a Court and False official documents filed in the Probate Court, against Robert Spallina, Donald Tescher and Mark Manceri.
6. Personal and Real Property Theft and Conversion against Spallina, Tescher, Manceri, Ted, Moran, Baxley, Pam, Jill and Lisa.
 - a. New evidence in approximately \$1,000,000.00 of jewelry stolen from the estates now exists that was not reported in inventories of Simon or Shirley and

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY MORAN

were removed from the estate by Ted, Pam, Jill and Lisa. Certain items that were listed on inventories prepared by Ted do not match up to appraisals that were done in 2010 for insurance purposes and the numbers are hundreds of thousands different for what appear identical pieces, yet the discrepancies in color and clarities may indicate that fencing of jewels took place and replacement with inferior jewels were used for Ted's appraisal. See EXHIBIT ___ - TED 2013 ESTATE JEWELRY APPRAISAL AND 2010 CHARTIS INSURANCE APPRAISAL

7. Conspiracy, against Spallina, Tescher, Manceri, Ted, Moran, Baxley, Pam, Jill and Lisa
8. Identity Theft, Robert Spallina, Donald Tescher and Moran.
9. Mail and Wire Fraud against Spallina, Tescher, Moran and Baxley.
10. Insurance Fraud

Where allegations of MURDER of my father abounded from day one of his death, with claims of overdosing and poisoning and an autopsy and police investigation ordered and controlled by Ted, blaming or framing my father's girlfriend, Maritza Puccio.

While there were talks in May 2012 that my father was considering making changes to his estate plan, these plans were never completed and without the fraudulent and forged documents done post mortem for him, the changes would never have taken place.

These fraudulent and forged documents materially change the beneficiaries, the trustees and the distribution of the estates assets, converting the assets to improper parties and therefore all these other documents than the Waivers Moran admitted criminal acts in creating must be individually investigated and the crimes they permit must then also be prosecuted. Where Moran and Spallina are found perjuring statements to officials there is indisputably more to investigate and properly prosecute.

My father was an expert estate planner, he invented complex insurance plans involving complex estates for 40 years or more, he was one of the most successful in the industry and if he had wanted his estate beneficiaries changed they would have been perfect documents and not materially flawed, improperly notarized and forged and illegally notarized for him. My father stood for integrity in my life and he would have never filed perjured statements in official documents like on the Petition to Discharge or filed fraudulent inventories and other documents. My father would be ashamed of what his children have done to change the beneficiaries to their likings, POST MORTEM, through these frauds and not allow his and Shirley's last wishes to be executed properly and monies transferred to the beneficiaries they elected prior to the attempted frauds.

Thank you for your prompt consideration of these requests.

Detective Ryan Miller
Palm Beach County Sheriff's Office
Financial Crimes Unit

Page 19 of 20
Tuesday, December 3, 2013

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY
MORAN

Respectfully Yours,



Eliot I. Bernstein
Founder & Inventor

Iviewit Holdings, Inc. – DL
Iviewit Holdings, Inc. – DL
Iviewit Holdings, Inc. – FL
Iviewit Technologies, Inc. – DL
Uview.com, Inc. – DL
iviewit.com, Inc. – FL
Iviewit.com, Inc. – DL
I.C., Inc. – FL
Iviewit.com LLC – DL
Iviewit LLC – DL
Iviewit Corporation – FL
Iviewit, Inc. – FL
Iviewit, Inc. – DL
Iviewit Corporation

cc/ec: Honorable Shira A. Scheindlin

Honorable Martin Colín

Honorable David French

Enclosure(s)/Attachment(s)/URL's

All Uniform Resource Locators (URL's) and the contents of those URL's are incorporated in entirety by reference herein and therefore must be included in your hard copy file WITH ALL EXHIBITS, as part of this correspondence and as further evidentiary material to be Investigated. Due to allegations alleged by New York State Supreme Court Whistleblower Christine C. Anderson and similar claims in the Iviewit RICO &

Detective Ryan Miller
Palm Beach County Sheriff's Office
Financial Crimes Unit

Page 20 of 20
Tuesday, December 3, 2013

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY
MORAN

ANTITRUST Lawsuit regarding Document Destruction and Tampering with Official Complaints and Records, PRINT all referenced URL's and their corresponding exhibits and attach them to your hard copy file, as this is now necessary to ensure fair and impartial review.

In order to confirm that NO DOCUMENT DESTRUCTION OR ALTERCATIONS have occurred, once complete forward a copy of this correspondence with all exhibits and materials included to, Eliot I. Bernstein at the address listed herein. This will insure that all parties are reviewing the same documentation and no additional illegal activity is taking place. If you, for any reason, are incapable of providing this confirmation copy, please put your reasons for failure to comply in writing and send that to Eliot I. Bernstein at the address listed herein. Note, that this is a request only for a copy of this Correspondence and the referenced materials and NOT a request for any Case Investigation information, which may be protected by law.

cmb/eib

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

CRIMINAL DIVISION V

STATE OF FLORIDA

CASE NO. SD2013CFD10745AXXXMB
ISSUE CAPIAS

vs.

KIMBERLY FRANCES MORAN, W/F,
10/24/1978, 595-86-7590

FILED
13 OCT -9 PM 3:43
CLERK
PALM BEACH COUNTY, FL
CIRCUIT CRIMINAL

INFORMATION FOR:

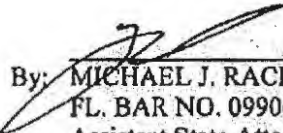
1) FALSE OR FRAUDULENT ACKNOWLEDGMENT OF SIGNATURE BY NOTARY PUBLIC

In the Name and by Authority of the State of Florida:

DAVID ARONBERG, State Attorney for the Fifteenth Judicial Circuit, Palm Beach County, Florida, by and through his undersigned Assistant State Attorney, charges that:

COUNT 1: KIMBERLY FRANCES MORAN on or about November 19, 2012, in the County of Palm Beach and State of Florida, did, while a notary public, falsely or fraudulently take an acknowledgment of an instrument as a notary public, or falsely or fraudulently make a certificate as a notary public or falsely or fraudulently receive an acknowledgment of the signature of ELIOT BERNSTEIN on a written instrument, contrary to Florida Statute 117.105. (3 DEG FEL)

DAVID ARONBERG
STATE ATTORNEY

By: 
MICHAEL J. RACHEL
FL. BAR NO. 0990604
Assistant State Attorney
Fifteenth Judicial Circuit

STATE OF FLORIDA
COUNTY OF PALM BEACH

Appeared before me, MICHAEL J. RACHEL, Assistant State Attorney for Palm Beach County, Florida, personally known to me, who, being first duly sworn, says that the allegations as set forth in the foregoing information are based upon facts that have been sworn to as true, and which, if true, would constitute the offense therein charged, that this prosecution is instituted in good faith, and certifies that testimony under oath has been received from the material witness or witnesses for the offense.


Assistant State Attorney

Sworn to and subscribed to before me this 9 day of October, 2013.


NOTARY PUBLIC, State of Florida

MJR/ds
Citation Nos. (if applicable):



FCIC REFERENCE NUMBER:

1) FALSE OR FRAUDULENT ACKNOWLEDGMENT OF SIGNATURE BY NOTARY PUBLIC
2699

NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILING

Pursuant to Florida Rule of Judicial Administration 2.420(d)(2), the filer of this court record (Information) indicates that confidential information is included within the document being filed; to wit: Social Security Number, § 119.0714.

PROBABLE CAUSE AFFIDAVIT						
1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias				3	Juvenile	
OBTS Number		Agency Name			Agency Report Number	
FLO 6 0 0 0 0 0		PALM BEACH COUNTY SHERIFF'S OFFICE			06 - 13-097087	
Charge Type: <input checked="" type="checkbox"/> 1. Felony <input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 5. Ordinance				Special Notes:		
Check as many <input type="checkbox"/> 2. Traffic Felony <input type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 6. Other as apply.						
Defendant's Name (Last, First, Middle)				Race	Sex	Date of Birth
Moran, Kimberly Frances				w	f	10/24/78
Charge Description			Charge Description			
Criminal actions through use of simulated legal process						
Charge Description			Charge Description			
Victim's Name (Last, First, Middle)				Race	Sex	Date of Birth
Bernstein, Elliot I.				w	m	9/30/63
Victim's Local Address (Street, Apt. Number)		(City)	(State)	(Zip)	Phone	Address Source
2753 NW 34 th St.		Boca Raton	FL	33434	888-7628	verbal
Victim's Business Address (Name, Street)		(City)	(State)	(Zip)	Phone	Occupation
					245-8588	unemployed
The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law. The Person taken into custody...						
<input type="checkbox"/> committed the below acts in my presence. <input type="checkbox"/> was observed by _____ who told _____ <input checked="" type="checkbox"/> confessed to <u>Det. Miller #7704</u> that he/she saw the arrested person commit the below acts. admitting to the below facts. <input type="checkbox"/> was found to have committed the below acts, resulting from my (described) investigation.						
On the 15 day of July, 2013 at 12:40 <input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M. (Specifically include facts constituting cause for arrest).						

NARRATIVE:

Eliot Bernstein filed a report with the Palm Beach County Sheriff's Office through D/S B. Longworth. Eliot reported that he felt some fraudulent/forged documents had been filed in the Palm Beach County Court System.

On August 23, 2013 I met with Eliot Bernstein reference his complaint. He stated that due to some documents being fraudulently notarized a larger fraud has occurred. He supplied me with copies of a document titled: Waiver of Accounting and Portions of Petition for Discharge: Waiver of Service of Petition for Discharge: And Receipt of Beneficiary and Consent to Discharge, for the Estate of Shirley Bernstein, who is Eliot's deceased mother.

Eliot stated that in the first part (believed to be April) of 2012, his father had a meeting with him and his four siblings (Ted, Pamela, Jill, & Lisa). I have since found out that this was a conference call which took place at the office of Attorney Robert Spallina, who is/was the Attorney for Simon and Shirley Bernstein. It should be noted that Simon has since passed, which occurred on or about September 13, 2012. At this conference call, which was in the first part of 2012, Simon Bernstein revealed to his children that he would like them to sign the aforementioned waiver. It is believed that there was also some discussion of inheritance and who was to get what upon Simon's passing.

Investigation revealed that all five children and Simon signed the aforementioned waiver that was sent to them by Spallina's legal assistant, Kimberly Moran. I spoke with Moran on 9/24/13 and she admitted to sending out the waiver as told to by her

NARRATIVE CONTINUATION

boss. The waivers were then signed and returned. Simon's was signed on 4/9/12 and Eliot's on May 15, 2012. It was found that the other siblings did not return their document for several months. Moran stated she had to conduct follow-up e-mails and phone calls to get the documents returned. They were finally returned in August and October of 2012.

Moran stated she filed the documents with the court in October of 2012. She received a memorandum for Judge Martin Colin's case manager, Astride Limouzin, stating the documents were not notarized and they need to be. Moran stated that at this time, she took it upon herself to trace each signature of the six members of the Bernstein family onto another copy of the original waiver document. She stated she did this at the law office located at 4855 Technology Way, Boca Raton, Florida. She admitted she did this without authorization from anyone. She then notarized them and resubmitted them to the courts. When I interviewed her on 9/24/13, she stated she did not really have a reason why she forged the signatures, other than to maybe save time.


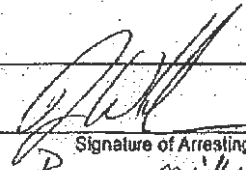
I spoke with Lisa and Jill via phone on September 10, 2013. They stated that as far as they know, the fraudulent notarization changed nothing with the estate since they willingly and knowingly signed the original documents. They stated that they do not wish to pursue anything criminally. I spoke with Ted on 9/24/13. He also stated that the mistake did not affect the estate and does not wish to pursue anything criminally. To date Pamela has not responded to my phone messages or e-mails.

D/S Mark Berey was present during my interviews with Moran, Ted, and Spallina. We spoke to Moran alone. The interview was recorded. She admitted to make a poor decision, but stated she did not benefit financially from her actions. We also spoke with Spallina alone. Spallina stated he was not aware of Moran's actions until she told him. Moran stated she was made aware that others had caught onto what she did once she received notice from the Governor's Office, Notary Education Division. Eliot filed a complaint on her with the state. I was supplied with a copy of the complaint and correspondence by Eliot. I also spoke with Erin Tuper making her aware of my investigation. Eliot supplied a sworn written statement to the original reporting deputy, stating that he wishes to pursue criminal charges. Eliot also told me himself that he wishes to pursue charges any criminal wrongdoings in this case. In speaking with Spallina, we found that the document in questions changes the inheritance of personal property in the Estate of Shirley Bernstein from Simon and Shirley's children to their grandchildren.

Based on the facts and findings of this investigation, I find probable cause for the arrest of Moran for Criminal Actions under the color of law or through use of simulated legal process, F.S.S. 843.0855 (3), due to the fact that she did willingly and knowingly

NARRATIVE CONTINUATION

simulate a legal process of a legal document regarding personal property, knowing that the document contained fraudulent signatures

Sworn and Subscribed before me	8828		
Signature Notary Public / Clerk of Court / Officer (F.S.S 117.10)		Signature of Arresting / Investigating Officer	
Name of Notary Public / Clerk of Court / Officer (F.S.S 117.10)	Det Justin Markella	Name of Officer (Please Print)	Ryan Miller 7704
Date	9-25-13	Date	9-25-13

**PALM BEACH COUNTY SHERIFF'S OFFICE
CENTRAL RECORDS
FSS EXEMPTIONS/CONFIDENTIAL**

- | | |
|--|---|
| <input type="checkbox"/> 119.071(2)(c) Active criminal intelligence/active criminal investigative Information | <input type="checkbox"/> 119.071(5)(g)1 Biometric Identification Information (Fingerprints, palm prints, and footprints) |
| <input checked="" type="checkbox"/> 119.071(2)(e) Confession | <input type="checkbox"/> 119.071(2)(f) Confidential Informants |
| <input type="checkbox"/> 365.171(12) Identity of 911 caller or person requesting emergency service | <input type="checkbox"/> 316.066(5)(a) Crash reports are confidential for period of 60 days after the report is filed |
| <input type="checkbox"/> 119.071(2)(d) Surveillance techniques, procedures, and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization, deployment or tactical operations | <input type="checkbox"/> 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 |
| <input type="checkbox"/> 119.071(2)(l) Assets of crime victim | <input type="checkbox"/> 985.04(1) Juvenile offender records |
| <input type="checkbox"/> 119.071(5)(a)(5) Social security numbers held by agency | <input type="checkbox"/> 119.0712(2) Personal information contained in a motor vehicle record |
| <input type="checkbox"/> 119.071(5)(b) Bank account #, debit, charge and credit card numbers held by an agency | <input type="checkbox"/> 119.071(2)(b) Criminal intelligence/investigative information from a non-Florida criminal justice agency |
| <input type="checkbox"/> 395.3025(7)(a) and/or 456.057(7)(a) Medical information | <input type="checkbox"/> 394.4615(7) Mental health information |
| <input type="checkbox"/> 943.053/943.0525 NCIC/FCIC/FBI and in-state FDLE/DOC | <input type="checkbox"/> 119.071(4)(c) Undercover personnel |
| <input type="checkbox"/> 119.07(4)(d) Extra fee if request is voluminous or requires extensive personnel, technology | <input checked="" type="checkbox"/> 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:13-097087

Tracking No.: 15-07-1853

Clerk Name/ID:S Petit 8339

Date: 10/1/2015

9/11/2015

<u>Case #</u>	<u>Submission #</u>	<u>Description</u>	<u>Size</u>	<u>Location</u>
13-097087	001	Cd Moran statement.	SSB	RM259

00 001 13

9/11/2015

<u>Case #</u>	<u>Submission #</u>	<u>Description</u>	<u>Size</u>	<u>Location</u>
14-029489	001	Original amended trust/ copy altered amended trust/ Spallina interview 1/21/14	SSB	RM270
14-029489	002	Ted and Alan interviews cd.	SSB	RM272
14-029489	003	Lisa and Jill's interviews cd.	SSB	RM272
14-029489	004	6 partial dist forms.	SSB	RM273
14-029489	005	Cd w/ Walkers statement and attachment.	SSB	RM274
14-029489	006	Cd w/ Eliot and Candace interview/ copy of full waiver.	SSB	RM274
14-029489	007	Cd Bernstein emails/ 3 copies of original trust documents.	SLB	B1448

CONFIDENTIAL

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL

IN RE: ESTATE OF

File No. 502011000653XXXX SB

SHIRLEY BERNSTEIN,

Probate Division

Deceased.

PETITION FOR DISCHARGE
(full waiver)

2012 OCT 24 PM 1:31
SHARON H. BLOCH, CLERK
PALM BEACH COUNTY, FL
SOUTH CITY SQUARE - FILED

Petitioner, SIMON BERNSTEIN, as personal representative of the above estate, alleges:

1. The decedent, Shirley Bernstein, a resident of Palm Beach County, died on December 8, 2010, and Letters of Administration were issued to petitioner on February 10, 2011.

2. Petitioner has fully administered this estate by making payment, settlement, or other disposition of all claims and debts that were presented, and by paying or making provision for the payment of all taxes and expenses of administration.

3. Petitioner has filed all required estate tax returns with the Internal Revenue Service and with the Department of Revenue of the State of Florida, and has obtained and filed, or file herewith, evidence of the satisfaction of this estate's obligations for both federal and Florida estate taxes, if any.

4. The only persons, other than petitioner, having an interest in this proceeding, and their respective addresses are:

NAME	ADDRESS	RELATIONSHIP	BIRTH DATE (if Minor)
Simon L. Bernstein	7020 Lions Head Lane Boca Raton, FL 33496	spouse	adult
Ted S. Bernstein	880 Berkeley Street Boca Raton, FL 33487	son	adult



Pamela B. Simon	950 North Michigan Avenue Suite 2603 Chicago, IL 60606	daughter	adult
Eliot Bernstein	2753 NW 34 th Street Boca Raton, FL 33434	son	adult
Jill Iantoni	2101 Magnolia Lane Highland Park, IL 60035	daughter	adult
Lisa S. Friedstein	2142 Churchill Lane Highland Park, IL 60035	daughter	adult

5. Petitioner, pursuant to Section 731.302 of the Florida Probate Code, and as permitted by Fla. Prob. R. 5.400(f), files herewith waivers and receipts signed by all interested persons:

- (a) acknowledging that they are aware of the right to have a final accounting;
- (b) waiving the filing and service of a final accounting;
- (c) waiving the inclusion in this petition of the amount of compensation paid or to be paid to the personal representative, attorneys, accountants, appraisers or other agents employed by the personal representative and the manner of determining that compensation;
- (d) acknowledging that they have actual knowledge of the amount and manner of determining compensation of the personal representative, attorneys, accountants, appraisers, or other agents, and agreeing to the amount and manner of determining such compensation, and waiving any objections to the payment of such compensation;
- (e) waiving the inclusion in this petition of a plan of distribution;
- (f) waiving service of this petition and all notice thereof;
- (g) acknowledging receipt of complete distribution of the share of the estate to which they are entitled; and
- (h) consenting to the entry of an order discharging petitioner, as personal representative, without notice, hearing or waiting period and without further accounting.

Petitioner requests that an order be entered discharging petitioner as personal representative of this estate and releasing the surety on any bond which petitioner may have posted in this proceeding from any liability on it.



Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Signed on April 9, 2012.

Personal Representative



SIMON L. BERNSTEIN

Respectfully Submitted,
TESCHER & SPALLINA, P.A.

By: 

ROBERT L. SPALLINA, ESQUIRE
Florida Bar No. 497381
4855 Technology Way, St. 720
Boca Raton, FL 33431
561-997-7008

XXXXXX DATA FROM BERNSTEIN, BILBY, FINEBERG, CHERRY, FINEBERG, BERNSTEIN, AND SPALLINA

CONFIDENTIAL



Miller, Ryan W.

From: Rachel Walker <rachel3584@gmail.com>
Sent: Friday, February 14, 2014 2:31 PM
To: Miller, Ryan W.
Subject: Notes pertaining to Eliot Bernstein's Petition to Freeze Estates

Hi Detective Miller!

I couldn't locate my notes initially made when first reading Eliot's petition so I took a few hours to read and make them again. I tried to only comment on notions that included me but also noted my knowledge on other circumstances. I hope it helps everyone in finalizing this issue and let it come to an end sooner rather than later. I also just realized you were the detective Shirley and I worked with regarding the scam elevator guy, Claude a few years back!

p.12 pp.14

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

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

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

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

Not true. There is a ring that was left to Ally that everyone knows about.

p.18pp.47

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

TRUE. They were correct, however, it wasn't a "boycott". They informed Eliot 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

The 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

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

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

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

This is only speculation of Eliot

p.20pp.58

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.21pp.71ii

Fainting and dizzy spells didn't happen until late August/early September.

p.21pp.71iv

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

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

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

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

TRUE. Simon was in a vegetative state as advised by the ER doctor.

p.25pp.92

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

Absolutely untrue.

p.26pp.102

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

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

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

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

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

Didn't discuss with Ted at the hospital

p.30pp.130

This paragraph is either a blatant 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

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

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

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

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 \$10million. 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

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

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

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

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

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

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".

UL

**FIRST AMENDMENT TO
SHIRLEY BERNSTEIN TRUST AGREEMENT**

This First Amendment is dated this 18 day of Nov, 2008, and is between SHIRLEY BERNSTEIN of Palm Beach County, Florida referred to in the first person, as settlor, and SHIRLEY BERNSTEIN of Palm Beach County, Florida as trustee (referred to as the "*Trustee*," which term more particularly refers to all individuals and entities serving as trustee of a trust created hereunder during the time of such service, whether alone or as co-trustees, and whether originally serving or as a successor trustee).

WHEREAS, on May 20, 2008, I created and funded the SHIRLEY BERNSTEIN TRUST AGREEMENT (the "*Trust Agreement*," which reference includes any subsequent amendments of said trust agreement);

WHEREAS, Paragraph A. of Article I. of said Trust Agreement provides, inter alia, that during my lifetime I shall have the right at any time and from time to time by an instrument, in writing, delivered to the Trustee to amend or revoke the said Trust Agreement, in whole or in part.

NOW THEREFORE, by executing this instrument, I hereby amend the Trust Agreement as follows:

1. I hereby delete Paragraph B. of Article II. in its entirety.
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 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."

3. I hereby ratify and reaffirm the Trust Agreement as amended by this First Amendment.

=====

[remainder of page intentionally left blank]


IN WITNESS WHEREOF, the parties hereto have executed this First Amendment on the date first above written.

SETTLOR and TRUSTEE:




SHIRLEY BERNSTEIN

This instrument was signed by SHIRLEY BERNSTEIN in our presence, and at the request of and in the presence of SHIRLEY BERNSTEIN and each other, we subscribe our names as witnesses on this 18 day of Nov, 2008:



Print Name: ROBERT L. SPALLINA
Address: 7387 WISTERIA AVENUE
PARKLAND, FL 33076



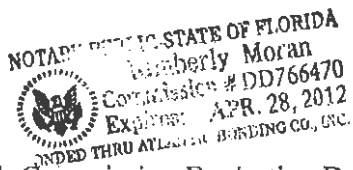
Print Name: Rachel Walker
Address: 100 Plaza Real South
Apt. 308
Boca Raton, FL 33432

STATE OF FLORIDA

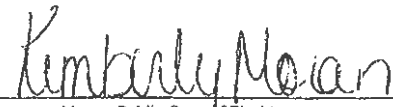
SS.

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 18 day of November, 2008, by SHIRLEY BERNSTEIN.



[Seal with Commission Expiration Date]



Signature - Notary Public - State of Florida

Print, type or stamp name of Notary Public

Personally Known or Produced Identification _____
Type of Identification Produced _____

N:\WPDATA\dr\Bernstein, Shirley & Simon\2008 Estate Planning\First Amendment to Shirley Bernstein Trust Agreement.wpd [11/09/26 18:08]


IN WITNESS WHEREOF, the parties hereto have executed this First Amendment on the date first above written.

SETTLOR and TRUSTEE:

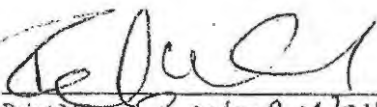


SHIRLEY BERNSTEIN

This instrument was signed by SHIRLEY BERNSTEIN in our presence, and at the request of and in the presence of SHIRLEY BERNSTEIN and each other, we subscribe our names as witnesses on this 18 day of Nov, 2008:



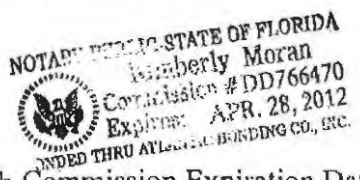
Print Name: ROBERT L. SPALLINA
Address: 7387 WISTERIA AVENUE
PARKLAND, FL 33076




Print Name: Rachel Walker
Address: 100 Plaza Real South
Apt. 308
Boca Raton, FL 33432

STATE OF FLORIDA
SS.
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 18 day of November, 2008, by SHIRLEY BERNSTEIN.



[Seal with Commission Expiration Date]



Signature - Notary Public - State of Florida

Print, type or stamp name of Notary Public

Personally Known or Produced Identification _____
Type of Identification Produced _____

N:\WPDATA\ldfr\Bernstein, Shirley & Simon\2008 Estate Planning\First Amendment to Shirley Bernstein Trust Agreement.wpd [11/09/26 18:08]

**FIRST AMENDMENT TO
SHIRLEY BERNSTEIN TRUST AGREEMENT**

This First Amendment is dated this 18 day of NOV, 2008, and is between SHIRLEY BERNSTEIN of Palm Beach County, Florida referred to in the first person, as settlor, and SHIRLEY BERNSTEIN of Palm Beach County, Florida as trustee (referred to as the "*Trustee*," which term more particularly refers to all individuals and entities serving as trustee of a trust created hereunder during the time of such service, whether alone or as co-trustees, and whether originally serving or as a successor trustee).

WHEREAS, on May 20, 2008, I created and funded the SHIRLEY BERNSTEIN TRUST AGREEMENT (the "*Trust Agreement*," which reference includes any subsequent amendments of said trust agreement);

WHEREAS, Paragraph A. of Article I. of said Trust Agreement provides, inter alia, that during my lifetime I shall have the right at any time and from time to time by an instrument, in writing, delivered to the Trustee to amend or revoke the said Trust Agreement, in whole or in part.

NOW THEREFORE, by executing this instrument, I hereby amend the Trust Agreement as follows:

1. I hereby delete Paragraph B. of Article II. in its entirety.

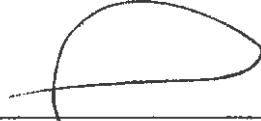
3. I hereby ratify and reaffirm the Trust Agreement as amended by this First Amendment.

=====

[remainder of page intentionally left blank]

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment on the date first above written.

SETTLOR and TRUSTEE:



SHIRLEY BERNSTEIN

This instrument was signed by SHIRLEY BERNSTEIN in our presence, and at the request of and in the presence of SHIRLEY BERNSTEIN and each other, we subscribe our names as witnesses on this 18 day of Nov, 2008:



Print Name: ROBERT L. SPALLINA
Address: 7387 WISTER AVENUE
PARKLAND, FL 33076



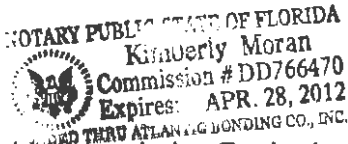
Print Name: Rachel Walker
Address: 100 Plaza Real South
apt. 308
Boca Raton, FL 33432

STATE OF FLORIDA

SS.

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 18th day of November, 2008, by SHIRLEY BERNSTEIN.



[Seal with Commission Expiration Date]



Signature - Notary Public-State of Florida

Print, type or stamp name of Notary Public

Personally Known or Produced Identification _____
Type of Identification Produced _____

N:\WPDATA\dr\Bernstein, Shirley & Simon\2008 Estate Planning\First Amendment to Shirley Bernstein Trust Agreement.wpd [11/09/26 18:08]

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment on the date first above written.

SETTLOR and TRUSTEE:



SHIRLEY BERNSTEIN

This instrument was signed by SHIRLEY BERNSTEIN in our presence, and at the request of and in the presence of SHIRLEY BERNSTEIN and each other, we subscribe our names as witnesses on this 18 day of Nov, 2008:



Print Name: ROBERT L. SPALLINA
Address: 7387 WISTER AVENUE
PARKLAND, FL 33076



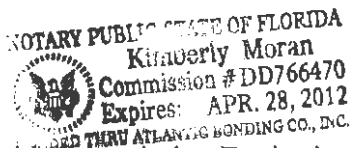
Print Name: Rachel Walker
Address: 100 Plaza Real South
apt 308
Boca Raton, FL 33432

STATE OF FLORIDA

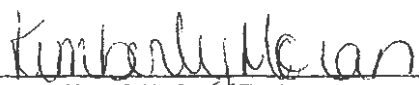
SS.

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 18th day of November, 2008, by SHIRLEY BERNSTEIN.



[Seal with Commission Expiration Date]



Signature - Notary Public - State of Florida

Print, type or stamp name of Notary Public

CONFIDENTIAL

Personally Known or Produced Identification _____
Type of Identification Produced _____

N:\WPDATA\dr\Bernstein, Shirley & Simon\2008 Estate Planning\First Amendment to Shirley Bernstein Trust Agreement.wpd [11/09/26 18:08]



IRS DEPARTMENT OF THE TREASURY
 INTERNAL REVENUE SERVICE
 P.O. BOX 9003
 HOLTSVILLE NY 11742-9003

002920.378262.0009.001 1 MB 0.326 530



DANIEL BERNSTEIN IRREV TRUST
 TRACI KRATISH PA TTEE
 950 PENNINSULA CORP CIR STE 3010
 BOCA RATON FL 33487

002920

Date of this notice: 04-19-200

Employer Identification Number:
 20-7354918

Form: SS-4

Number of this notice: CP 575

For assistance you may call us
 1-800-829-4933

IF YOU WRITE, ATTACH THE
 STUB OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 20-7354918. This EIN will identify your estate or trust. If you are not the applicant, please contact the individual who is handling the estate or trust for you. Please keep this notice in your permanent records.

When filing tax documents, please use the label we provided. If this isn't possible, it is very important that you use your EIN and complete name and address exactly as shown above on all federal tax forms, payments and related correspondence. Any variation may cause a delay in processing, result in incorrect information in your account or even cause you to be assigned more than one EIN. If the information isn't correct as shown above, please correct it using tear off stub from this notice and return it to us so we can correct your account.

Based on the information from you or your representative, you must file the following form(s) by the date(s) shown.

Form 1041

04/15/2008

If you have questions about the form(s) or the due dates(s) shown, you can call or write to us at the phone number or address at the top of the first page of this letter. If you need help in determining what your tax year is, see Publication 536, Accounting Periods and Methods, available at your local IRS office or you can download this Publication from our Web site at www.irs.gov.

We assigned you a tax classification based on information obtained from you or your representative. It is not a legal determination of your tax classification, and is not binding on the IRS. If you want a legal determination on your tax classification, you may request a private letter ruling from the IRS under the guidelines in Revenue Procedure 2004-1, 2004-1 I.R.B. 1 (or superseding Revenue Procedure for the year at issue.)

TRUST AGREEMENT
FOR THE
DANIEL BERNSTEIN IRREVOCABLE TRUST

September 7, 2006

001

TRUST AGREEMENT
FOR THE
DANIEL BERNSTEIN IRREVOCABLE TRUST

SIMON BERNSTEIN, as Settlor, hereby creates the Daniel Bernstein Irrevocable Trust ("the Trust") on September 7, 2006. Traci Kratish, P.A. is the trustee of this Trust and, in that capacity, he and his successors are collectively referred to in this Trust Agreement as the "Trustee."

ARTICLE 1
BENEFICIARY

This Trust is for the benefit of the Settlor's Grandchild, DANIEL BERNSTEIN ("Beneficiary").

ARTICLE 2
TRANSFERS TO TRUST

The Settlor hereby conveys to the Trustee all his interest in the assets listed on Schedule A, which together with any assets later added to this Trust are referred to as the "Trust Estate." Any person may transfer assets to the Trust Estate, if the Trustee agrees to accept them. Assets do not have to be listed on Schedule A to be part of the Trust Estate. Unless otherwise specified in writing at the time of the transfer, those assets will be held as provided in this Trust Agreement. The Trustee acknowledges receipt of the current Trust assets and agrees to hold the Trust Estate as set forth in this Trust Agreement.

ARTICLE 3
IRREVOCABLE PROVISION

The Settlor declares that he has no right to alter, amend, modify, or revoke this Trust Agreement; to withdraw assets from the Trust; or to require changes in the investments of the Trust. No part of the Trust may ever revert to the Settlor, be used for his benefit, or be distributed in discharge of his legal obligations.

ARTICLE 4
ADMINISTRATION OF TRUST

The Trustee shall hold, administer, and distribute the Trust Estate in accordance with the powers granted under this Trust Agreement as follows:

4.1 Discretionary Distributions. The Trustee shall pay or apply such sums of principal from this Trust as in the Trustee's discretion are necessary or advisable for Beneficiary's health, education, support, and maintenance.

4.2 Distribution of Principal. When Beneficiary has reached age 21, the trustee shall distribute one-half (½) of the corpus of trust to Beneficiary plus accrued income. When Beneficiary has reached age 25 the Trustee shall distribute the entire remaining principal balance of the corpus of the trust to Beneficiary plus accrued income.

4.3 Distribution Upon Death Before Age 25. Upon the death of Beneficiary prior to age 25, the Trustee shall distribute the remaining assets in the trust to the estate of Beneficiary.

ARTICLE 5 PROVISIONS GOVERNING TRUSTEES

The following provisions apply to all Trustees appointed under this Trust Agreement:

5.1 Incapacity of Trustee. If any Trustee becomes disabled, he or she will immediately cease to act as Trustee. If a Trustee who ceases to serve because of a disability, or who is suspended, thereafter recovers from that disability or consents to the release of relevant medical information, he or she may elect to become a Trustee again by giving written notice to the then serving Trustee, and the last Trustee who undertook to serve will then cease to be a Trustee until another successor Trustee is required.

5.2 Resignation. Any Trustee may resign by giving 30 days' written notice delivered personally or by mail to any then serving Co-Trustee and to the Settlor if he is then living and not disabled; otherwise to the next named successor Trustee, or if none, to the persons having power to appoint successor Trustees.

5.3 Power to Name Other Trustees. Whenever a successor Trustee is required and that position is not filled under the terms specified in this Trust Agreement, an individual Trustee ceasing to serve (other than a Trustee being removed) may appoint his or her successor, but if none is appointed, the remaining Trustees, if any, or the beneficiary shall appoint a successor Corporate Trustee. The appointment will be by a written document (including a testamentary instrument) delivered to the appointed Trustee. In no event may the Settlor ever be appointed as the Trustee under this Trust Agreement nor shall a Successor trustee be appointed that will cause this trust to be a grantor trust.

5.4 Powers of Successor Trustees. Successor Trustees will have all powers granted to the original Trustee, except that only an Independent Trustee will succeed to the powers vested exclusively in the Independent Trustee.

5.5 Accountings. Accountings must be given to the beneficiary of each trust at least annually (quarterly if a Corporate Trustee is serving). The accountings must show the assets held in trust and all receipts and disbursements. A beneficiary's written approval of an accounting will be final and binding upon that beneficiary and all persons represented by him or her as to all matters disclosed in that accounting. In any event, if a beneficiary fails to object to an accounting within six months of receiving it, his or her approval is conclusively presumed. A successor Trustee may require the prior Trustee to render a full and final accounting.

5.6 Acts by Other Fiduciaries. The Trustee is not required to question any acts or failures to act of the fiduciary of any other trust or estate, and will not be liable for any prior fiduciary's acts or failures to act. The Trustee can require a beneficiary who requests an examination of another fiduciary's actions or omissions to advance all costs and fees incurred in the examination, and if the beneficiary does not, the Trustee may elect not to proceed or may proceed and offset those costs and fees directly against any payment that would otherwise be made to that beneficiary.

5.7 Court Supervision. The Settlor waives compliance by the Trustee with any law requiring bond, registration, qualification, or accounting to any court.

5.8 Compensation. Each Trustee is entitled to be paid reasonable compensation for services rendered in the administration of the Trust. Reasonable compensation for a Corporate Trustee will be its published fee schedule in effect when its services are rendered unless otherwise agreed in writing, and except as follows. Any fees paid to a Corporate Trustee for making principal distributions, for termination of the trust, and upon termination of its services must be based solely on the value of its services rendered, not on the value of the trust principal. During the Settlor's lifetime the Trustee's fees are to be charged wholly against income (to the extent sufficient), unless directed otherwise by the Settlor in writing.

5.9 Indemnity. Any Trustee who ceases to serve for any reason will be entitled to receive (and the continuing Trustee shall make suitable arrangements to provide) reasonable indemnification and security to protect and hold that Trustee harmless from any damage or liability of any nature that may be imposed upon it because of its actions or omissions while serving as Trustee. This protection, however, does not extend to a Trustee's negligent actions or omissions that clearly and demonstrably result in damage or liability. A prior Trustee may enforce these provisions against the current Trustee or against any assets held in the Trust, or if the prior Trustee is an individual, against any beneficiary to the extent of distributions received by that beneficiary. This indemnification right will extend to the estate, personal representatives, legal successors, and assigns of a Trustee.

5.10 Successor Trustee. In the event the initial Trustee, Steven I. Greenwald , resigns or ceases to serve as Trustee, then and in that event, I hereby appoint Larry V. Bishins to serve as Trustee.

**ARTICLE 6
PROTECTION OF INTERESTS**

The interest of any beneficiary under this Trust Agreement, in either income or principal, may not be anticipated, alienated, or in any other manner assigned by the beneficiary, whether voluntarily or involuntarily, and will not be subject to any legal process, bankruptcy proceedings, or the interference or control of the beneficiary's creditors or others.

**ARTICLE 7
FIDUCIARY POWERS**

The Settlor grants to the Trustee full power to deal freely with any property in the Trust. The Trustee may exercise these powers independently and without the approval of any court. No person dealing with the Trustee need inquire into the propriety of any of its actions or into the application of any funds or assets. The Trustee shall, however, exercise all powers in a fiduciary capacity for the best interest of the beneficiary of this Trust or any trust created under it. Without limiting the generality of the foregoing, the Trustee is given the following discretionary powers in addition to any other powers conferred by law:

7.1 Type of Assets. Except as otherwise provided to the contrary, to hold funds uninvested for such periods as the Trustee deems prudent, and to invest in any assets the Trustee deems advisable even though they are not technically recognized or specifically listed in so-called "legal lists," without responsibility for depreciation or loss on account of those investments, or because those investments are non-productive, as long as the Trustee acts in good faith.

7.2 Original Assets. Except as otherwise provided to the contrary, to retain the original assets it receives for as long as it deems best, and to dispose of those assets when it deems advisable, even though such assets, because of their character or lack of diversification, would otherwise be considered improper investments for the Trustee.

7.3 Tangible Personal Property. To receive and hold tangible personal property; to pay or refrain from paying storage and insurance charges for such property; and to permit any beneficiaries to use such property without either the Trustee or beneficiaries incurring any liability for wear, tear, and obsolescence of the property.

7.4 Specific Securities. To invest in assets, securities, or interests in securities of any nature, including (without limit) commodities, options, futures, precious metals, currencies, and in domestic and foreign markets and in mutual or investment

funds, including funds for which the Trustee or any affiliate performs services for additional fees, whether as custodian, transfer agent, investment advisor or otherwise, or in securities distributed, underwritten, or issued by the Trustee or by syndicates of which it is a member; to trade on credit or margin accounts (whether secured or unsecured); and to pledge assets of the Trust Estate for that purpose.

7.5 Property Transactions. To buy, sell, pledge, exchange, or lease any real or personal property, publicly or privately, for cash or credit, without court approval and upon the terms and conditions that the Trustee deems advisable; to execute deeds, leases, contracts, bills of sale, notes, mortgages, security instruments, and other written instruments; to abandon or dispose of any real or personal property in the Trust which has little or no monetary or useful value; to improve, repair, insure, subdivide and vacate any property; to erect, alter or demolish buildings; to adjust boundaries; and to impose easements, restrictions, and covenants as the Trustee sees fit. A lease will be valid and binding for its full term even if it extends beyond the full duration of the Trust.

7.6 Borrow Money. To borrow money from any source (including the Trustee in its nonfiduciary capacity), to guarantee indebtedness, and to secure the loan or guaranty by mortgage or other security interest.

7.7 Maintain Assets. To expend whatever funds it deems proper for the preservation, maintenance, or improvement of assets. The Trustee in its discretion may elect any options or settlements or exercise any rights under all insurance policies that it holds. However, no fiduciary who is the insured of any insurance policy held in the Trust may exercise any rights or have any incidents of ownership with respect to the policy, including the power to change the beneficiary, to surrender or cancel the policy, to assign the policy, to revoke any assignment, to pledge the policy for a loan, or to obtain from the insurer a loan against the surrender value of the policy. All such power is to be exercised solely by the remaining Trustee, if any, or if none, by a special fiduciary appointed for that purpose by a court having jurisdiction.

7.8 Advisors. To employ and compensate attorneys, accountants, advisors, financial consultants, managers, agents, and assistants (including any individual or entity who provides investment advisory or management services, or who furnishes professional assistance in making investments for the Trust) without liability for any act of those persons, if they are selected and retained with reasonable care. Fees may be paid from the Trust Estate even if the services were rendered in connection with ancillary proceedings.

7.9 Indirect Distributions. To make distributions, whether of principal or income, to any person under age 21 or to any incapacitated person according to the terms of this Trust Agreement by making distributions directly to that person whether or not that person has a guardian; to the parent, guardian, or spouse of that person; to a custodial account established by the Trustee or others for that person under an applicable Uniform

Gift to Minors Act or Uniform Transfers to Minors Act; to any adult who resides in the same household with that person or who is otherwise responsible for the care and well-being of that person; or by applying any distribution for the benefit of that person in any manner the Trustee deems proper. The receipt of the person to whom payment is made will constitute full discharge of the Trustee with respect to that payment. No distributions may be made to the Settlor under this Section.

7.10 Non-Pro Rata Distribution. To make any division or distribution in money or in kind, or both, without allocating the same kind of property to all shares or distributees, and without regard to the income tax basis of the property. Any division will be binding and conclusive on all parties.

7.11 Nominee. Except as prohibited by law, to hold any assets in the name of a nominee without disclosing the fiduciary relationship; to hold the property unregistered, without affecting its liability; and to hold securities endorsed in blank, in street certificates, at a depository trust company, or in a book entry system.

7.12 Custodian. To employ a custodian or agent ("the Custodian") located anywhere within the United States, at the discretion of the Trustee but at the expense of the Trust, whether or not such Custodian is an affiliate of the Trustee or any person rendering services to the Trust; to register securities in the name of the Custodian or a nominee thereof without designation of fiduciary capacity; and to appoint the Custodian to perform such other ministerial functions as the Trustee may direct. While such securities are in the custody of the Custodian, the Trustee will be under no obligation to inspect or verify such securities nor will the Trustee be responsible for any loss by the Custodian.

7.13 Settle Claims. To contest, compromise, arbitrate, or otherwise adjust claims in favor of or against the Trust, to agree to any rescission or modification of any contract or agreement, and to refrain from instituting any suit or action unless indemnified for reasonable costs and expenses.

7.14 Corporate Rights. To vote and exercise any option, right, or privilege to purchase or to convert bonds, notes, stock (including shares or fractional shares of stock of any Corporate Trustee), securities, or other property; to borrow money for the purpose of exercising any such option, right, or privilege; to delegate those rights to an agent; to enter into voting trusts and other agreements or subscriptions; to participate in any type of liquidation or reorganization of any enterprise; and to write and sell covered call options, puts, calls, straddles, or other methods of buying or selling securities, as well as all related transactions.

7.15 Partnership Interests. To hold interests in sole proprietorships, general or limited partnerships, joint ventures, business trusts, land trusts, limited liability companies, and other domestic and foreign forms of organizations; and to exercise all

rights in connection with such interests as the Trustee deems appropriate, including any powers applicable to a non-admitted transferee of any such interest.

7.16 Self-Dealing. To exercise all its powers even though it may also be acting individually or on behalf of any other person or entity interested in the same matters. The Trustee, however, shall exercise these powers at all times in a fiduciary capacity, primarily in the interest of the beneficiaries of the Trust. Despite any other provision of this Trust Agreement, no Trustee may participate in the decision to make a discretionary distribution that would discharge a legal support obligation of that Trustee. No Trustee who has made a disclaimer, either individually or as a Trustee, may exercise any discretion in determining the recipient of the disclaimed property. All power to make such distributions, or to determine recipients of disclaimed property, will be exercised solely by the remaining Trustees, if any, or if there are no other Trustees then serving, by the person or persons named to serve as the next successor Trustee, or if there are none, by a special Trustee appointed for that purpose by a court having jurisdiction.

7.17 Expenses. An Independent Trustee may determine how expenses of administration and receipts are to be apportioned between principal and income.

7.18 Terminate Small Trusts. To exercise its discretion to refrain from funding or to terminate any trust whenever the value of the principal of that trust would be or is too small to administer economically, and to distribute the remaining principal and all accumulated income of the trust as provided in Section 7.9 to the income beneficiary of that trust. The Trustee shall exercise this power to terminate in its discretion as it deems prudent for the best interest of the beneficiaries at that time. This power cannot be exercised by the Settlor or any beneficiary, either alone or in conjunction with any other Trustee, but must be exercised solely by the other Trustee, or if none, by a special Trustee appointed for that purpose by a court having jurisdiction.

7.19 Allocations to Income and Principal. To treat premiums and discounts on bonds and other obligations for the payment of money in accordance with either generally accepted accounting principles or tax accounting principles and, except as otherwise provided to the contrary, to hold nonproductive assets without allocating any principal to income, despite any laws or rules to the contrary. The Trustee in its discretion may exercise the power described in Section 738.104 of the Florida Statutes to adjust between principal and income, as appropriate, and, in addition, may convert any income interest into a unitrust interest, or a unitrust interest to an income interest, as it sees fit, all as provided in Section 738.1041 of the Florida Statutes, despite any provision of those sections to the contrary.

7.20 Use of Income. Except as otherwise provided in this Trust Agreement, and in addition to all other available sources, to exercise its discretion in the use of income from the assets of the Trust to satisfy the liabilities described in this Trust Agreement, without accountability to any beneficiary.

7.21 Valuations. In making distributions or allocations under the terms of this Trust Agreement to be valued as of a particular date, the Trustee may use asset valuations obtained for a date reasonably close to that particular date (such as a quarterly closing date before or after that date) if, in the Trustee's judgment, obtaining appraisals or other determinations of value on that date would result in unnecessary expense, and if in the Trustee's judgment, the fair market value as determined is substantially the same as on that actual date. This paragraph will not apply if valuation on a specific date is required to preserve a qualification for a tax benefit, including any deduction, credit, or most favorable allocation of an exemption.

7.22 Incorporation. To incorporate any business or venture, and to continue any unincorporated business that the Trustee determines to be not advisable to incorporate.

7.23 Delegation. To delegate periodically among themselves the authority to perform any act of administration of any trust.

7.24 Advances. To make cash advances or loans to beneficiaries, with or without security.

7.25 Investment Manager. To employ any investment management service, financial institution, or similar organization to advise the Trustee and to handle all investments of the Trust and to render all accountings of funds held on its behalf under custodial, agency, or other agreements. If the Trustee is an individual, these costs may be paid as an expense of administration in addition to fees and commissions.

7.26 Depreciation. To deduct from all receipts attributable to depreciable property a reasonable allowance for depreciation, computed in accordance with generally accepted accounting principles consistently applied.

7.27 Disclaim Assets or Powers. To disclaim any assets otherwise passing or any fiduciary powers pertaining to any trust created hereunder, by execution of an instrument of disclaimer meeting the requirements of applicable law generally imposed upon individuals executing disclaimers. No notice to or consent of any beneficiary, other interested person, or any court is required for any such disclaimer, and the Trustee is to be held harmless for any decision to make or not make such a disclaimer.

7.28 Transfer Situs. To transfer the situs of any trust or any trust property to any other jurisdiction as often as the Trustee deems advisable, and if necessary to appoint a substitute or ancillary Trustee to act with respect to that property. The Trustee may delegate to the substitute Trustee any or all of the powers given to the Trustee; may elect to act as advisor to the substitute Trustee and receive reasonable compensation for that service; and may remove any acting or substitute Trustee and appoint another, or reappoint itself, at will.

7.29 Related Parties. To enter into any transaction on behalf of the Trust despite the fact that another party to that transaction may be: (i) a business or trust controlled by the Trustee, or of which the Trustee, or any director, officer, or employee of the Corporate Trustee, is also a director, officer, or employee; (ii) an affiliate or business associate of any beneficiary or the Trustee; or (iii) a beneficiary or Trustee under this Trust Agreement acting individually, or any relative of such a party.

7.30 Additional Powers for Income-Producing Real Estate. In addition to the other powers set forth above or otherwise conferred by law, the Trustee has the following powers with respect to any income-producing real property which is or may become a part of the Trust Estate:

- To retain and operate the property for as long as it deems advisable;
- To control, direct, and manage the property, determining the manner and extent of its active participation in these operations, and to delegate all or any part of its supervisory power to other persons that it selects;
- To hire and discharge employees, fix their compensation, and define their duties;
- To invest funds in other land holdings and to use those funds for all improvements, operations, or other similar purposes;
- Except as otherwise provided with respect to mandatory income distributions, to retain any amount of the net earnings for working capital and other purposes that it deems advisable in conformity with sound and efficient management; and
- To purchase and sell machinery, equipment, and supplies of all kinds as needed for the operation and maintenance of the land holdings.

ARTICLE 8 SUBCHAPTER S STOCK

Despite any other provisions of this Trust Agreement, if a trust created in this instrument is to become the owner of, or already owns, stock in a corporation that has an election in effect (or one that proposes to make an election) under Section 1362 of the Internal Revenue Code (an "S Corporation"), and that trust would not otherwise be permitted to be an S Corporation shareholder, the following provisions will apply:

8.1 Electing Small Business Trust. The Trustee in its discretion may elect for the trust to become an Electing Small Business Trust ("ESBT") as defined in the Internal Revenue Code.

8.2 Qualified Subchapter S Trust. If the Trustee does not cause the trust to become an ESBT, the Trustee shall set aside the S Corporation stock in a separate trust for the current income beneficiary of such trust, so that a Qualified Subchapter S Trust ("QSST") election under Section 1361 of the Internal Revenue Code can be filed with respect to that trust. The Trustee shall hold each share as a separate QSST for the persons described above, and each such person will be the sole beneficiary of his or her QSST. To the greatest extent possible, the Trustee shall administer each QSST under the terms of the trust from which it was derived, but subject to the following overriding provisions:

(a) **Consent.** The Trustee shall notify the beneficiary of each separate trust promptly that a QSST election must be filed with the Internal Revenue Service. Thereafter, each beneficiary shall file a timely and proper QSST election with the Internal Revenue Service. If a beneficiary fails or refuses to make the QSST election, the Trustee shall make an ESBT election for that trust. If the beneficiary does make the QSST election, then his or her separate trust will be administered as set forth below.

(b) **Income Payments.** During the beneficiary's life, the Trustee shall pay all net income of the trust to the beneficiary (and only to that beneficiary) in quarterly or more frequent installments. The beneficiary's income interest in the trust will terminate on the earlier of his or her death or the termination of the trust under its terms.

(c) **Principal Invasions.** If the beneficiary is otherwise entitled to receive principal distributions, the Trustee may distribute principal from that separate trust during the beneficiary's life only to or for the benefit of that beneficiary (and no one else).

(d) **Final Distribution.** If the QSST is terminated during the beneficiary's life, the Trustee shall distribute all remaining assets of that separate trust to that beneficiary. If the beneficiary dies before that trust's termination, all remaining assets of the QSST are to be distributed as provided in the original trust, but subject to this article.

(e) **Termination of QSST Status.** If a separate trust would cease to qualify as an S Corporation shareholder, the Trustee in its discretion may: (i) make an ESBT election for that separate trust, or (ii) distribute all S Corporation stock to the beneficiary. The Trustee in its discretion also may convert a QSST to an ESBT, whether or not the beneficiary has consented to QSST treatment and, if the beneficiary consents, may convert an ESBT into a QSST.

**ARTICLE 9
PERPETUITIES PROVISION**

Despite any contrary provisions of this Trust Agreement, from the creation of this Trust and for up to 21 years after the death of the last of the Settlor's grandparents' descendants who are living at the creation of this Trust, a trust beneficiary (which includes persons succeeding to the interest of a deceased beneficiary) will be entitled to terminating distributions only at the ages specified in this Trust Agreement. In all events, however, the share of each beneficiary will vest (in the beneficiary or his or her estate) immediately prior to the expiration of the 21 year period described above.

**ARTICLE 10
ADMINISTRATION AND CONSTRUCTION**

10.1 Rules for Distributions. In making distributions to beneficiaries under this Trust Agreement, the Trustee must use the following criteria.

(a) **Other Resources.** Whenever the Trustee has the authority to decide how much to distribute to or for the benefit of a beneficiary, the Trustee can make decisions without taking into account any information about the beneficiary's other available income and resources. The Trustee can make payments directly to a beneficiary or to other persons for the beneficiary's benefit, but it does not have to make payments to a court appointed guardian.

(b) **Trustee's Decision.** Absent clear and convincing evidence of bad faith, the Trustee's decisions as to amounts to be distributed will be final.

(c) **Standard of Living.** Distributions to a beneficiary for health, education, support, or maintenance are to be based on his or her standard of living, determined as of the date of the distribution.

10.2 Funding Gifts. The following rules will apply to funding gifts under this Trust Agreement.

(a) **Pecuniary Gifts.** All pecuniary gifts under this Trust Agreement that are paid by an in-kind distribution of assets must use values having an aggregate fair market value at the date or dates of distribution equal to the amount of this gift as finally determined for federal estate tax purposes.

(b) **Adjustments.** The Trustee shall select one or more dates of allocation or distribution for purposes of satisfying gifts and funding shares or trusts. The Trustee may make allocations before the final determination of federal estate tax, with those allocations being based upon the information then available to the Trustee,

and may thereafter adjust properties among the shares or trusts if it is determined that the allocation should have been made differently.

10.3 Accumulated Income. Any income not distributed to the beneficiaries pursuant to either a mandatory direction or a discretionary power is to be incorporated into principal, at such intervals as the Trustee deems convenient.

10.4 Estate Tax on Included Property. If assets of any trust created under this Trust Agreement are included in a beneficiary's estate for federal estate tax purposes, the following will apply.

(a) **Appointed Assets.** If the beneficiary exercises a power of appointment over those assets, the Trustee is authorized to withhold from those assets the amount of estate taxes apportioned to them by applicable law, if the beneficiary does not make provisions for the payment of those taxes from other sources.

(b) **Other Assets.** If the beneficiary does not have or does not exercise a power of appointment over those assets, the Trustee will pay the estate taxes attributable to those assets. The estate taxes attributable to those assets will be the amount that the beneficiary's estate taxes are increased over the amount those taxes would have been if those assets had not been included in the beneficiary's gross estate.

(c) **Certification and Payment.** The Trustee may rely upon a written certification by the beneficiary's personal representative of the amount of the estate taxes, and may pay those taxes directly or to the personal representative of the beneficiary's estate. The Trustee will not be held liable for making payments as directed by the beneficiary's personal representative.

10.5 Transactions With Other Entities. The Trustee may buy assets from other estates or trusts, or make loans to them, so that funds will be available to pay claims, taxes, and expenses. The Trustee can make those purchases or loans even if it serves as the fiduciary of that estate or trust, and on whatever terms and conditions the Trustee thinks are appropriate, except that the terms of any transaction must be commercially reasonable.

ARTICLE 11 MISCELLANEOUS PROVISIONS

11.1 Definitions. As used in this Trust Agreement, the following terms have the meanings set forth below:

(a) **Trustees.**

- (1) **Independent Trustee** means a trustee of a particular trust, either individual or corporate, who is not the Settlor or a beneficiary, and who is not a Related Person as to the Settlor or a beneficiary (if the Settlor or the beneficiary, respectively, is living and participated in that person's appointment). For purposes of this definition a beneficiary is a person who is a permissible distributee of income or principal, or someone with an interest in the trust in excess of five percent (5%) of its value, assuming a maximum exercise of discretion in his or her favor. Whenever this Trust Agreement requires an action be taken by, or in the discretion of, an Independent Trustee but no such Trustee is then serving, a court may appoint an Independent Trustee to serve as an additional Trustee whose sole function and duty will be to exercise the specified power.
- (2) **Corporate Trustee** means a trustee that is a bank, trust company, or other entity authorized to serve as a trustee under the laws of the United States or any state thereof that is not a Related Person to the Settlor. A bank or trust company that does not meet this requirement cannot serve as Trustee.

(b) **Internal Revenue Code Terms.**

- (1) **Internal Revenue Code** means the federal Internal Revenue Code of 1986, as amended from time to time, or successor provisions of future federal internal revenue laws.
- (2) The terms **health, education, support, and maintenance** are intended to set forth an "ascertainable standard," as described in the Internal Revenue Code and its associated Regulations. To the extent not inconsistent with the foregoing, "health" means a beneficiary's physical and mental health, including but not limited to payments for examinations, surgical, dental, or other treatment, medication, counseling, hospitalization, and health insurance premiums; "education" means elementary, secondary, post-secondary, graduate, or professional schooling in an accredited institution, public or private, or attendance at other formal programs in furtherance of the beneficiary's spiritual, athletic, or artistic education, including but not limited to payments for tuition, books,

fees, assessments, equipment, tutoring, transportation, and reasonable living expenses.

- (3) **Related Person** as to a particular individual is someone who is deemed to be "related or subordinate" to that individual under Section 672(c) of the Internal Revenue Code (as though that individual was a grantor).

(c) **Other Terms.**

- (1) Distributions that are to be made to a person's **descendants, per stirpes**, will be divided into equal shares, so that there will be one share for each living child (if any) of that person and one share for each deceased child who has then living descendants. The share of each deceased child will be further divided among his or her descendants on a per stirpes basis, by reapplying the preceding rule to that deceased child and his or her descendants as many times as necessary.
- (2) **Disabled or under a disability** means (i) being under the legal age of majority, (ii) having been adjudicated to be incapacitated, or (iii) being unable to manage properly personal or financial affairs because of a mental or physical impairment (whether temporary or permanent in nature). A written certificate executed by an individual's attending physician confirming that person's impairment will be sufficient evidence of disability under item (iii) above, and all persons may rely conclusively on such a certificate.
- (3) Removal of a Trustee **for cause** includes, without limitation, the following: the willful or negligent mismanagement of the trust assets by that individual Trustee; the abuse or abandonment of, or inattention to, the trust by that individual Trustee; a federal or state charge against that individual Trustee involving the commission of a felony or serious misdemeanor; an act of theft, dishonesty, fraud, embezzlement, or moral turpitude by that individual Trustee; or the use of narcotics or excessive use of alcohol by that individual Trustee.
- (4) The words **will** and **shall** are used interchangeably in this Trust Agreement and mean, unless the context clearly indicates otherwise, that the Trustee must take the action

indicated; as used in this Trust Agreement, the word **may** means that the Trustee has the discretionary authority to take the action but is not automatically required to do so.

11.2 Powers of Appointment. The following provisions relate to all powers of appointment under this Trust Agreement.

- (a) A **general power of appointment** granted to a person is one that can be exercised in favor of that person or his or her estate, his or her creditors, or the creditors of his or her estate.
- (b) A **special power of appointment** is any power that is not a general power.
- (c) A **testamentary power of appointment** (either general or special) is exercisable upon the powerholder's death by his or her Last Will or by a revocable trust agreement established by that person, but only by specific reference to the instrument creating the power. A "testamentary power of appointment" may not be exercised in favor of the person possessing the power.
- (d) In determining whether a person has exercised a testamentary power of appointment, the Trustee may rely upon an instrument admitted to probate in any jurisdiction as that person's Last Will, or upon any trust agreement certified to be valid and authentic by sworn statement of the trustee who is serving under that trust agreement. If the Trustee has not received written notice of such an instrument within six months after the powerholder's death, the Trustee may presume that the powerholder failed to exercise that power and will not be liable for acting in accordance with that presumption.

11.3 Notices. Any person entitled or required to give notice under this Trust Agreement shall exercise that power by a written instrument clearly setting forth the effective date of the action for which notice is being given. The instrument may be executed in counterparts.

11.4 Certifications.

(a) **Facts.** A certificate signed and acknowledged by the Trustee stating any fact affecting the Trust Estate or the Trust Agreement will be conclusive evidence of such fact in favor of any transfer agent and any other person dealing in good faith with the Trustee. The Trustee may rely on a certificate signed and acknowledged by any beneficiary stating any fact concerning the Trust beneficiaries, including dates of

birth, relationships, or marital status, unless an individual serving as Trustee has actual knowledge that the stated fact is false.

(b) **Copy.** Any person may rely on a copy of this instrument (in whole or in part) certified to be a true copy by the Settlor; by any person specifically named as a Trustee (or successor Trustee); by any Corporate Trustee whether or not specifically named; or, if there are none of the above, by any then serving Trustee.

11.5 Applicable Law. All matters involving the validity and interpretation of this Trust Agreement are to be governed by Florida law. Subject to the provisions of this Trust Agreement, all matters involving the administration of a trust are to be governed by the laws of the jurisdiction in which the trust has its principal place of administration.

11.6 Gender and Number. Reference in this Trust Agreement to any gender includes either masculine or feminine, as appropriate, and reference to any number includes both singular and plural where the context permits or requires. Use of descriptive titles for articles and paragraphs is for the purpose of convenience only and is not intended to restrict the application of those provisions.

11.7 Further Instruments. The Settlor agrees to execute such further instruments as may be necessary to vest the Trustee with full legal title to the property transferred to this Trust.

11.8 Binding Effect. This Trust Agreement extends to and is binding upon the Settlor's Personal Representative, successors, and assigns, and upon the Trustee.

CONFIDENTIAL

Executed as of the date first written above.

Signed in the presence of:

SETTLOR

Judith M. Johnson
Julian M.

[Signature]
Simon Bernstein

Two witnesses as to Simon Bernstein

Signed in the presence of:

TRUSTEE

Traci Kratish, P.A.

Judith M. Johnson
[Signature]

[Signature] FOR TRACI KRATISH, P.A.

[Signature] AS PRESIDENT

Two witnesses as to Traci Kratish

Traci Kratish, President

0011

Schedule A
Initial Transfers to Trust

Transfer of 6 shares of LIC Holdings, Inc.



DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
P.O. BOX 9003
HOLTSVILLE NY 11742-9003

000400.367108.0002.001 1 AT 0.308 530
[Barcode]

Date of this notice: 03-12-2007

Employer Identification Number:
20-7294171

Form: SS-4

Number of this notice: CP 575 B

JACOB BERNSTEIN IRREV TRUST
TRACI KRATISH PA TTEE
950 PENINSULA CORP CIR STE 3010
BOCA RATON FL 33487

For assistance you may call us at:
1-800-829-4933

IF YOU WRITE, ATTACH THE
STUB OF THIS NOTICE.

10400

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 20-7294171. This EIN will identify your estate or trust. If you are not the applicant, please contact the individual who is handling the estate or trust for you. Please keep this notice in your permanent records.

When filing tax documents, please use the label we provided. If this isn't possible, it is very important that you use your EIN and complete name and address exactly as shown above on all federal tax forms, payments and related correspondence. Any variation may cause a delay in processing, result in incorrect information in your account or even cause you to be assigned more than one EIN. If the information isn't correct as shown above, please correct it using tear off stub from this notice and return it to us so we can correct your account.

Based on the information from you or your representative, you must file the following form(s) by the date(s) shown.

Form 1041

04/15/2007

If you have questions about the form(s) or the due dates(s) shown, you can call or write to us at the phone number or address at the top of the first page of this letter. If you need help in determining what your tax year is, see Publication 536, Accounting Periods and Methods, available at your local IRS office or you can download this Publication from our Web site at www.irs.gov.

We assigned you a tax classification based on information obtained from you or your representative. It is not a legal determination of your tax classification, and is not binding on the IRS. If you want a legal determination on your tax classification, you may request a private letter ruling from the IRS under the guidelines in Revenue Procedure 2004-1, 2004-1 I.R.B. 1 (or superseding Revenue Procedure for the year at issue.)

TRUST AGREEMENT
FOR THE
JAKE BERNSTEIN IRREVOCABLE TRUST

September 7, 2006

TRUST AGREEMENT
FOR THE
JAKE BERNSTEIN IRREVOCABLE TRUST

SIMON BERNSTEIN, as Settlor, hereby creates the Jake Bernstein Irrevocable Trust ("the Trust") on September 7, 2006. Traci Kratish, P.A. is the trustee of this Trust and, in that capacity, he and his successors are collectively referred to in this Trust Agreement as the "Trustee."

ARTICLE 1
BENEFICIARY

This Trust is for the benefit of the Settlor's Grandchild, JAKE BERNSTEIN.

ARTICLE 2
TRANSFERS TO TRUST

The Settlor hereby conveys to the Trustee all his interest in the assets listed on Schedule A, which together with any assets later added to this Trust are referred to as the "Trust Estate." Any person may transfer assets to the Trust Estate, if the Trustee agrees to accept them. Assets do not have to be listed on Schedule A to be part of the Trust Estate. Unless otherwise specified in writing at the time of the transfer, those assets will be held as provided in this Trust Agreement. The Trustee acknowledges receipt of the current Trust assets and agrees to hold the Trust Estate as set forth in this Trust Agreement.

ARTICLE 3
IRREVOCABLE PROVISION

The Settlor declares that he has no right to alter, amend, modify, or revoke this Trust Agreement; to withdraw assets from the Trust; or to require changes in the investments of the Trust. No part of the Trust may ever revert to the Settlor, be used for his benefit, or be distributed in discharge of his legal obligations.

ARTICLE 4
ADMINISTRATION OF TRUST

The Trustee shall hold, administer, and distribute the Trust Estate in accordance with the powers granted under this Trust Agreement as follows:

4.1 Discretionary Distributions. The Trustee shall pay or apply such sums of principal from this Trust as in the Trustee's discretion are necessary or advisable for Beneficiary's health, education, support, and maintenance.

4.2 Distribution of Principal. When Beneficiary has reached age 21, the trustee shall distribute one-half (½) of the corpus of trust to Beneficiary plus accrued income. When Beneficiary has reached age 25 the Trustee shall distribute the entire remaining principal balance of the corpus of the trust to Beneficiary plus accrued income.

4.3 Distribution Upon Death Before Age 25. Upon the death of Beneficiary prior to age 25, the Trustee shall distribute the remaining assets in the trust to the estate of Beneficiary.

ARTICLE 5
PROVISIONS GOVERNING TRUSTEES

The following provisions apply to all Trustees appointed under this Trust Agreement:

5.1 Incapacity of Trustee. If any Trustee becomes disabled, he or she will immediately cease to act as Trustee. If a Trustee who ceases to serve because of a disability, or who is suspended, thereafter recovers from that disability or consents to the release of relevant medical information, he or she may elect to become a Trustee again by giving written notice to the then serving Trustee, and the last Trustee who undertook to serve will then cease to be a Trustee until another successor Trustee is required.

5.2 Resignation. Any Trustee may resign by giving 30 days' written notice delivered personally or by mail to any then serving Co-Trustee and to the Settlor if he is then living and not disabled; otherwise to the next named successor Trustee, or if none, to the persons having power to appoint successor Trustees.

5.3 Power to Name Other Trustees. Whenever a successor Trustee is required and that position is not filled under the terms specified in this Trust Agreement, an individual Trustee ceasing to serve (other than a Trustee being removed) may appoint his or her successor, but if none is appointed, the remaining Trustees, if any, or the beneficiary shall appoint a successor Corporate Trustee. The appointment will be by a written document (including a testamentary instrument) delivered to the appointed Trustee. In no event may the Settlor ever be appointed as the Trustee under this Trust Agreement nor shall a Successor trustee be appointed that will cause this trust to be a grantor trust.

5.4 Powers of Successor Trustees. Successor Trustees will have all powers granted to the original Trustee, except that only an Independent Trustee will succeed to the powers vested exclusively in the Independent Trustee.

5.5 Accountings. Accountings must be given to the beneficiary of each trust at least annually (quarterly if a Corporate Trustee is serving). The accountings must show the assets held in trust and all receipts and disbursements. A beneficiary's written approval of an accounting will be final and binding upon that beneficiary and all persons represented by him or her as to all matters disclosed in that accounting. In any event, if a

beneficiary fails to object to an accounting within six months of receiving it, his or her approval is conclusively presumed. A successor Trustee may require the prior Trustee to render a full and final accounting.

5.6 Acts by Other Fiduciaries. The Trustee is not required to question any acts or failures to act of the fiduciary of any other trust or estate, and will not be liable for any prior fiduciary's acts or failures to act. The Trustee can require a beneficiary who requests an examination of another fiduciary's actions or omissions to advance all costs and fees incurred in the examination, and if the beneficiary does not, the Trustee may elect not to proceed or may proceed and offset those costs and fees directly against any payment that would otherwise be made to that beneficiary.

5.7 Court Supervision. The Settlor waives compliance by the Trustee with any law requiring bond, registration, qualification, or accounting to any court.

5.8 Compensation. Each Trustee is entitled to be paid reasonable compensation for services rendered in the administration of the Trust. Reasonable compensation for a Corporate Trustee will be its published fee schedule in effect when its services are rendered unless otherwise agreed in writing, and except as follows. Any fees paid to a Corporate Trustee for making principal distributions, for termination of the trust, and upon termination of its services must be based solely on the value of its services rendered, not on the value of the trust principal. During the Settlor's lifetime the Trustee's fees are to be charged wholly against income (to the extent sufficient), unless directed otherwise by the Settlor in writing.

5.9 Indemnity. Any Trustee who ceases to serve for any reason will be entitled to receive (and the continuing Trustee shall make suitable arrangements to provide) reasonable indemnification and security to protect and hold that Trustee harmless from any damage or liability of any nature that may be imposed upon it because of its actions or omissions while serving as Trustee. This protection, however, does not extend to a Trustee's negligent actions or omissions that clearly and demonstrably result in damage or liability. A prior Trustee may enforce these provisions against the current Trustee or against any assets held in the Trust, or if the prior Trustee is an individual, against any beneficiary to the extent of distributions received by that beneficiary. This indemnification right will extend to the estate, personal representatives, legal successors, and assigns of a Trustee.

5.10 Successor Trustee. In the event the initial Trustee, Steven I. Greenwald, resigns or ceases to serve as Trustee, then and in that event, I hereby appoint Larry V. Bishins to serve as Trustee.

ARTICLE 6
PROTECTION OF INTERESTS

The interest of any beneficiary under this Trust Agreement, in either income or principal, may not be anticipated, alienated, or in any other manner assigned by the beneficiary, whether voluntarily or involuntarily, and will not be subject to any legal process, bankruptcy proceedings, or the interference or control of the beneficiary's creditors or others.

ARTICLE 7
FIDUCIARY POWERS

The Settlor grants to the Trustee full power to deal freely with any property in the Trust. The Trustee may exercise these powers independently and without the approval of any court. No person dealing with the Trustee need inquire into the propriety of any of its actions or into the application of any funds or assets. The Trustee shall, however, exercise all powers in a fiduciary capacity for the best interest of the beneficiary of this Trust or any trust created under it. Without limiting the generality of the foregoing, the Trustee is given the following discretionary powers in addition to any other powers conferred by law:

7.1 Type of Assets. Except as otherwise provided to the contrary, to hold funds uninvested for such periods as the Trustee deems prudent, and to invest in any assets the Trustee deems advisable even though they are not technically recognized or specifically listed in so-called "legal lists," without responsibility for depreciation or loss on account of those investments, or because those investments are non-productive, as long as the Trustee acts in good faith.

7.2 Original Assets. Except as otherwise provided to the contrary, to retain the original assets it receives for as long as it deems best, and to dispose of those assets when it deems advisable, even though such assets, because of their character or lack of diversification, would otherwise be considered improper investments for the Trustee.

7.3 Tangible Personal Property. To receive and hold tangible personal property; to pay or refrain from paying storage and insurance charges for such property; and to permit any beneficiaries to use such property without either the Trustee or beneficiaries incurring any liability for wear, tear, and obsolescence of the property.

7.4 Specific Securities. To invest in assets, securities, or interests in securities of any nature, including (without limit) commodities, options, futures, precious metals, currencies, and in domestic and foreign markets and in mutual or investment funds, including funds for which the Trustee or any affiliate performs services for additional fees, whether as custodian, transfer agent, investment advisor or otherwise, or in securities distributed, underwritten, or issued by the Trustee or by syndicates of which

it is a member; to trade on credit or margin accounts (whether secured or unsecured); and to pledge assets of the Trust Estate for that purpose.

7.5 Property Transactions. To buy, sell, pledge, exchange, or lease any real or personal property, publicly or privately, for cash or credit, without court approval and upon the terms and conditions that the Trustee deems advisable; to execute deeds, leases, contracts, bills of sale, notes, mortgages, security instruments, and other written instruments; to abandon or dispose of any real or personal property in the Trust which has little or no monetary or useful value; to improve, repair, insure, subdivide and vacate any property; to erect, alter or demolish buildings; to adjust boundaries; and to impose easements, restrictions, and covenants as the Trustee sees fit. A lease will be valid and binding for its full term even if it extends beyond the full duration of the Trust.

7.6 Borrow Money. To borrow money from any source (including the Trustee in its nonfiduciary capacity), to guarantee indebtedness, and to secure the loan or guaranty by mortgage or other security interest.

7.7 Maintain Assets. To expend whatever funds it deems proper for the preservation, maintenance, or improvement of assets. The Trustee in its discretion may elect any options or settlements or exercise any rights under all insurance policies that it holds. However, no fiduciary who is the insured of any insurance policy held in the Trust may exercise any rights or have any incidents of ownership with respect to the policy, including the power to change the beneficiary, to surrender or cancel the policy, to assign the policy, to revoke any assignment, to pledge the policy for a loan, or to obtain from the insurer a loan against the surrender value of the policy. All such power is to be exercised solely by the remaining Trustee, if any, or if none, by a special fiduciary appointed for that purpose by a court having jurisdiction.

7.8 Advisors. To employ and compensate attorneys, accountants, advisors, financial consultants, managers, agents, and assistants (including any individual or entity who provides investment advisory or management services, or who furnishes professional assistance in making investments for the Trust) without liability for any act of those persons, if they are selected and retained with reasonable care. Fees may be paid from the Trust Estate even if the services were rendered in connection with ancillary proceedings.

7.9 Indirect Distributions. To make distributions, whether of principal or income, to any person under age 21 or to any incapacitated person according to the terms of this Trust Agreement by making distributions directly to that person whether or not that person has a guardian; to the parent, guardian, or spouse of that person; to a custodial account established by the Trustee or others for that person under an applicable Uniform Gift to Minors Act or Uniform Transfers to Minors Act; to any adult who resides in the same household with that person or who is otherwise responsible for the care and well-being of that person; or by applying any distribution for the benefit of that person in any

manner the Trustee deems proper. The receipt of the person to whom payment is made will constitute full discharge of the Trustee with respect to that payment. No distributions may be made to the Settlor under this Section.

7.10 Non-Pro Rata Distribution. To make any division or distribution in money or in kind, or both, without allocating the same kind of property to all shares or distributees, and without regard to the income tax basis of the property. Any division will be binding and conclusive on all parties.

7.11 Nominee. Except as prohibited by law, to hold any assets in the name of a nominee without disclosing the fiduciary relationship; to hold the property unregistered, without affecting its liability; and to hold securities endorsed in blank, in street certificates, at a depository trust company, or in a book entry system.

7.12 Custodian. To employ a custodian or agent ("the Custodian") located anywhere within the United States, at the discretion of the Trustee but at the expense of the Trust, whether or not such Custodian is an affiliate of the Trustee or any person rendering services to the Trust; to register securities in the name of the Custodian or a nominee thereof without designation of fiduciary capacity; and to appoint the Custodian to perform such other ministerial functions as the Trustee may direct. While such securities are in the custody of the Custodian, the Trustee will be under no obligation to inspect or verify such securities nor will the Trustee be responsible for any loss by the Custodian.

7.13 Settle Claims. To contest, compromise, arbitrate, or otherwise adjust claims in favor of or against the Trust, to agree to any rescission or modification of any contract or agreement, and to refrain from instituting any suit or action unless indemnified for reasonable costs and expenses.

7.14 Corporate Rights. To vote and exercise any option, right, or privilege to purchase or to convert bonds, notes, stock (including shares or fractional shares of stock of any Corporate Trustee), securities, or other property; to borrow money for the purpose of exercising any such option, right, or privilege; to delegate those rights to an agent; to enter into voting trusts and other agreements or subscriptions; to participate in any type of liquidation or reorganization of any enterprise; and to write and sell covered call options, puts, calls, straddles, or other methods of buying or selling securities, as well as all related transactions.

7.15 Partnership Interests. To hold interests in sole proprietorships, general or limited partnerships, joint ventures, business trusts, land trusts, limited liability companies, and other domestic and foreign forms of organizations; and to exercise all rights in connection with such interests as the Trustee deems appropriate, including any powers applicable to a non-admitted transferee of any such interest.

7.16 Self-Dealing. To exercise all its powers even though it may also be acting individually or on behalf of any other person or entity interested in the same matters. The Trustee, however, shall exercise these powers at all times in a fiduciary capacity, primarily in the interest of the beneficiaries of the Trust. Despite any other provision of this Trust Agreement, no Trustee may participate in the decision to make a discretionary distribution that would discharge a legal support obligation of that Trustee. No Trustee who has made a disclaimer, either individually or as a Trustee, may exercise any discretion in determining the recipient of the disclaimed property. All power to make such distributions, or to determine recipients of disclaimed property, will be exercised solely by the remaining Trustees, if any, or if there are no other Trustees then serving, by the person or persons named to serve as the next successor Trustee, or if there are none, by a special Trustee appointed for that purpose by a court having jurisdiction.

7.17 Expenses. An Independent Trustee may determine how expenses of administration and receipts are to be apportioned between principal and income.

7.18 Terminate Small Trusts. To exercise its discretion to refrain from funding or to terminate any trust whenever the value of the principal of that trust would be or is too small to administer economically, and to distribute the remaining principal and all accumulated income of the trust as provided in Section 7.9 to the income beneficiary of that trust. The Trustee shall exercise this power to terminate in its discretion as it deems prudent for the best interest of the beneficiaries at that time. This power cannot be exercised by the Settlor or any beneficiary, either alone or in conjunction with any other Trustee, but must be exercised solely by the other Trustee, or if none, by a special Trustee appointed for that purpose by a court having jurisdiction.

7.19 Allocations to Income and Principal. To treat premiums and discounts on bonds and other obligations for the payment of money in accordance with either generally accepted accounting principles or tax accounting principles and, except as otherwise provided to the contrary, to hold nonproductive assets without allocating any principal to income, despite any laws or rules to the contrary. The Trustee in its discretion may exercise the power described in Section 738.104 of the Florida Statutes to adjust between principal and income, as appropriate, and, in addition, may convert any income interest into a unitrust interest, or a unitrust interest to an income interest, as it sees fit, all as provided in Section 738.1041 of the Florida Statutes, despite any provision of those sections to the contrary.

7.20 Use of Income. Except as otherwise provided in this Trust Agreement, and in addition to all other available sources, to exercise its discretion in the use of income from the assets of the Trust to satisfy the liabilities described in this Trust Agreement, without accountability to any beneficiary.

7.21 Valuations. In making distributions or allocations under the terms of this Trust Agreement to be valued as of a particular date, the Trustee may use asset valuations

obtained for a date reasonably close to that particular date (such as a quarterly closing date before or after that date) if, in the Trustee's judgment, obtaining appraisals or other determinations of value on that date would result in unnecessary expense, and if in the Trustee's judgment, the fair market value as determined is substantially the same as on that actual date. This paragraph will not apply if valuation on a specific date is required to preserve a qualification for a tax benefit, including any deduction, credit, or most favorable allocation of an exemption.

7.22 Incorporation. To incorporate any business or venture, and to continue any unincorporated business that the Trustee determines to be not advisable to incorporate.

7.23 Delegation. To delegate periodically among themselves the authority to perform any act of administration of any trust.

7.24 Advances. To make cash advances or loans to beneficiaries, with or without security.

7.25 Investment Manager. To employ any investment management service, financial institution, or similar organization to advise the Trustee and to handle all investments of the Trust and to render all accountings of funds held on its behalf under custodial, agency, or other agreements. If the Trustee is an individual, these costs may be paid as an expense of administration in addition to fees and commissions.

7.26 Depreciation. To deduct from all receipts attributable to depreciable property a reasonable allowance for depreciation, computed in accordance with generally accepted accounting principles consistently applied.

7.27 Disclaim Assets or Powers. To disclaim any assets otherwise passing or any fiduciary powers pertaining to any trust created hereunder, by execution of an instrument of disclaimer meeting the requirements of applicable law generally imposed upon individuals executing disclaimers. No notice to or consent of any beneficiary, other interested person, or any court is required for any such disclaimer, and the Trustee is to be held harmless for any decision to make or not make such a disclaimer.

7.28 Transfer Situs. To transfer the situs of any trust or any trust property to any other jurisdiction as often as the Trustee deems advisable, and if necessary to appoint a substitute or ancillary Trustee to act with respect to that property. The Trustee may delegate to the substitute Trustee any or all of the powers given to the Trustee; may elect to act as advisor to the substitute Trustee and receive reasonable compensation for that service; and may remove any acting or substitute Trustee and appoint another, or reappoint itself, at will.

7.29 Related Parties. To enter into any transaction on behalf of the Trust despite the fact that another party to that transaction may be: (i) a business or trust controlled by the Trustee, or of which the Trustee, or any director, officer, or employee of the Corporate Trustee, is also a director, officer, or employee; (ii) an affiliate or business associate of any beneficiary or the Trustee; or (iii) a beneficiary or Trustee under this Trust Agreement acting individually, or any relative of such a party.

7.30 Additional Powers for Income-Producing Real Estate. In addition to the other powers set forth above or otherwise conferred by law, the Trustee has the following powers with respect to any income-producing real property which is or may become a part of the Trust Estate:

- To retain and operate the property for as long as it deems advisable;
- To control, direct, and manage the property, determining the manner and extent of its active participation in these operations, and to delegate all or any part of its supervisory power to other persons that it selects;
- To hire and discharge employees, fix their compensation, and define their duties;
- To invest funds in other land holdings and to use those funds for all improvements, operations, or other similar purposes;
- Except as otherwise provided with respect to mandatory income distributions, to retain any amount of the net earnings for working capital and other purposes that it deems advisable in conformity with sound and efficient management; and
- To purchase and sell machinery, equipment, and supplies of all kinds as needed for the operation and maintenance of the land holdings.

ARTICLE 8 SUBCHAPTER S STOCK

Despite any other provisions of this Trust Agreement, if a trust created in this instrument is to become the owner of, or already owns, stock in a corporation that has an election in effect (or one that proposes to make an election) under Section 1362 of the Internal Revenue Code (an "S Corporation"), and that trust would not otherwise be permitted to be an S Corporation shareholder, the following provisions will apply:

8.1 Electing Small Business Trust. The Trustee in its discretion may elect for the trust to become an Electing Small Business Trust ("ESBT") as defined in the Internal Revenue Code.

8.2 Qualified Subchapter S Trust. If the Trustee does not cause the trust to become an ESBT, the Trustee shall set aside the S Corporation stock in a separate trust for the current income beneficiary of such trust, so that a Qualified Subchapter S Trust ("QSST") election under Section 1361 of the Internal Revenue Code can be filed with respect to that trust. The Trustee shall hold each share as a separate QSST for the persons described above, and each such person will be the sole beneficiary of his or her QSST. To the greatest extent possible, the Trustee shall administer each QSST under the terms of the trust from which it was derived, but subject to the following overriding provisions:

(a) **Consent.** The Trustee shall notify the beneficiary of each separate trust promptly that a QSST election must be filed with the Internal Revenue Service. Thereafter, each beneficiary shall file a timely and proper QSST election with the Internal Revenue Service. If a beneficiary fails or refuses to make the QSST election, the Trustee shall make an ESBT election for that trust. If the beneficiary does make the QSST election, then his or her separate trust will be administered as set forth below.

(b) **Income Payments.** During the beneficiary's life, the Trustee shall pay all net income of the trust to the beneficiary (and only to that beneficiary) in quarterly or more frequent installments. The beneficiary's income interest in the trust will terminate on the earlier of his or her death or the termination of the trust under its terms.

(c) **Principal Invasions.** If the beneficiary is otherwise entitled to receive principal distributions, the Trustee may distribute principal from that separate trust during the beneficiary's life only to or for the benefit of that beneficiary (and no one else).

(d) **Final Distribution.** If the QSST is terminated during the beneficiary's life, the Trustee shall distribute all remaining assets of that separate trust to that beneficiary. If the beneficiary dies before that trust's termination, all remaining assets of the QSST are to be distributed as provided in the original trust, but subject to this article.

(e) **Termination of QSST Status.** If a separate trust would cease to qualify as an S Corporation shareholder, the Trustee in its discretion may: (i) make an ESBT election for that separate trust, or (ii) distribute all S Corporation stock to the beneficiary. The Trustee in its discretion also may convert a QSST to an ESBT, whether or not the beneficiary has consented to QSST treatment and, if the beneficiary consents, may convert an ESBT into a QSST.

ARTICLE 9
PERPETUITIES PROVISION

Despite any contrary provisions of this Trust Agreement, from the creation of this Trust and for up to 21 years after the death of the last of the Settlor's grandparents' descendants who are living at the creation of this Trust, a trust beneficiary (which includes persons succeeding to the interest of a deceased beneficiary) will be entitled to terminating distributions only at the ages specified in this Trust Agreement. In all events, however, the share of each beneficiary will vest (in the beneficiary or his or her estate) immediately prior to the expiration of the 21 year period described above.

ARTICLE 10
ADMINISTRATION AND CONSTRUCTION

10.1 Rules for Distributions. In making distributions to beneficiaries under this Trust Agreement, the Trustee must use the following criteria.

(a) **Other Resources.** Whenever the Trustee has the authority to decide how much to distribute to or for the benefit of a beneficiary, the Trustee can make decisions without taking into account any information about the beneficiary's other available income and resources. The Trustee can make payments directly to a beneficiary or to other persons for the beneficiary's benefit, but it does not have to make payments to a court appointed guardian.

(b) **Trustee's Decision.** Absent clear and convincing evidence of bad faith, the Trustee's decisions as to amounts to be distributed will be final.

(c) **Standard of Living.** Distributions to a beneficiary for health, education, support, or maintenance are to be based on his or her standard of living, determined as of the date of the distribution.

10.2 Funding Gifts. The following rules will apply to funding gifts under this Trust Agreement.

(a) **Pecuniary Gifts.** All pecuniary gifts under this Trust Agreement that are paid by an in-kind distribution of assets must use values having an aggregate fair market value at the date or dates of distribution equal to the amount of this gift as finally determined for federal estate tax purposes.

(b) **Adjustments.** The Trustee shall select one or more dates of allocation or distribution for purposes of satisfying gifts and funding shares or trusts. The Trustee may make allocations before the final determination of federal estate tax, with those allocations being based upon the information then available to the Trustee,

and may thereafter adjust properties among the shares or trusts if it is determined that the allocation should have been made differently.

10.3 Accumulated Income. Any income not distributed to the beneficiaries pursuant to either a mandatory direction or a discretionary power is to be incorporated into principal, at such intervals as the Trustee deems convenient.

10.4 Estate Tax on Included Property. If assets of any trust created under this Trust Agreement are included in a beneficiary's estate for federal estate tax purposes, the following will apply.

(a) **Appointed Assets.** If the beneficiary exercises a power of appointment over those assets, the Trustee is authorized to withhold from those assets the amount of estate taxes apportioned to them by applicable law, if the beneficiary does not make provisions for the payment of those taxes from other sources.

(b) **Other Assets.** If the beneficiary does not have or does not exercise a power of appointment over those assets, the Trustee will pay the estate taxes attributable to those assets. The estate taxes attributable to those assets will be the amount that the beneficiary's estate taxes are increased over the amount those taxes would have been if those assets had not been included in the beneficiary's gross estate.

(c) **Certification and Payment.** The Trustee may rely upon a written certification by the beneficiary's personal representative of the amount of the estate taxes, and may pay those taxes directly or to the personal representative of the beneficiary's estate. The Trustee will not be held liable for making payments as directed by the beneficiary's personal representative.

10.5 Transactions With Other Entities. The Trustee may buy assets from other estates or trusts, or make loans to them, so that funds will be available to pay claims, taxes, and expenses. The Trustee can make those purchases or loans even if it serves as the fiduciary of that estate or trust, and on whatever terms and conditions the Trustee thinks are appropriate, except that the terms of any transaction must be commercially reasonable.

ARTICLE 11 MISCELLANEOUS PROVISIONS

11.1 Definitions. As used in this Trust Agreement, the following terms have the meanings set forth below:

(a) **Trustees.**

- (1) **Independent Trustee** means a trustee of a particular trust, either individual or corporate, who is not the Settlor or a beneficiary, and who is not a Related Person as to the Settlor or a beneficiary (if the Settlor or the beneficiary, respectively, is living and participated in that person's appointment). For purposes of this definition a beneficiary is a person who is a permissible distributee of income or principal, or someone with an interest in the trust in excess of five percent (5%) of its value, assuming a maximum exercise of discretion in his or her favor. Whenever this Trust Agreement requires an action be taken by, or in the discretion of, an Independent Trustee but no such Trustee is then serving, a court may appoint an Independent Trustee to serve as an additional Trustee whose sole function and duty will be to exercise the specified power.
- (2) **Corporate Trustee** means a trustee that is a bank, trust company, or other entity authorized to serve as a trustee under the laws of the United States or any state thereof that is not a Related Person to the Settlor. A bank or trust company that does not meet this requirement cannot serve as Trustee.

(b) **Internal Revenue Code Terms.**

- (1) **Internal Revenue Code** means the federal Internal Revenue Code of 1986, as amended from time to time, or successor provisions of future federal internal revenue laws.
- (2) The terms **health, education, support, and maintenance** are intended to set forth an "ascertainable standard," as described in the Internal Revenue Code and its associated Regulations. To the extent not inconsistent with the foregoing, "health" means a beneficiary's physical and mental health, including but not limited to payments for examinations, surgical, dental, or other treatment, medication, counseling, hospitalization, and health insurance premiums; "education" means elementary, secondary, post-secondary, graduate, or professional schooling in an accredited institution, public or private, or attendance at other formal programs in furtherance of the beneficiary's spiritual, athletic, or artistic education, including but not limited to payments for tuition, books,

fees, assessments, equipment, tutoring, transportation, and reasonable living expenses.

- (3) **Related Person** as to a particular individual is someone who is deemed to be "related or subordinate" to that individual under Section 672(c) of the Internal Revenue Code (as though that individual was a grantor).

(c) **Other Terms.**

- (1) Distributions that are to be made to a person's **descendants, per stirpes**, will be divided into equal shares, so that there will be one share for each living child (if any) of that person and one share for each deceased child who has then living descendants. The share of each deceased child will be further divided among his or her descendants on a per stirpes basis, by reapplying the preceding rule to that deceased child and his or her descendants as many times as necessary.
- (2) **Disabled or under a disability** means (i) being under the legal age of majority, (ii) having been adjudicated to be incapacitated, or (iii) being unable to manage properly personal or financial affairs because of a mental or physical impairment (whether temporary or permanent in nature). A written certificate executed by an individual's attending physician confirming that person's impairment will be sufficient evidence of disability under item (iii) above, and all persons may rely conclusively on such a certificate.
- (3) Removal of a Trustee **for cause** includes, without limitation, the following: the willful or negligent mismanagement of the trust assets by that individual Trustee; the abuse or abandonment of, or inattention to, the trust by that individual Trustee; a federal or state charge against that individual Trustee involving the commission of a felony or serious misdemeanor; an act of theft, dishonesty, fraud, embezzlement, or moral turpitude by that individual Trustee; or the use of narcotics or excessive use of alcohol by that individual Trustee.
- (4) The words **will** and **shall** are used interchangeably in this Trust Agreement and mean, unless the context clearly indicates otherwise, that the Trustee must take the action

indicated; as used in this Trust Agreement, the word **may** means that the Trustee has the discretionary authority to take the action but is not automatically required to do so.

11.2 Powers of Appointment. The following provisions relate to all powers of appointment under this Trust Agreement.

- (a) A **general power of appointment** granted to a person is one that can be exercised in favor of that person or his or her estate, his or her creditors, or the creditors of his or her estate.
- (b) A **special power of appointment** is any power that is not a general power.
- (c) A **testamentary power of appointment** (either general or special) is exercisable upon the powerholder's death by his or her Last Will or by a revocable trust agreement established by that person, but only by specific reference to the instrument creating the power. A "testamentary power of appointment" may not be exercised in favor of the person possessing the power.
- (d) In determining whether a person has exercised a testamentary power of appointment, the Trustee may rely upon an instrument admitted to probate in any jurisdiction as that person's Last Will, or upon any trust agreement certified to be valid and authentic by sworn statement of the trustee who is serving under that trust agreement. If the Trustee has not received written notice of such an instrument within six months after the powerholder's death, the Trustee may presume that the powerholder failed to exercise that power and will not be liable for acting in accordance with that presumption.

11.3 Notices. Any person entitled or required to give notice under this Trust Agreement shall exercise that power by a written instrument clearly setting forth the effective date of the action for which notice is being given. The instrument may be executed in counterparts.

11.4 Certifications.

(a) **Facts.** A certificate signed and acknowledged by the Trustee stating any fact affecting the Trust Estate or the Trust Agreement will be conclusive evidence of such fact in favor of any transfer agent and any other person dealing in good faith with the Trustee. The Trustee may rely on a certificate signed and acknowledged by any beneficiary stating any fact concerning the Trust beneficiaries, including dates of

birth, relationships, or marital status, unless an individual serving as Trustee has actual knowledge that the stated fact is false.

(b) **Copy.** Any person may rely on a copy of this instrument (in whole or in part) certified to be a true copy by the Settlor; by any person specifically named as a Trustee (or successor Trustee); by any Corporate Trustee whether or not specifically named; or, if there are none of the above, by any then serving Trustee.

11.5 Applicable Law. All matters involving the validity and interpretation of this Trust Agreement are to be governed by Florida law. Subject to the provisions of this Trust Agreement, all matters involving the administration of a trust are to be governed by the laws of the jurisdiction in which the trust has its principal place of administration.

11.6 Gender and Number. Reference in this Trust Agreement to any gender includes either masculine or feminine, as appropriate, and reference to any number includes both singular and plural where the context permits or requires. Use of descriptive titles for articles and paragraphs is for the purpose of convenience only and is not intended to restrict the application of those provisions.

11.7 Further Instruments. The Settlor agrees to execute such further instruments as may be necessary to vest the Trustee with full legal title to the property transferred to this Trust.

11.8 Binding Effect. This Trust Agreement extends to and is binding upon the Settlor's Personal Representative, successors, and assigns, and upon the Trustee.

Executed as of the date first written above.

Signed in the presence of:

Joseph M. Johnson
[Signature]

Two witnesses as to Simon Bernstein

SETTLOR

[Signature]
Simon Bernstein

Signed in the presence of:

Joseph M. Johnson
[Signature]

Two witnesses as to Traci Kratish


TRUSTEE

Traci Kratish, P.A.

[Signature] FOR TRACI KRATISH, P.A.
[Signature] PRESIDENT
Traci Kratish, President

Schedule A
Initial Transfers to Trust

Transfer of 6 shares of LIC Holdings, Inc.

 **IRS** DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
P.O. BOX 9003
HOLTSVILLE NY 11742-9003


Date of this notice: 03-12-2007

Employer Identification Number:
20-7294156

Form: SS-4

Number of this notice: CP 575 B

For assistance you may call us at
1-800-829-4933


JOSH BERNSTEIN IRREV TRUST
TRACI KRATISH PA TTEE
950 PENNISULA CORP CIR STE 3010
BOCA RATON FL 33487

IF YOU WRITE, ATTACH THE
STUB OF THIS NOTICE.

102592

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 20-7294156. This EIN will identify your estate or trust. If you are not the applicant, please contact the individual who is handling the estate or trust for you. Please keep this notice in your permanent records.

When filing tax documents, please use the label we provided. If this isn't possible, it is very important that you use your EIN and complete name and address exactly as shown above on all federal tax forms, payments and related correspondence. Any variation may cause a delay in processing, result in incorrect information in your account or even cause you to be assigned more than one EIN. If the information isn't correct as shown above, please correct it using tear off stub from this notice and return it to us so we can correct your account.

Based on the information from you or your representative, you must file the following form(s) by the date(s) shown.

Form 1041

04/15/2007

If you have questions about the form(s) or the due dates(s) shown, you can call or write to us at the phone number or address at the top of the first page of this letter. If you need help in determining what your tax year is, see Publication 536, Accounting Periods and Methods, available at your local IRS office or you can download this Publication from our Web site at www.irs.gov.

We assigned you a tax classification based on information obtained from you or your representative. It is not a legal determination of your tax classification, and is not binding on the IRS. If you want a legal determination on your tax classification, you may request a private letter ruling from the IRS under the guidelines in Revenue Procedure 2004-1, 2004-1 I.R.B. 1 (or superseding Revenue Procedure for the year at issue.)

TRUST AGREEMENT
FOR THE
JOSHUA Z. BERNSTEIN IRREVOCABLE TRUST

September 7, 2006

TRUST AGREEMENT
FOR THE
JOSHUA Z. BERNSTEIN IRREVOCABLE TRUST

SIMON BERNSTEIN, as Settlor, hereby creates the Joshua Z. Bernstein Irrevocable Trust ("the Trust") on September 7, 2006. Traci Kratish, P.A. is the trustee of this Trust and, in that capacity, he and his successors are collectively referred to in this Trust Agreement as the "Trustee."

ARTICLE 1
BENEFICIARY

This Trust is for the benefit of the Settlor's Grandchild, JOSHUA Z. BERNSTEIN ("Beneficiary").

ARTICLE 2
TRANSFERS TO TRUST

The Settlor hereby conveys to the Trustee all his interest in the assets listed on Schedule A, which together with any assets later added to this Trust are referred to as the "Trust Estate." Any person may transfer assets to the Trust Estate, if the Trustee agrees to accept them. Assets do not have to be listed on Schedule A to be part of the Trust Estate. Unless otherwise specified in writing at the time of the transfer, those assets will be held as provided in this Trust Agreement. The Trustee acknowledges receipt of the current Trust assets and agrees to hold the Trust Estate as set forth in this Trust Agreement.

ARTICLE 3
IRREVOCABLE PROVISION

The Settlor declares that he has no right to alter, amend, modify, or revoke this Trust Agreement; to withdraw assets from the Trust; or to require changes in the investments of the Trust. No part of the Trust may ever revert to the Settlor, be used for his benefit, or be distributed in discharge of his legal obligations.

ARTICLE 4
ADMINISTRATION OF TRUST

The Trustee shall hold, administer, and distribute the Trust Estate in accordance with the powers granted under this Trust Agreement as follows:

4.1 Discretionary Distributions. The Trustee shall pay or apply such sums of principal from this Trust as in the Trustee's discretion are necessary or advisable for Beneficiary's health, education, support, and maintenance.

4.2 Distribution of Principal. When Beneficiary has reached age 21, the trustee shall distribute one-half (½) of the corpus of trust to Beneficiary plus accrued income. When Beneficiary has reached age 25 the Trustee shall distribute the entire remaining principal balance of the corpus of the trust to Beneficiary plus accrued income.

4.3 Distribution Upon Death Before Age 25. Upon the death of Beneficiary prior to age 25, the Trustee shall distribute the remaining assets in the trust to the estate of Beneficiary.

ARTICLE 5 PROVISIONS GOVERNING TRUSTEES

The following provisions apply to all Trustees appointed under this Trust Agreement:

5.1 Incapacity of Trustee. If any Trustee becomes disabled, he or she will immediately cease to act as Trustee. If a Trustee who ceases to serve because of a disability, or who is suspended, thereafter recovers from that disability or consents to the release of relevant medical information, he or she may elect to become a Trustee again by giving written notice to the then serving Trustee, and the last Trustee who undertook to serve will then cease to be a Trustee until another successor Trustee is required.

5.2 Resignation. Any Trustee may resign by giving 30 days' written notice delivered personally or by mail to any then serving Co-Trustee and to the Settlor if he is then living and not disabled; otherwise to the next named successor Trustee, or if none, to the persons having power to appoint successor Trustees.

5.3 Power to Name Other Trustees. Whenever a successor Trustee is required and that position is not filled under the terms specified in this Trust Agreement, an individual Trustee ceasing to serve (other than a Trustee being removed) may appoint his or her successor, but if none is appointed, the remaining Trustees, if any, or the beneficiary shall appoint a successor Corporate Trustee. The appointment will be by a written document (including a testamentary instrument) delivered to the appointed Trustee. In no event may the Settlor ever be appointed as the Trustee under this Trust Agreement nor shall a Successor trustee be appointed that will cause this trust to be a grantor trust.

5.4 Powers of Successor Trustees. Successor Trustees will have all powers granted to the original Trustee, except that only an Independent Trustee will succeed to the powers vested exclusively in the Independent Trustee.

5.5 Accountings. Accountings must be given to the beneficiary of each trust at least annually (quarterly if a Corporate Trustee is serving). The accountings must show the assets held in trust and all receipts and disbursements. A beneficiary's written approval of an accounting will be final and binding upon that beneficiary and all persons represented by him or her as to all matters disclosed in that accounting. In any event, if a beneficiary fails to object to an accounting within six months of receiving it, his or her

approval is conclusively presumed. A successor Trustee may require the prior Trustee to render a full and final accounting.

5.6 Acts by Other Fiduciaries. The Trustee is not required to question any acts or failures to act of the fiduciary of any other trust or estate, and will not be liable for any prior fiduciary's acts or failures to act. The Trustee can require a beneficiary who requests an examination of another fiduciary's actions or omissions to advance all costs and fees incurred in the examination, and if the beneficiary does not, the Trustee may elect not to proceed or may proceed and offset those costs and fees directly against any payment that would otherwise be made to that beneficiary.

5.7 Court Supervision. The Settlor waives compliance by the Trustee with any law requiring bond, registration, qualification, or accounting to any court.

5.8 Compensation. Each Trustee is entitled to be paid reasonable compensation for services rendered in the administration of the Trust. Reasonable compensation for a Corporate Trustee will be its published fee schedule in effect when its services are rendered unless otherwise agreed in writing, and except as follows. Any fees paid to a Corporate Trustee for making principal distributions, for termination of the trust, and upon termination of its services must be based solely on the value of its services rendered, not on the value of the trust principal. During the Settlor's lifetime the Trustee's fees are to be charged wholly against income (to the extent sufficient), unless directed otherwise by the Settlor in writing.

5.9 Indemnity. Any Trustee who ceases to serve for any reason will be entitled to receive (and the continuing Trustee shall make suitable arrangements to provide) reasonable indemnification and security to protect and hold that Trustee harmless from any damage or liability of any nature that may be imposed upon it because of its actions or omissions while serving as Trustee. This protection, however, does not extend to a Trustee's negligent actions or omissions that clearly and demonstrably result in damage or liability. A prior Trustee may enforce these provisions against the current Trustee or against any assets held in the Trust, or if the prior Trustee is an individual, against any beneficiary to the extent of distributions received by that beneficiary. This indemnification right will extend to the estate, personal representatives, legal successors, and assigns of a Trustee.

5.10 Successor Trustee. In the event the initial Trustee, Steven I. Greenwald, resigns or ceases to serve as Trustee, then and in that event, I hereby appoint Larry V. Bishins to serve as Trustee.

ARTICLE 6 PROTECTION OF INTERESTS

The interest of any beneficiary under this Trust Agreement, in either income or principal, may not be anticipated, alienated, or in any other manner assigned by the beneficiary, whether voluntarily or involuntarily, and will not be subject to any legal process,

bankruptcy proceedings, or the interference or control of the beneficiary's creditors or others.

ARTICLE 7
FIDUCIARY POWERS

The Settlor grants to the Trustee full power to deal freely with any property in the Trust. The Trustee may exercise these powers independently and without the approval of any court. No person dealing with the Trustee need inquire into the propriety of any of its actions or into the application of any funds or assets. The Trustee shall, however, exercise all powers in a fiduciary capacity for the best interest of the beneficiary of this Trust or any trust created under it. Without limiting the generality of the foregoing, the Trustee is given the following discretionary powers in addition to any other powers conferred by law:

7.1 Type of Assets. Except as otherwise provided to the contrary, to hold funds uninvested for such periods as the Trustee deems prudent, and to invest in any assets the Trustee deems advisable even though they are not technically recognized or specifically listed in so-called "legal lists," without responsibility for depreciation or loss on account of those investments, or because those investments are non-productive, as long as the Trustee acts in good faith.

7.2 Original Assets. Except as otherwise provided to the contrary, to retain the original assets it receives for as long as it deems best, and to dispose of those assets when it deems advisable, even though such assets, because of their character or lack of diversification, would otherwise be considered improper investments for the Trustee.

7.3 Tangible Personal Property. To receive and hold tangible personal property; to pay or refrain from paying storage and insurance charges for such property; and to permit any beneficiaries to use such property without either the Trustee or beneficiaries incurring any liability for wear, tear, and obsolescence of the property.

7.4 Specific Securities. To invest in assets, securities, or interests in securities of any nature, including (without limit) commodities, options, futures, precious metals, currencies, and in domestic and foreign markets and in mutual or investment funds, including funds for which the Trustee or any affiliate performs services for additional fees, whether as custodian, transfer agent, investment advisor or otherwise, or in securities distributed, underwritten, or issued by the Trustee or by syndicates of which it is a member; to trade on credit or margin accounts (whether secured or unsecured); and to pledge assets of the Trust Estate for that purpose.

7.5 Property Transactions. To buy, sell, pledge, exchange, or lease any real or personal property, publicly or privately, for cash or credit, without court approval and upon the terms and conditions that the Trustee deems advisable; to execute deeds, leases, contracts, bills of sale, notes, mortgages, security instruments, and other written instruments; to abandon or dispose of any real or personal property in the Trust which has little or no monetary or useful value; to improve, repair, insure, subdivide and vacate

any property; to erect, alter or demolish buildings; to adjust boundaries; and to impose easements, restrictions, and covenants as the Trustee sees fit. A lease will be valid and binding for its full term even if it extends beyond the full duration of the Trust.

7.6 Borrow Money. To borrow money from any source (including the Trustee in its nonfiduciary capacity), to guarantee indebtedness, and to secure the loan or guaranty by mortgage or other security interest.

7.7 Maintain Assets. To expend whatever funds it deems proper for the preservation, maintenance, or improvement of assets. The Trustee in its discretion may elect any options or settlements or exercise any rights under all insurance policies that it holds. However, no fiduciary who is the insured of any insurance policy held in the Trust may exercise any rights or have any incidents of ownership with respect to the policy, including the power to change the beneficiary, to surrender or cancel the policy, to assign the policy, to revoke any assignment, to pledge the policy for a loan, or to obtain from the insurer a loan against the surrender value of the policy. All such power is to be exercised solely by the remaining Trustee, if any, or if none, by a special fiduciary appointed for that purpose by a court having jurisdiction.

7.8 Advisors. To employ and compensate attorneys, accountants, advisors, financial consultants, managers, agents, and assistants (including any individual or entity who provides investment advisory or management services, or who furnishes professional assistance in making investments for the Trust) without liability for any act of those persons, if they are selected and retained with reasonable care. Fees may be paid from the Trust Estate even if the services were rendered in connection with ancillary proceedings.

7.9 Indirect Distributions. To make distributions, whether of principal or income, to any person under age 21 or to any incapacitated person according to the terms of this Trust Agreement by making distributions directly to that person whether or not that person has a guardian; to the parent, guardian, or spouse of that person; to a custodial account established by the Trustee or others for that person under an applicable Uniform Gift to Minors Act or Uniform Transfers to Minors Act; to any adult who resides in the same household with that person or who is otherwise responsible for the care and well-being of that person; or by applying any distribution for the benefit of that person in any manner the Trustee deems proper. The receipt of the person to whom payment is made will constitute full discharge of the Trustee with respect to that payment. No distributions may be made to the Settlor under this Section.

7.10 Non-Pro Rata Distribution. To make any division or distribution in money or in kind, or both, without allocating the same kind of property to all shares or distributees, and without regard to the income tax basis of the property. Any division will be binding and conclusive on all parties.

7.11 Nominee. Except as prohibited by law, to hold any assets in the name of a nominee without disclosing the fiduciary relationship; to hold the property

unregistered, without affecting its liability; and to hold securities endorsed in blank, in street certificates, at a depository trust company, or in a book entry system.

7.12 Custodian. To employ a custodian or agent ("the Custodian") located anywhere within the United States, at the discretion of the Trustee but at the expense of the Trust, whether or not such Custodian is an affiliate of the Trustee or any person rendering services to the Trust; to register securities in the name of the Custodian or a nominee thereof without designation of fiduciary capacity; and to appoint the Custodian to perform such other ministerial functions as the Trustee may direct. While such securities are in the custody of the Custodian, the Trustee will be under no obligation to inspect or verify such securities nor will the Trustee be responsible for any loss by the Custodian.

7.13 Settle Claims. To contest, compromise, arbitrate, or otherwise adjust claims in favor of or against the Trust, to agree to any rescission or modification of any contract or agreement, and to refrain from instituting any suit or action unless indemnified for reasonable costs and expenses.

7.14 Corporate Rights. To vote and exercise any option, right, or privilege to purchase or to convert bonds, notes, stock (including shares or fractional shares of stock of any Corporate Trustee), securities, or other property; to borrow money for the purpose of exercising any such option, right, or privilege; to delegate those rights to an agent; to enter into voting trusts and other agreements or subscriptions; to participate in any type of liquidation or reorganization of any enterprise; and to write and sell covered call options, puts, calls, straddles, or other methods of buying or selling securities, as well as all related transactions.

7.15 Partnership Interests. To hold interests in sole proprietorships, general or limited partnerships, joint ventures, business trusts, land trusts, limited liability companies, and other domestic and foreign forms of organizations; and to exercise all rights in connection with such interests as the Trustee deems appropriate, including any powers applicable to a non-admitted transferee of any such interest.

7.16 Self-Dealing. To exercise all its powers even though it may also be acting individually or on behalf of any other person or entity interested in the same matters. The Trustee, however, shall exercise these powers at all times in a fiduciary capacity, primarily in the interest of the beneficiaries of the Trust. Despite any other provision of this Trust Agreement, no Trustee may participate in the decision to make a discretionary distribution that would discharge a legal support obligation of that Trustee. No Trustee who has made a disclaimer, either individually or as a Trustee, may exercise any discretion in determining the recipient of the disclaimed property. All power to make such distributions, or to determine recipients of disclaimed property, will be exercised solely by the remaining Trustees, if any, or if there are no other Trustees then serving, by the person or persons named to serve as the next successor Trustee, or if there are none, by a special Trustee appointed for that purpose by a court having jurisdiction.

7.17 Expenses. An Independent Trustee may determine how expenses of administration and receipts are to be apportioned between principal and income.

7.18 Terminate Small Trusts. To exercise its discretion to refrain from funding or to terminate any trust whenever the value of the principal of that trust would be or is too small to administer economically, and to distribute the remaining principal and all accumulated income of the trust as provided in Section 7.9 to the income beneficiary of that trust. The Trustee shall exercise this power to terminate in its discretion as it deems prudent for the best interest of the beneficiaries at that time. This power cannot be exercised by the Settlor or any beneficiary, either alone or in conjunction with any other Trustee, but must be exercised solely by the other Trustee, or if none, by a special Trustee appointed for that purpose by a court having jurisdiction.

7.19 Allocations to Income and Principal. To treat premiums and discounts on bonds and other obligations for the payment of money in accordance with either generally accepted accounting principles or tax accounting principles and, except as otherwise provided to the contrary, to hold nonproductive assets without allocating any principal to income, despite any laws or rules to the contrary. The Trustee in its discretion may exercise the power described in Section 738.104 of the Florida Statutes to adjust between principal and income, as appropriate, and, in addition, may convert any income interest into a unitrust interest, or a unitrust interest to an income interest, as it sees fit, all as provided in Section 738.1041 of the Florida Statutes, despite any provision of those sections to the contrary.

7.20 Use of Income. Except as otherwise provided in this Trust Agreement, and in addition to all other available sources, to exercise its discretion in the use of income from the assets of the Trust to satisfy the liabilities described in this Trust Agreement, without accountability to any beneficiary.

7.21 Valuations. In making distributions or allocations under the terms of this Trust Agreement to be valued as of a particular date, the Trustee may use asset valuations obtained for a date reasonably close to that particular date (such as a quarterly closing date before or after that date) if, in the Trustee's judgment, obtaining appraisals or other determinations of value on that date would result in unnecessary expense, and if in the Trustee's judgment, the fair market value as determined is substantially the same as on that actual date. This paragraph will not apply if valuation on a specific date is required to preserve a qualification for a tax benefit, including any deduction, credit, or most favorable allocation of an exemption.

7.22 Incorporation. To incorporate any business or venture, and to continue any unincorporated business that the Trustee determines to be not advisable to incorporate.

7.23 Delegation. To delegate periodically among themselves the authority to perform any act of administration of any trust.

7.24 Advances. To make cash advances or loans to beneficiaries, with or without security.

7.25 Investment Manager. To employ any investment management service, financial institution, or similar organization to advise the Trustee and to handle all investments of the Trust and to render all accountings of funds held on its behalf under custodial, agency, or other agreements. If the Trustee is an individual, these costs may be paid as an expense of administration in addition to fees and commissions.

7.26 Depreciation. To deduct from all receipts attributable to depreciable property a reasonable allowance for depreciation, computed in accordance with generally accepted accounting principles consistently applied.

7.27 Disclaim Assets or Powers. To disclaim any assets otherwise passing or any fiduciary powers pertaining to any trust created hereunder, by execution of an instrument of disclaimer meeting the requirements of applicable law generally imposed upon individuals executing disclaimers. No notice to or consent of any beneficiary, other interested person, or any court is required for any such disclaimer, and the Trustee is to be held harmless for any decision to make or not make such a disclaimer.

7.28 Transfer Situs. To transfer the situs of any trust or any trust property to any other jurisdiction as often as the Trustee deems advisable, and if necessary to appoint a substitute or ancillary Trustee to act with respect to that property. The Trustee may delegate to the substitute Trustee any or all of the powers given to the Trustee; may elect to act as advisor to the substitute Trustee and receive reasonable compensation for that service; and may remove any acting or substitute Trustee and appoint another, or reappoint itself, at will.

7.29 Related Parties. To enter into any transaction on behalf of the Trust despite the fact that another party to that transaction may be: (i) a business or trust controlled by the Trustee, or of which the Trustee, or any director, officer, or employee of the Corporate Trustee, is also a director, officer, or employee; (ii) an affiliate or business associate of any beneficiary or the Trustee; or (iii) a beneficiary or Trustee under this Trust Agreement acting individually, or any relative of such a party.

7.30 Additional Powers for Income-Producing Real Estate. In addition to the other powers set forth above or otherwise conferred by law, the Trustee has the following powers with respect to any income-producing real property which is or may become a part of the Trust Estate:

- To retain and operate the property for as long as it deems advisable;
- To control, direct, and manage the property, determining the manner and extent of its active participation in these operations, and to delegate all or any part of its supervisory power to other persons that it selects;

- To hire and discharge employees, fix their compensation, and define their duties;
- To invest funds in other land holdings and to use those funds for all improvements, operations, or other similar purposes;
- Except as otherwise provided with respect to mandatory income distributions, to retain any amount of the net earnings for working capital and other purposes that it deems advisable in conformity with sound and efficient management; and
- To purchase and sell machinery, equipment, and supplies of all kinds as needed for the operation and maintenance of the land holdings.

ARTICLE 8
SUBCHAPTER S STOCK

Despite any other provisions of this Trust Agreement, if a trust created in this instrument is to become the owner of, or already owns, stock in a corporation that has an election in effect (or one that proposes to make an election) under Section 1362 of the Internal Revenue Code (an "S Corporation"), and that trust would not otherwise be permitted to be an S Corporation shareholder, the following provisions will apply:

8.1 Electing Small Business Trust. The Trustee in its discretion may elect for the trust to become an Electing Small Business Trust ("ESBT") as defined in the Internal Revenue Code.

8.2 Qualified Subchapter S Trust. If the Trustee does not cause the trust to become an ESBT, the Trustee shall set aside the S Corporation stock in a separate trust for the current income beneficiary of such trust, so that a Qualified Subchapter S Trust ("QSST") election under Section 1361 of the Internal Revenue Code can be filed with respect to that trust. The Trustee shall hold each share as a separate QSST for the persons described above, and each such person will be the sole beneficiary of his or her QSST. To the greatest extent possible, the Trustee shall administer each QSST under the terms of the trust from which it was derived, but subject to the following overriding provisions:

(a) **Consent.** The Trustee shall notify the beneficiary of each separate trust promptly that a QSST election must be filed with the Internal Revenue Service. Thereafter, each beneficiary shall file a timely and proper QSST election with the Internal Revenue Service. If a beneficiary fails or refuses to make the QSST election, the Trustee shall make an ESBT election for that trust. If the beneficiary does make the QSST election, then his or her separate trust will be administered as set forth below.

(b) **Income Payments.** During the beneficiary's life, the Trustee shall pay all net income of the trust to the beneficiary (and only to that beneficiary) in quarterly or more frequent installments. The beneficiary's income interest in the trust

will terminate on the earlier of his or her death or the termination of the trust under its terms.

(c) **Principal Invasions.** If the beneficiary is otherwise entitled to receive principal distributions, the Trustee may distribute principal from that separate trust during the beneficiary's life only to or for the benefit of that beneficiary (and no one else).

(d) **Final Distribution.** If the QSST is terminated during the beneficiary's life, the Trustee shall distribute all remaining assets of that separate trust to that beneficiary. If the beneficiary dies before that trust's termination, all remaining assets of the QSST are to be distributed as provided in the original trust, but subject to this article.

(e) **Termination of QSST Status.** If a separate trust would cease to qualify as an S Corporation shareholder, the Trustee in its discretion may: (i) make an ESBT election for that separate trust, or (ii) distribute all S Corporation stock to the beneficiary. The Trustee in its discretion also may convert a QSST to an ESBT, whether or not the beneficiary has consented to QSST treatment and, if the beneficiary consents, may convert an ESBT into a QSST.

ARTICLE 9 PERPETUITIES PROVISION

Despite any contrary provisions of this Trust Agreement, from the creation of this Trust and for up to 21 years after the death of the last of the Settlor's grandparents' descendants who are living at the creation of this Trust, a trust beneficiary (which includes persons succeeding to the interest of a deceased beneficiary) will be entitled to terminating distributions only at the ages specified in this Trust Agreement. In all events, however, the share of each beneficiary will vest (in the beneficiary or his or her estate) immediately prior to the expiration of the 21 year period described above.

ARTICLE 10 ADMINISTRATION AND CONSTRUCTION

10.1 Rules for Distributions. In making distributions to beneficiaries under this Trust Agreement, the Trustee must use the following criteria.

(a) **Other Resources.** Whenever the Trustee has the authority to decide how much to distribute to or for the benefit of a beneficiary, the Trustee can make decisions without taking into account any information about the beneficiary's other available income and resources. The Trustee can make payments directly to a beneficiary or to other persons for the beneficiary's benefit, but it does not have to make payments to a court appointed guardian.

(b) **Trustee's Decision.** Absent clear and convincing evidence of bad faith, the Trustee's decisions as to amounts to be distributed will be final.

(c) **Standard of Living.** Distributions to a beneficiary for health, education, support, or maintenance are to be based on his or her standard of living, determined as of the date of the distribution.

10.2 Funding Gifts. The following rules will apply to funding gifts under this Trust Agreement.

(a) **Pecuniary Gifts.** All pecuniary gifts under this Trust Agreement that are paid by an in-kind distribution of assets must use values having an aggregate fair market value at the date or dates of distribution equal to the amount of this gift as finally determined for federal estate tax purposes.

(b) **Adjustments.** The Trustee shall select one or more dates of allocation or distribution for purposes of satisfying gifts and funding shares or trusts. The Trustee may make allocations before the final determination of federal estate tax, with those allocations being based upon the information then available to the Trustee, and may thereafter adjust properties among the shares or trusts if it is determined that the allocation should have been made differently.

10.3 Accumulated Income. Any income not distributed to the beneficiaries pursuant to either a mandatory direction or a discretionary power is to be incorporated into principal, at such intervals as the Trustee deems convenient.

10.4 Estate Tax on Included Property. If assets of any trust created under this Trust Agreement are included in a beneficiary's estate for federal estate tax purposes, the following will apply.

(a) **Appointed Assets.** If the beneficiary exercises a power of appointment over those assets, the Trustee is authorized to withhold from those assets the amount of estate taxes apportioned to them by applicable law, if the beneficiary does not make provisions for the payment of those taxes from other sources.

(b) **Other Assets.** If the beneficiary does not have or does not exercise a power of appointment over those assets, the Trustee will pay the estate taxes attributable to those assets. The estate taxes attributable to those assets will be the amount that the beneficiary's estate taxes are increased over the amount those taxes would have been if those assets had not been included in the beneficiary's gross estate.

(c) **Certification and Payment.** The Trustee may rely upon a written certification by the beneficiary's personal representative of the amount of the estate taxes, and may pay those taxes directly or to the personal representative of the beneficiary's estate. The Trustee will not be held liable for making payments as directed by the beneficiary's personal representative.

10.5 Transactions With Other Entities. The Trustee may buy assets from other estates or trusts, or make loans to them, so that funds will be available to pay claims, taxes, and expenses. The Trustee can make those purchases or loans even if it

serves as the fiduciary of that estate or trust, and on whatever terms and conditions the Trustee thinks are appropriate, except that the terms of any transaction must be commercially reasonable.

ARTICLE 11
MISCELLANEOUS PROVISIONS

11.1 Definitions. As used in this Trust Agreement, the following terms have the meanings set forth below:

(a) Trustees.

- (1) **Independent Trustee** means a trustee of a particular trust, either individual or corporate, who is not the Settlor or a beneficiary, and who is not a Related Person as to the Settlor or a beneficiary (if the Settlor or the beneficiary, respectively, is living and participated in that person's appointment). For purposes of this definition a beneficiary is a person who is a permissible distributee of income or principal, or someone with an interest in the trust in excess of five percent (5%) of its value, assuming a maximum exercise of discretion in his or her favor. Whenever this Trust Agreement requires an action be taken by, or in the discretion of, an Independent Trustee but no such Trustee is then serving, a court may appoint an Independent Trustee to serve as an additional Trustee whose sole function and duty will be to exercise the specified power.
- (2) **Corporate Trustee** means a trustee that is a bank, trust company, or other entity authorized to serve as a trustee under the laws of the United States or any state thereof that is not a Related Person to the Settlor. A bank or trust company that does not meet this requirement cannot serve as Trustee.

(b) Internal Revenue Code Terms.

- (1) **Internal Revenue Code** means the federal Internal Revenue Code of 1986, as amended from time to time, or successor provisions of future federal internal revenue laws.
- (2) The terms **health, education, support, and maintenance** are intended to set forth an "ascertainable standard," as described in the Internal Revenue Code and its associated Regulations. To the extent not inconsistent with the foregoing, "health" means a beneficiary's physical and

mental health, including but not limited to payments for examinations, surgical, dental, or other treatment, medication, counseling, hospitalization, and health insurance premiums; "education" means elementary, secondary, post-secondary, graduate, or professional schooling in an accredited institution, public or private, or attendance at other formal programs in furtherance of the beneficiary's spiritual, athletic, or artistic education, including but not limited to payments for tuition, books, fees, assessments, equipment, tutoring, transportation, and reasonable living expenses.

- (3) **Related Person** as to a particular individual is someone who is deemed to be "related or subordinate" to that individual under Section 672(c) of the Internal Revenue Code (as though that individual was a grantor).

(c) **Other Terms.**

- (1) Distributions that are to be made to a person's **descendants, per stirpes**, will be divided into equal shares, so that there will be one share for each living child (if any) of that person and one share for each deceased child who has then living descendants. The share of each deceased child will be further divided among his or her descendants on a per stirpes basis, by reapplying the preceding rule to that deceased child and his or her descendants as many times as necessary.
- (2) **Disabled or under a disability** means (i) being under the legal age of majority, (ii) having been adjudicated to be incapacitated, or (iii) being unable to manage properly personal or financial affairs because of a mental or physical impairment (whether temporary or permanent in nature). A written certificate executed by an individual's attending physician confirming that person's impairment will be sufficient evidence of disability under item (iii) above, and all persons may rely conclusively on such a certificate.
- (3) Removal of a Trustee **for cause** includes, without limitation, the following: the willful or negligent mismanagement of the trust assets by that individual Trustee; the abuse or abandonment of, or inattention to, the trust by that individual Trustee; a federal or state charge against that individual Trustee involving the commission of a felony or serious misdemeanor; an act of theft,

dishonesty, fraud, embezzlement, or moral turpitude by that individual Trustee; or the use of narcotics or excessive use of alcohol by that individual Trustee.

- (4) The words **will** and **shall** are used interchangeably in this Trust Agreement and mean, unless the context clearly indicates otherwise, that the Trustee must take the action indicated; as used in this Trust Agreement, the word **may** means that the Trustee has the discretionary authority to take the action but is not automatically required to do so.

11.2 Powers of Appointment. The following provisions relate to all powers of appointment under this Trust Agreement.

- (a) A **general power of appointment** granted to a person is one that can be exercised in favor of that person or his or her estate, his or her creditors, or the creditors of his or her estate.
- (b) A **special power of appointment** is any power that is not a general power.
- (c) A **testamentary power of appointment** (either general or special) is exercisable upon the powerholder's death by his or her Last Will or by a revocable trust agreement established by that person, but only by specific reference to the instrument creating the power. A "testamentary power of appointment" may not be exercised in favor of the person possessing the power.
- (d) In determining whether a person has exercised a testamentary power of appointment, the Trustee may rely upon an instrument admitted to probate in any jurisdiction as that person's Last Will, or upon any trust agreement certified to be valid and authentic by sworn statement of the trustee who is serving under that trust agreement. If the Trustee has not received written notice of such an instrument within six months after the powerholder's death, the Trustee may presume that the powerholder failed to exercise that power and will not be liable for acting in accordance with that presumption.

11.3 Notices. Any person entitled or required to give notice under this Trust Agreement shall exercise that power by a written instrument clearly setting forth the effective date of the action for which notice is being given. The instrument may be executed in counterparts.

11.4 Certifications.

- (a) **Facts.** A certificate signed and acknowledged by the Trustee stating any fact affecting the Trust Estate or the Trust Agreement will be conclusive

evidence of such fact in favor of any transfer agent and any other person dealing in good faith with the Trustee. The Trustee may rely on a certificate signed and acknowledged by any beneficiary stating any fact concerning the Trust beneficiaries, including dates of birth, relationships, or marital status, unless an individual serving as Trustee has actual knowledge that the stated fact is false.

(b) **Copy.** Any person may rely on a copy of this instrument (in whole or in part) certified to be a true copy by the Settlor; by any person specifically named as a Trustee (or successor Trustee); by any Corporate Trustee whether or not specifically named; or, if there are none of the above, by any then serving Trustee.

11.5 Applicable Law. All matters involving the validity and interpretation of this Trust Agreement are to be governed by Florida law. Subject to the provisions of this Trust Agreement, all matters involving the administration of a trust are to be governed by the laws of the jurisdiction in which the trust has its principal place of administration.

11.6 Gender and Number. Reference in this Trust Agreement to any gender includes either masculine or feminine, as appropriate, and reference to any number includes both singular and plural where the context permits or requires. Use of descriptive titles for articles and paragraphs is for the purpose of convenience only and is not intended to restrict the application of those provisions.

11.7 Further Instruments. The Settlor agrees to execute such further instruments as may be necessary to vest the Trustee with full legal title to the property transferred to this Trust.

11.8 Binding Effect. This Trust Agreement extends to and is binding upon the Settlor's Personal Representative, successors, and assigns, and upon the Trustee.

INITIAL

Executed as of the date first written above.

Signed in the presence of:

Joseph M. Johnson
[Signature]

Two witnesses as to Simon Bernstein

SETTLOR

[Signature]
Simon Bernstein

Signed in the presence of:

Joseph M. Johnson
[Signature]

Two witnesses as to Traci Kratish

TRUSTEE

Traci Kratish, P.A.

[Signature] FOR TRACI KRATISH, P.A.
[Signature] AS PRESIDENT

Traci Kratish, ~~PA~~, President

Schedule A
Initial Transfers to Trust

Transfer of 6 shares of LIC Holdings, Inc.

U.S.



MRACHEK
FITZGERALD
ROSE
KONOPKA
THOMAS
& WEISS, P.A.

WRITER'S DIRECT DIAL NUMBER: (561) 355-6991

WRITER'S E-MAIL ADDRESS: arose@mrachek-law.com

November 28, 2016

The Honorable Rosemarie Scher
North County Courthouse
3188 PGA Boulevard
Palm Beach Gardens, FL 33410

Re: *Estate of Simon L. Bernstein*
Case No.: 502012CP004391XXXXNBIH

Estate of Shirley Bernstein
Case No.: 502011CP000653XXXXNBIH

Shirley Trust Construction: Ted Bernstein, etc., et al. v. Alexandra Bernstein, et al.,
Case No.: 502014CP003698XXXXNB-IH

Dear Judge Scher:

As discussed at the UMC hearing last Tuesday, this is intended to be a short summary of the status of Bernstein matters, filed by the Trustee of the two relevant trusts: Simon L. Bernstein Amended and Restated Trust dtd 7-25-2012 ("Simon Trust") and Shirley Bernstein Trust Agreement dtd 5-20-2008 ("Shirley Trust"). This summary is as short as possible, but it takes two pages just to explain the names of the parties and interested persons.

Although there have been four prior judges, only Judge Colin and Judge Phillips conducted substantive hearings. When the case was before Judge Colin, it seemed like an unmanageable circus, in large part due to uncertainty as to who were proper beneficiaries and repeated attacks on fiduciaries and counsel.¹ Judge Phillips brought order to chaos; determined after a trial who are the rightful beneficiaries of these estates and trusts; appointed a Guardian ad Litem to protect the interests of three children whose father was acting in an adverse and destructive manner; and shepherded the case much closer to the finish line. The most important thing now, regardless of how any issue gets resolved or the outcome of any hearing or trial, is to continue moving forward and not revert to the past.

¹ This is explained in a 14-page Omnibus Status Report submitted to Judge Phillips at an initial Status Conference. [Case 502012CP004391 DE 393] Among other things, Eliot Bernstein harassed, defamed and later sued the Trustee, professionals, the beneficiaries, and even hinted at suing Judge Colin.

Estate of Simon L. Bernstein

Case Number: 502012CP004391XXXXNBIH

November 28, 2016

Page 2

Judge Phillips first set a trial to determine the validity of the Wills and Trusts, which determined the proper beneficiaries. A one-day trial was held on December 15, 2016, at which time Judge Phillips heard evidence and entered a Final Judgment upholding the validity of Simon's and Shirley's Wills and Trusts, and finding that Ted Bernstein had done nothing wrong.² [Case 502014CO003698 DE 113]

Based upon the Final Judgment, we have made great progress. At a mediation in July, everyone but two parties (Stansbury and Eliot, as described below) were able to resolve all of their disagreements. There is a signed Mediation Settlement Agreement subject to Court approval. As a result, we are near the finish line on the Shirley side. However, Stansbury and Eliot continue to disrupt and delay the orderly administration of Simon's Estate; are trying to influence the Simon Trust even though neither has standing on those issues; and are causing unnecessary expense.

Briefly, let us introduce you to the players:

Our law firm represents Ted S. Bernstein, the Trustee of both trusts and the PR of Shirley's Estate. Ted is the oldest child of Shirley (died 12-8-2010) and Simon (died 9-13-2012). Their deaths have led to four cases: Shirley's Estate (Case 502011CP000653); Shirley's Trust (Case 502014CP003698); Simon's Estate (Case 502012CP004391); and Simon's Trust.³

Simon and Shirley had five children and ten grandchildren; all of these are aligned and in agreement except for Eliot Ivan Bernstein ("Eliot").

Eliot lives in a world filled with conspiracy and fraud, where everyone is a thief, forger or murderer, and where he was car-bombed to cover up the theft of his trillion dollar invention. (<http://iviewit.tv/>) Faced with certain poverty after his parents' deaths, Eliot lashed out against his parent's surrogate – his older brother Ted – and others in vicious and cruel ways. (<http://tedbernsteinreport.blogspot.com/>)⁴

² "Based on the evidence presented, the Court finds that Plaintiff, Ted S. Bernstein, Trustee, was not involved in . . . any other improper act, contrary to the allegations of Eliot Bernstein made in the pleadings in this case or in various blogs and websites in which Eliot Bernstein has attacked the actions of Ted Bernstein." *Id.* ¶5.

³ There currently is no pending case directly involving Simon's Trust. Eliot's Petition to remove Ted as Trustee was dismissed by Judge Phillips on April 8, 2016. [Case 502015CP001162 DE # 39]

⁴ Eliot's cyber-terrorism, which no court is equipped to stop, was not limited to Ted, and included the undersigned and most of the other professional and fiduciaries, including the judges. One post was entitled "*Judge David French, Judge Martin Colin and the Corrupt Overreaching Florida Probate Courts*"

Estate of Simon L. Bernstein

Case Number: 502012CP004391XXXXNBIH

November 28, 2016

Page 3

The root of Eliot's anger is understandable. One minute he was living the Life of Riley, based upon his parents' agreement to provide him a house and pay all of his living expenses and private school for his three sons (\$80,000 per year), providing total support of more than \$200,000/year. Once Simon died, Eliot's support ended immediately. In an instant Eliot was flat broke – disinherited, and cut-off from all means of support. Eliot does not work, and claims to be indigent.

Moreover, Eliot expected to be rich once his parents died. According to Eliot's court filings and testimony, he believed his parents' net worth was more than \$100 million, and he would inherit \$30 million more. Instead, he gets nothing. His children are beneficiaries, and do get 10% each, but Eliot has done all he can to destroy what little (perhaps \$3 million total) his parents left behind.

The other disgruntled person Simon left behind is William Elwood "Bill" Stansbury ("Stansbury"), now represented by Peter Feaman, Esq. Stansbury claims that Simon cheated him out of millions of dollars in a business venture. (Simon, Ted and Stansbury had each been involved in the insurance business, but never worked together except for a few years [2006-2012] when they all were involved in a Florida life insurance business started by Simon and Ted.)

Stansbury sued Simon shortly before his death; has timely filed an independent action against Simon's Estate; and should be focused on litigating that claim rather than trying to control the strings of these probate court proceedings. Stansbury succeeded in stirring things up and installing a neutral PR after the initial PRs resigned (opposing Ted's Petition to be appointed as Simon's PR), but otherwise has been thwarted by adverse judicial rulings. Now, with a new judge, he seeks to revisit prior rulings of Judges Colin and Phillips.

The only other players who need specific mention are Simon's prior counsel. Those lawyers took some improper actions after Simon's death, but have been replaced and have suffered severe consequences. Indeed, there is a pending settlement between those lawyers and everyone else – Mr. O'Connell, as Simon's PR; Ted as Shirley's PR and Trustee of both trusts; the GAL and all beneficiaries (other than Eliot of course). Eliot has tried to leverage the conduct of these lawyers to fuel his conspiracy theories, but their actions caused limited harm to the estates and trusts, and no harm to Eliot.

Against that backdrop, and with Judge Phillips' retirement, this has landed before Your Honor. We have made great progress, but need to keep moving these cases forward before the professional fees eat the rest of the money. To date, the replacement curator and PR have incurred more than \$300,000 in professional fees, and made little progress toward getting the Simon Estate closer to the finish line. That needs to start changing on the Simon side.

... " (<http://tedbernsteinreport.blogspot.com/2016/02/judge-david-french-judge-martin-colin.html>).

On the Shirley side, we are essentially at the finish line. The Final Judgment (on appeal) resolved that the beneficiaries are ten grandchildren and that Eliot has no standing.⁵ Once a GAL was appointed to represent the interests of Eliot's children, the parties attended mediation in July with Retired Judge Ronald Alvarez, and entered into a confidential Mediation Settlement Agreement. (A copy is provided to the Court for *in camera* review.) The settlement resolves everything, and includes resolution of the claim against the former attorneys; the closure of the Estate; and the distribution of assets as soon as Eliot's appeals are rejected. All we need is (i) an order approving the settlement; (ii) appointment of a trustee for the three Eliot Children Trusts;⁶ and (iii) orders determining the GAL's compensation, to be paid from Eliot's Children's share, and discharging the GAL.

On the Simon side, there are more loose ends, but the most important thing to do is handle the 800-pound gorilla, Stansbury's \$2.5 million claim. Nothing can happen until that claim has been settled or tried, and settlement efforts have been exhausted. When Stansbury did not settle at the July mediation, the beneficiaries agreed to get the case tried quickly and by the Mrachek Firm, which has extensive prior knowledge and involvement in that case. Stansbury did not object to Mrachek's retention, and an Order was entered. [DE 496] But once the Stansbury independent action actually began moving forward, Stansbury tried to put the brakes on by moving to vacate the Order retaining Mrachek. [DE 497] That Motion threatens to hold up the critical issue of moving Stansbury's case forward, so we can decide if he has no claim (in which case we can get rid of him once and for all) or he has a valid claim against the assets of the Estate.

There are a number of other matters to resolve on the Simon side, as set forth on the List of Pending Matters being submitted in advance of the Status Conference, but what cannot be allowed to happen is the slow bleed of money that soon will render the Estate penniless.

On behalf of the Trustee, who now speaks with a singular and clear voice on behalf of all of beneficiaries, the Court should not allow Stansbury or Eliot to cause further disruption. Stansbury is just a potential claimant to whom no money is now due, and he cannot be allowed to continue disrupting the interests of the fiduciaries and beneficiaries. Making matters worse, Stansbury has done little to prosecute his claim against the Estate, and now is trying to put on the brakes.

The Court also cannot allow Eliot to continue his involvement unchecked. Eliot has been barred from participation in the Shirley matters, but may have some limited rights in Simon's estate

⁵ The appeal has little chance of success. Eliot presented no witnesses or evidence to establish any challenge to the Wills and Trusts. The appeal is fully briefed.

⁶ Simon's Trust names Eliot to that role, but he has refused to serve.

Estate of Simon L. Bernstein

Case Number: 502012CP004391XXXXNBIH

November 28, 2016

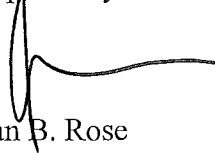
Page 5

because he filed a personal claim against Simon's Estate. He cannot be allowed to bootstrap those limited rights to continue an all-out assault as he has been doing for years, and cannot be allowed to cause the Estate and Trust to "burn all the money" so no one gets any. For example, the Final Judgment ruling that Eliot lacked standing would have ended the nonsense in a normal case, but this one is not normal. In addition to filing numerous appeals (Eliot has filed nine appeals to the Fourth DCA since his father's death⁷ and one to the Supreme Court), Eliot continued to disrupt the probate proceedings. On motion in each case and after evidentiary hearings, Judge Phillips entered Orders Appointing a Guardian Ad Litem. [Case 50214CP3698 DEs 154, 161, 175; and Case 502012CP004391 DE 443] In those orders, Judge Phillips expressly found that Eliot was acting adverse and destructive to the interests of his children, and appointed former probate judge Diana Lewis as GAL.

Both Stansbury and Eliot already have tried to remove Ted as Successor Trustee, but both failed.⁸ Eliot continues to pursue his agenda, but for the most part is no longer relevant to these proceedings. However, Stansbury continues to persist in trying to control the course of these proceedings. If Stansbury has a legitimate and valid claim, his primary goal should be trying that case. Anything else makes no sense, and certainly cannot be of any help to the Estate and Trust beneficiaries.

We appreciate Your Honor's time and attention to these matters, and look forward to working with Your Honor to bring about an orderly, just and fair outcome.

Respectfully submitted,



Alan B. Rose

Enclosure (for *in camera* review)

cc: All parties on attached service list, w/o enclosure

⁷ Eliot filed at the 4th DCA a Motion for Rehearing En Banc on December 15, 2015, after the denial of a writ petition in Case No. 4D15-3849, stating: "The case is thus of not only exceptional importance but statewide importance as not only implicating related ongoing frauds upon the United States but the fundamental Due Process issue of whether the Florida Courts themselves can be an appropriate forum for the Petitioner given the current Florida Supreme Court Judge Jorge Labarga's involvement in the underlying frauds . . . in a case where possible murder has been alleged."

⁸ Stansbury's petition to remove Ted was dismissed by Judge Phillips for lack of standing under § 736.0706(1), Fla. Stat. [Case 5012CP004391 DE # 240] Eliot's petition also was dismissed. (see fn. 1)

Estate of Simon L. Bernstein

Case Number: 502012CP004391XXXXNBIH

November 28, 2016

Page 6

SERVICE LIST - CASE NO. 502012CP004391XXXXNBIH

Eliot Bernstein
2753 NW 34th Street
Boca Raton, FL 33434
(561) 245-8588 - Telephone
(561) 886-7628 - Cell
(561) 245-8644 - Facsimile
Email: [Eliot I. Bernstein \(iviewit@iviewit.tv\)](mailto:Eliot.I.Bernstein@iviewit.tv)

John P. Morrissey, Esq.
330 Clematis Street, Suite 213
West Palm Beach, FL 33401
(561) 833-0766 - Telephone
(561) 833-0867 - Facsimile
Email: [John P. Morrissey \(john@jmorrisseylaw.com\)](mailto:John.P.Morrissey@jmorrisseylaw.com)
Counsel for Molly Simon, Alexandra Bernstein,
Eric Bernstein, Michael Bernstein

Pamela Beth Simon
303 E. Wacker Drive, Suite 2725
Chicago, IL 60601
Email: psimon@stpcorp.com

Lisa Friedstein
2142 Churchill Lane
Highland Park, IL 60035
lisa@friedsteins.com
Individually and as trustee for her children, and
as natural guardian for M.F. and C.F., Minors

Peter M. Feaman, Esq.
Peter M. Feaman, P.A.
3695 West Boynton Beach Blvd., Suite 9
Boynton Beach, FL 33436
(561) 734-5552 - Telephone
(561) 734-5554 - Facsimile
Email: service@feamanlaw.com;
mkoskey@feamanlaw.com
Counsel for William Stansbury

Gary R. Shendell, Esq.
Kenneth S. Pollock, Esq.
Matthew A. Tornincasa, Esq.
Shendell & Pollock, P.L.
2700 N. Military Trail, Suite 150
Boca Raton, FL 33431
(561) 241-2323 - Telephone
(561) 241-2330 - Facsimile
Email: gary@shendellpollock.com
ken@shendellpollock.com
matt@shendellpollock.com
estella@shendellpollock.com
britt@shendellpollock.com
grs@shendellpollock.com
robyne@shendellpollock.com

Diana Lewis, Esq.
ADA & Mediations Services, LLC
2765 Tecumseh Drive
West Palm Beach, FL 33409
(561) 758-3017 - Telephone
Email: dzlewis@aol.com
Guardian *Ad Litem* for
Eliot Bernstein's minor children,
Jo.B., Ja.B., and D.B.

Estate of Simon L. Bernstein

Case Number: 502012CP004391XXXXNBIH

November 28, 2016

Page 7

Jill Iantoni

2101 Magnolia Lane

Highland Park, IL 60035

jilliantoni@gmail.com

Individually and as trustee for her children, and
as natural guardian for J.I. a minor

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

CASE NO. 502012CP004391XXXXNB-IH
Probate – Judge John L. Phillips

IN RE:

ESTATE OF SIMON L. BERNSTEIN.
_____ /

**TRUSTEE'S OMNIBUS STATUS REPORT AND REQUEST
FOR CASE MANAGEMENT CONFERENCE**

Ted S. Bernstein, as Successor Personal Representative of the Estate of Shirley Bernstein, as Successor Trustee of the Shirley Bernstein Trust, and as Successor Trustee of the Simon Bernstein Trust which is the residuary beneficiary of the Estate, files this Omnibus Case Status Report and Requests a Case Management Conference in all pending matters, in advance of the one-hour Status Conference set for Tuesday, September 15, 2015, at 9:30a.m.

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, by way of example only, Exhibit A) His demands have caused the former curator and now the PR to incur far in excess of \$100,000 in unnecessary fees, pursuing his agenda not their own. With regard to Judge Colin's final action before recusing himself, Eliot's delay of the Trust's sale of real estate is going on six months, and already his objections and "appeal" to the Florida Supreme Court have cost the Trust more than \$125,000. These sums are not insignificant in this case – these are relatively small trusts and estates which likely will have between \$1 million to \$2 million left to distribute in the end. Even less with every billable hour incurred, especially if things continue on their current path.

For reasons which will become apparent to the Court, although these matters should be fully concluded by now – Shirley died first, nearly five years ago, and Simon followed nearly three years ago – it feels like we still are closer to the starting line than the finish line. The sole reason for the lack of progress is their disinherited son, Eliot Bernstein.

If the Court were to appoint a guardian ad litem ("Guardian") for Eliot's three kids, who are beneficiaries of both trusts, everything else could be resolved quickly and easily between the remaining parties. Instead, while Eliot continues to turn the courtroom into his private circus and continues his online attacks, the limited assets in these estates and trusts continue to dwindle. This has been going on far too long, and now that this Court is overseeing these matters,¹ Eliot must be stopped before it is too late to salvage anything for the beneficiaries.

By way of brief background, in 2008, Simon and Shirley created their estate plan and executed mirror image documents. Their plan was simple and typical of a long-term marriage – the surviving spouse would receive everything for life, and the limited right to decide who to benefit when he or she died. The residuary of each Estate passed to a Revocable Trust. The surviving spouse was the sole successor trustee and beneficiary for life, and was granted a limited power of appointment. Simon, as the survivor, had the sole and absolute right to do whatever he pleased with his own assets, and also possessed a limited power to appoint the assets remaining in the Shirley Trust to any of Shirley's lineal descendant or their spouse.

¹ *In Re: Estate of Simon L. Bernstein, Case #502012CP004391XXXXNB;*
In Re: Estate of Shirley Bernstein, Case #502011CP000653XXXXNB;
Eliot Bernstein, etc., et al. v. Theodore Stuart Bernstein, etc., et al.,
Case #502015CP001162XXXXNB;
Ted Bernstein, etc., et al. v. Alexandra Bernstein, et al.,
Case #502014CP003698XXXXNB;
Oppenheimer Trust Co. v. Eliot Bernstein, et al., Case #502014CP002815XXXXNB.

When Shirley died, Simon was PR, successor Trustee, and sole beneficiary of her estate and trust. He apparently did as he pleased with her estate and her assets, and shared virtually no information about Shirley's assets or finances with any of his children. The Shirley Estate was opened in early 2011, and by early 2012 Simon wanted to close it. He had taken all of her assets, as was his right, and he requested that each of his children sign a waiver of accounting etc. to close the estate. It is undisputed that each child signed a Waiver – Eliot was the first to sign. Shirley's estate would have been closed long ago except Judge Colin required Waivers to be notarized and the six Waivers in this case (one by Simon and one by each of the five children) were not notarized. So the Waivers were rejected by the Court, and Simon had died before the last Waiver was signed. Rather than move the Court to overlook the notary requirement, someone in the office of Simon's counsel falsely traced the original signatures onto a new Waiver document and falsely put a notary stamp. The irony here is that while the Court had rejected all six of the original, *authentic* Waivers; the Court accepted the false ones and closed the Estate.²

Shirley had appointed her eldest child, Ted, to succeed Simon after his death. Soon thereafter, Eliot learned that his parents left behind only a small fortune – then estimated at less than \$4 million, to be split among ten grandchildren. Eliot had been expecting for himself a sizeable share of what he believed would be \$100 million; instead he got nothing and his children stood to inherit a tiny fraction of what Eliot expected and hoped for. After learning of his poor fortune, Eliot embarked on a mission to destroy everyone involved with this, starting with his father's lawyers and his older brother Ted, acting as a fiduciary appointed by his mother, and anyone else who stands in his way.

² The only persons to benefit from closing Shirley's estate were the beneficiaries. The lawyers whose employee falsely notarized the document stood to *gain nothing*, and stood only to lose legal fees to be earned administering and closing the estate. But they clearly and inexcusably erred.

The starting point for Eliot, beyond simply complaining that someone must have stolen the rest of his parents' \$100 million, was the notary of the Waiver form. Although Eliot signed the Waiver, he knew it had not been notarized, so he complained about this issue. The Shirley Estate was reopened; the Will specified that Ted Bernstein³ be the successor PR; and Ted has been trying to re-close the estate ever since; so far with no luck.

Eliot now is the self-proclaimed detector of fraud and fabricated documents, and is crusading against what he perceives to be corruption in the court system. His circus will continue until either (i) the money runs out and all the professionals go home; or (ii) the Court stops him by appointing a guardian ad litem and requiring him to cease, desist, and remove the harassing internet nonsense about judges, PRs, Trustees and their lawyers.

Ted has tried to sell the Trust's real estate and distribute monies to the intended beneficiaries. He has been thwarted at every turn, and viciously attacked on the internet as well, solely by Eliot. Every aspect of this case is on display at <http://tedbernsteinreport.blogspot.com/> or <http://tedbernsteininsurance.blogspot.com/>, with Ted being accused of "massive fraud, forgery and alleged murder." Eliot leaves no one out of his trashing internet harassment, including Judge Colin. It is difficult to find any professional (lawyer or accountant) willing to submit to such abuse by agreeing to work on these matters. That appears to be Eliot's plan, which must be stopped.

³ Ted is the oldest of Simon's and Shirley's five children; lives in Palm Beach County; worked essentially as equal partner with Simon in businesses from the early 2000s through Simon's death. The other family members are three daughters who live in Chicago. Since the death of his father in September, 2012, Ted has faithfully carried out his duties as Trustee. Ted is not a beneficiary of any of these trusts and estates, and stands to gain nothing personally. Indeed, none of the five children are beneficiaries, as all of their parents' wealth was left to ten grandchildren.

The Court may be wondering "Who is Eliot Bernstein?" and "Why is he doing this?" It is an important question, as Eliot is the proverbial elephant in this room. Eliot appears to be disillusioned and disappointed due to his apparent belief that he would inherit tens of millions when his parent's died, but in the end their fortune was modest and they left none of it to him: "[Eliot] . . . shall be deemed to have predeceased me as I have adequately provided for [him] during my lifetime."⁴ Eliot now apparently is without income or assets, or at least claims to be in numerous indigency filings he makes with courts to avoid paying filing fees. But while his parents were alive he lived the life of Riley⁵ – he lived and continues to live expense free in a home his parents bought and renovated for him; his parents paid him over \$100,000 annually in health insurance and living expenses⁶; and his parents while alive apparently paid more than \$75,000 per year to send Eliot's three boys to a Boca Raton private school.

Eliot, now flat-broke with no visible means of supporting himself, has decided to avenge the loss of his inheritance by punishing everyone associated with these trusts and estates, even suing his father's estate for Eliot's living expenses after his father died. He has been prolific in filing motions, complaints, responses and objections in these proceedings. The net result of his legal filings has

⁴ Simon L. Bernstein Amended and Restated Trust Agreement dated 7/25/2012 at 6.

⁵ "The expression, 'Living the life of Riley' suggests an ideal contented life, possibly living on someone else's money, time or work. Rather than a negative freeloading or golddigging aspect, it implies that someone is kept or advantaged." en.wikipedia.org/wiki/The_Life_of_Riley

⁶ Pursuant to a written contract entered on or about August 15, 2007, Simon and Shirley agreed to make advances to Eliot of a portion of his inheritance, in the amount of \$100,000 per year. As preconditions for this arrangement, Eliot could not "harass or threaten to sue or initiate litigation with anyone in the family at any time" and had to allow his parents the opportunity to visit their grandchildren at least four times a year. In June 2008, the parents also purchased a home for him in Boca Raton, titled in the name of an LLC, and encumbered by a \$365,000 second mortgage which is one of the largest assets in the estate.

been nothing but a loss for the grandchildren – after three years of him searching, there are no additional assets to be found. All of his considerable efforts simply have delayed the progress of the case and *dramatically* increased the expense in these modest trusts and estates.

For the past three years, Eliot has questioned and viciously challenged virtually every action taken by the fiduciaries, has continued to harass and threaten (including repeatedly threatening persons involved in this estate or end up in prison), and when none of that worked, has taken to the internet blogosphere to trash and tarnish the reputations of everyone involved. This is a tragedy of significant proportion to the ten grandchildren of Simon and Shirley Bernstein, the sole beneficiaries of their wealth. The fiduciaries and beneficiaries of Simon and Shirley Bernstein are trapped in Eliot's game, being played at no cost to him but at a very high price to the beneficiaries. Three of these ten grandchildren are Eliot's kids, but he acts as if he rather burn all of the remaining money than let his kids settle for 30% of what remains.

Status of Significant Current and Pending Motions:

SHIRLEY ESTATE:

Motion to Re-Close Estate
Eliot's Objections to Estate Inventory and Accounting

SHIRLEY TRUST

Count II of Complaint to Determine Validity/Authenticity of Trusts and Wills
Count I of Complaint for Construction of Trust
Petition to Remove Ted S. Bernstein as Trustee
Eliot's Counterclaim against numerous lawyers and others (currently stayed)
Professional/Fiduciary Fees and Potential Claims vs. Former Counsel
Distribute Assets to Beneficiaries of Trust
Motion to Compel Trust Accounting

SIMON ESTATE

Resolve claim of claimant, William Stansbury
Resolve claim of claimant, Eliot Bernstein
Resolve interpleader litigation in Illinois relating to Life Insurance
Objections to Accounting and Potential Claims vs. Former PR/Counsel
Discharge PR and Distribute Assets to Trust

SIMON TRUST

Petition to Remove Ted S. Bernstein as Trustee
Professional/Fiduciary Fees
Distribute Assets to 10 Grandchildren as Beneficiaries of Trust

Matters to be Filed if Needed

The above is a short list of items that could be accomplished quickly and easily if Eliot were not involved. Now is the time to appoint a Guardian. And, once there is a Guardian in place and up to speed, the Court can decide what else needs to be done to close the administration, while some funds still remain available. Left to Eliot's devices, the pursuit of his agenda and conspiracy theories will end only when the money runs out. The choice is very clear: Is Eliot or the court-appointed fiduciaries going to run this estate?⁷ If there is a Guardian appointed, almost all of the above-listed "pending issues" can be avoided because a Guardian likely would be willing to mediate and likely settle the controversies given the amounts in dispute. Eliot has no interest in letting anything go or in negotiating, advising on several occasions that he does not negotiate with "terrorists."

Importantly, in addition to considering whether to appoint a Guardian as a suitable representative for Eliot's children, the Trustee believes the Court immediately should impose a

⁷ In a related case, Oppenheimer moved for appointment of a Guardian. It is a compelling Motion. Judge Colin deferred. It is anticipated that some of the beneficiaries here will be filing a similar motion, as will the Trustee. Now, or at some point in near future, this Court needs to consider such an appointment, before it is too late.

confidentiality order on these proceedings to prevent further internet bombardment and harassment of professionals, fiduciaries, and this Court. This case involves minor grandchildren and young adult grandchildren *who are the sole beneficiaries of Simon and Shirley Bernstein* – there should be nothing on the internet about this private civil matter. And, if it is not stopped, a Guardian no doubt will become the next victim, as might this Court in the event it should ever rule against Eliot on a significant matter. Also, the beneficiaries believe that Eliot's threats are causing the successor PR, Brian O'Connell, to take steps which cause unnecessary expense, solely to appease Eliot.

For example, Eliot, who claims he cannot afford a lawyer, has engaged a systematic effort to make it difficult for Ted to retain professionals. Eliot somehow got the Clerk of the Court to add onto the docket sheet the word "Respondent" after the names of all lawyers in these cases. After doing that, Eliot advised that the undersigned is a party to the case and should hire his own lawyer and withdraw due to the conflict of interest. When the harassment did not work, he moved to disqualify counsel, which was heard and denied at an evidentiary hearing on July 11, 2014. Next, he filed a Counterclaim against the undersigned personally and professionally, and against my law firm for legal malpractice, even though he is not our client and has no standing to do so.⁸ This was done not to assert a legitimate claim, but solely in an attempt to force our withdrawal. It seems that when a lawyer appears to take adverse positions to Eliot, Eliot demands that the lawyer cease representing the party and withdraw due to serious conflicts of interest:

[I] "remind you again that you and your client Ted are defendants who have been formally served process in related matters to these and your continued representation

⁸ Judge Colin stayed Eliot's counterclaims and, eventually, entered an Order prohibiting Eliot from filing any paper without first sending it to the Court for review. For the sake of apparent fairness, the Court imposed the same requirement on all parties, that no new motions or claims be filed without first being submitted to Judge Colin for review.

without counsel appears to be conflicted and more"; "in your capacity as defendant . . . do you have counsel yet that I may contact"; "will you be representing yourself pro se"; "I have you served formally already as a partner in your firm and wondered as the firm is also sued if you have their counsel's name and yet will the partners, et al. be representing themselves or have individual counsel"; "please take a lesson from all of Ted's former counsel . . . and resign as his counsel in these continued frauds and frauds on the Courts (state and federal) for irreconcilable differences as they did, as it appears you are only compounding problems for yourself, the beneficiaries, the Courts and others."

In an e-mail Mr. Bernstein further advised the undersigned: "you were involved ground floor in the schemes and advancing me taking fraudulent distributions and more since . . . I will notify the Florida Bar in your ongoing complaint with their offices . . . and other state and federal authorities."

The attacks are most vicious against Ted Bernstein, who was left behind in charge of the business he and Simon started together, and who became the fiduciary under the terms of Shirley's will and trust. Anyone who "googles" Ted Bernstein hits blogs run by Eliot and his colleague. Insurance is a trust business; many of Ted's clients are law firms representing clients in estate and wealth planning. All one need do is Google the name Ted Bernstein and on the front page is the Ted Bernstein report (<http://tedbernsteinreport.blogspot.com/>), accusing Ted of "massive fraud and forgery."

Ted has tried to ignore the onslaught of Eliot's cyber attacks. Judge Colin was aware of them, but did not fully appreciate the magnitude or effectiveness of this information in harming Ted. Although Judge Colin too was a target of the attacks, as a sitting jurist not running a business built on trust relationships, he may not have appreciated the severity of these issues. Indeed, at a recent hearing, Judge Colin wondered who in the world would see any of this nonsense on the internet. What this Court needs to understand as we move forward is that, in this day and age, everyone about

to engage in a significant transaction "googles" the other side, and regardless of the fact that no one might randomly stumble on this false information, everyone who googles Ted Bernstein finds this nonsense almost instantly. It is having a very harmful and negative effect on Ted Bernstein's ability to conduct his business affairs, and destroyed any chance of trying to sustain the companies Ted and Simon started.

Before agreeing to serve in this case, there was no negative press on Ted or internet "blogs" tarnishing his reputation. No one who agrees to serve as a fiduciary should be forced to put up with any such attacks, nor to be pressured to deviate from the decedent's wishes by either giving in to Eliot's demands or resigning from this important duty. And, the only family member who opposes Ted serving is Eliot – the others simply want this administration process to conclude.

These attacks branch out to each new person who steps in Eliot's way, and are expected to shortly include Brian O'Connell, PR, once he too is forced to take action adverse to Eliot. Ted has had difficulty retaining an accountant to help in these estates, because no amount of fee is worth being attacked online or sued simply for performing professional services. Ted already has attempted to curtail these attacks, but now will be filing formal motions to appoint a guardian ad litem and to stop the internet harassment of professionals. The Court needs to be aware of this critical issue as the case moves forward, and we believe should address these issues first.

As a final point on the Shirley Bernstein Trust, this Court needs to be aware of what is occurring right now. When Ted became successor trustee after his father's death, there were two primary assets in the Trusts: (i) an oceanfront condo; and (ii) a single family residence which was his parents' homestead. The condo was sold in an arm's length sale, through a highly-reputable real estate broker. Eliot continues to threaten some litigation to clawback the property, and refused to

accept for his children the partial interim distribution the Trustee elected to make to each of the ten beneficiaries. In mid-March 2015, the Trustee finally obtained a contract to sell the remaining property, a single family home in a country club community. The house was on the market for over 1,000 days. The offer accepted was the first in excess of a million dollars and was by far the highest and best offer ever received for the property. The buyer wanted to pay \$1.1 million, all cash, and close quickly, because the country club equity membership fee was increasing by \$30,000. Because it is a large home in a country club, the monthly carrying costs are very high. Eliot objected to the sale, and Judge Colin agreed to delay the sale so Eliot could obtain an independent appraisal or provide competent evidence to support his claim that the house was being sold in a fire sale fashion. At the evidentiary hearing in May, Eliot produced no witnesses and no admissible evidence. Judge Colin entered a final order approving the sale on May 6, 2015, and the closing was set for June 10th. The delay between March 31st and June 10th cost the Trust at least \$75,000.

Eliot did not timely appeal the sale order, but on June 10, 2015, the date of the projected closing, filed a Petition for All Writs with the Florida Supreme Court. The transaction still cannot close until that Petition is resolved. To date, and despite the fact that he produced no evidence to support his assertion that the property was being sold too cheaply, and despite the fact that he is not a beneficiary of the trust, Eliot's obstinance and disregard has cost the Trust far more than \$125,000 and counting in actual cash lost due to extra sale expenses, carrying costs, repair costs, and the legal fees incurred solely to get a simple real estate transaction closed. And there remains no end in sight.

Despite the best efforts of the Trustee and counsel, the need to react to Eliot has been driving this case, dictating its pace and dictating which issues get heard, to the exclusion of all of the other beneficiaries and their best interests. There are two simple but significant issues which must be

addressed before we can make any progress in the Shirley Bernstein side of the equation. First, the Court must consider how to re-close Shirley's Estate which has no assets. (There are prior Waivers signed by all potential beneficiaries, including Eliot Bernstein, and in the past five-plus years, nothing new has been found.) In particular, because Simon outlived Shirley and was thus alive at the time of her bequests to him, Eliot is not a beneficiary of Shirley's estate. The belts and suspenders of getting a waiver from him, which he admittedly signed, should not overshadow the fact that the empty estate simply should be closed.

Second, because Eliot alone contests Simon's exercise of his power of appointment over the funds in the Shirley Bernstein Trust, and unless the matter can be resolved with a rational Guardian for Eliot's kids, some Trust Construction Action is needed. That action has been filed, as a one-count Complaint, and names as defendants all 14 potential beneficiaries. Eliot Bernstein is named solely because he is a potential beneficiary and is the parent and natural guardian of three of the other potential beneficiaries. This is not a personal attack on him; it simply is a legal issue which needs to be resolved by the Court through a trial. The trial affects everyone, not simply Eliot Bernstein. Those two issues must be resolved, and once they are, the Shirley Bernstein Trust can begin the process of final wind down and distribution once the remaining assets are liquidated. Those two things must happen and without them we will go nowhere, other than continuing to burn money fulfilling the visions, delusions and fantasies of Eliot Bernstein.

Conclusion

There is not enough room in this filing nor would one expect this Court to have the patience to learn the entire tragedy. The purpose of this summary is to focus the Court on where we started, and where we have been for the past three years. The Court must decide where we need to go to from here to close the administration of these estates and trusts, and distribute what little wealth will remain to Simon and Shirley's grandchildren. There is documentary evidence and testimony of witnesses with competent and relevant evidence to support the assertions set forth herein. In stark contrast, almost four years after Simon's death there are no documents, evidence or credible testimony to support the assertions of Eliot Bernstein. Eliot might be smart and clever, and skilled in maneuvering through the court systems. One would have to at least have some experience litigating to file papers as lengthy and often as he does. It is unclear if this is real or a game to him,⁹ but what is absolutely clear is: **Eliot will not inherit any money, and his kids will not inherit enough to sustain his lifestyle.**

Although very sad, what is important here is that the Court put an end to Eliot's involvement in this case and order him to remove all of the blogs he and Crystal Cox have created that refer to these matters or the judiciary, fiduciaries or professionals involved. Eliot lacks standing because he is not a beneficiary of either Simon's or Shirley's trusts. He has demonstrated no desire to serve the best interest of his children. Now is the time for the Court to take back control from Eliot.

⁹ Through nearly three years of litigation here, Eliot has been given the benefit of the doubt many times, and it remains unclear how much of what he files he actually believes. For example, Eliot has asserted in recent court filings: his minivan was car bombed; his father was murdered; and he needs to be placed into the federal witness protection program as a whistle blower who has been exposing judicial corruption throughout the land. He has demanded emergency loans, despite the fact that he has turned down several distributions the Trustee tried to make for his kids' benefit.

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing has been furnished to parties listed on attached Service List by: Facsimile **and** U.S. Mail; U.S. Mail; E-mail Electronic Transmission; FedEx; Hand Delivery this 14th day of September, 2015.

MRACHEK, FITZGERALD, ROSE, KONOPKA,
THOMAS & WEISS, P.A.
505 South Flagler Drive, Suite 600
West Palm Beach, FL 33401
(561) 655-2250 Telephone / (561) 655-5537 Facsimile
Email: arose@mrachek-law.com
Secondary: mchandler@mrachek-law.com
Attorneys for Ted S. Bernstein, as Successor Personal
Representative

By: /s/ Alan B. Rose
Alan B. Rose (Fla. Bar No. 961825)

SERVICE LIST - Case No. 502011CP000653XXXXNBIJ

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)

John P. Morrissey, Esq.
330 Clematis Street, Suite 213
West Palm Beach, FL 33401
(561) 833-0766 - Telephone
(561) 833-0867 - Facsimile
Email: John P. Morrissey
(john@jmorrisseylaw.com)
Counsel for Molly Simon, Alexandra Bernstein,
Eric Bernstein, Michael Bernstein

Lisa Friedstein
2142 Churchill Lane
Highland Park, IL 60035
lisa@friedsteins.com
Individually and as trustee for her children, and
as natural guardian for M.F. and C.F., Minors

Jill Iantoni
2101 Magnolia Lane
Highland Park, IL 60035
jilliantoni@gmail.com
Individually and as trustee for her children, and
as natural guardian for J.I. a minor

Peter M. Feaman, Esq.
Peter M. Feaman, P.A.
3695 West Boynton Beach Blvd., Suite 9
Boynton Beach, FL 33436
(561) 734-5552 - Telephone
(561) 734-5554 - Facsimile
Email: pfeaman@feamanlaw.com;
service@feamanlaw.com;
mkoskey@feamanlaw.com
Counsel for William Stansbury

Robert Spallina, Esq.
Donald Tescher, Esq.
Tescher & Spallina
925 South Federal Hwy., Suite 500
Boca Raton, Florida 33432
rspallina@tescherspallina.com
dtescher@tescherspallina.com

Pam Simon
Pam Simon <psimon@stpcorp.com>

Exhibit A

Florida Probate Fraud, Forgery and Corruption; Simon Berns Estate Case

Florida Estate and Probate Case, Forgery, and Alleged Murder, blog written upon information, knowledge and belief of Crystal L. Co Blogger.

Alan Rose	7020 Lions Head Lane Boca Raton	Docket Northern Illinois Case	Simon Bernstein Trust Heritage Jackson National District Court
Shirley Bernstein Estate Docket	Simon Bernstein Estate Docket	7020 Lions Head Lane Boca Raton	Shirley Bernstein
Tescher, Spallina, Ted Bernstein, Proskauer Rose MAJOR Technology Theft Case	Judge David E. French	Robert Spallina	Mark Manceri
Tescher and Spallina Law Firm	Mark Manceri	Petition to Freeze Estate Assets	Estate Fraud Docket
Robert Spallina	Ted and Deborah Bernstein	Life Insurance Concepts Boca	Ted Bernstein Fraud
		Insurance Proceed Scheme	Donald Tescher

Sunday, August 2, 2015

Why is Judge Martin Colin Still on the Bench with as much as the Department of Justice and the FBI clearly knows about him?

YEARS and YEARS of Corruption and Judge Martin Colin continues to Dish it out, WHY?

"Anonymous said...

The JQC does nothing! We have a corrupt sick Judge in Palm Beach County MARTIN COLIN. He abused his step son, had attys rep his now Betsy Savitt and did NOT disclose any conflicts. ROOT, HANDLER, KARTAGENA appear before him. READ THE BAEZ DECISION 4th DCA. JQC WAKE UP!!

August 3, 2008 at 11:26 AM

Anonymous said...

I agree Judge Martin Colin must be REMOVED. He is corrupt! Colin is a case fixer! Ignores the 4th DCA in BAEZ....

THE JQC SHOULD REMOVE COLIN NOW!!!

October 7, 2008 at 6:40 PM

Anonymous said...

CORRUPTION IS RAMPANT IN PALM BEACH COUNTY.... WINNET AND COLIN ARE SICK EVIL CORRUPT JUDGES AND SHOULD BE JAILED.. MARTIN COLIN IS A CRIMINAL....

THE FEDS ARE HOT ON THE ROBES OF COLIN..... AND HIS BOCA RATON BUDDIE HENRY HANDLER AND THE BOYS.. SCHUTZ, ROOT, JETTE...

CMON FEDS -- DO YOUR JOB!!!

October 16, 2008 at 8:54 AM

Anonymous said...

THE JQC is a "JOKE" The protect these corrupt Judges... Brooke Kennerly should be removed... Gov. Crist does NOT a clue and looks the other way.... Just Look at Palm Beach County judge Martin Colin, a corrupt judge.....

October 25, 2008 at 10:32 AM

Anonymous said...

Serial CORRUPT JUDGE MARTIN COLIN has been sent to the CIVIL Court - Judge Kroll removed Colin from the FAMILY COURT.

JUST THE START - HENRY HANDLER & CAROL A. KARTAGENER soon to be charged by the Florida Bar for many ETHICAL VIOLATIONS and other crimes.

Its about time, KARTAGENER was CAUGHT making perjurious statements to Judges Burton, Colin & Crow. One lie after another. KARTAGENER IS A HABITUAL & PATHOLOGICAL LIAR!!!! A sick a demented evil lady ---- Lacking Skills....

December 30, 2008 at 1:46 PM

To Read this WHOLE BLOG posts on the bottom right page. Don't let this Florida Insurance FRAUD and FERG YOU.

Posts

Alan B. Rose of Page Mr Fitzgerald & Rose LI...

Eliot Bernstein iViewit I Interview Dick Wo...

Alexandra aka Monica in Bernstein

Alan B. Rose is MADD as he ain't goin...

Hey Lindsay, you may w the ol' digital...

Alan B. Rose of Page Mr Fitzgerald & Rose Ge...

UNITED STATES DISTRICT SOUTHERN DISTRICT OF

You know that Mark Tw: "Truth is stranger...

John Pankauski, Pankau Alan B. Rose, ...

Who does Alan B. Rose c Mrachek, Fitzgerald ...

Don Sanders, Jackson N seems to have m...

Oh and you Spineless, C Lawless, Free Spee...

Burke, Warren, Mackay i Taking a Look

Alan B. Rose of Page Mr Fitzgerald & Rose se...

Folks, Alan Rose is a MA Hypocrite. ...

Alan B. Rose, Esq. seem suppressing speech...

Eliot Bernstein and iView Isn't Armonk, New York Lamont's neck of th...

Don Sanders, assistant V National Life ...

Life Reassurance Corp. Bankers Life Insu...

Judge Amy J. St. Eve is Davis Polk & W...

Anonymous said...
THE "FEDS" WERE AT THE OFFICES OF WEISS & HANDLER....

JUSTICE SOON!!!"

Source
<http://fraudonthecourt.blogspot.com/2008/07/july-11-2008-certified-mail-return.html>

More on Judge Martin Colin's Reign of Corruptin
<http://judgemartincolin.blogspot.com/>

Posted by Crystal L. Cox at 11:31 AM No comments:

 Recommend this on Google

Judge Martin Colin Gets CAUGHT over and over protecting Florida Corruption and Florida Probate Attorneys. Why are those attorneys still licensed and why is Judge Martin Colin still on the Bench BREAKING THE LAW and Violating Constitutional Rights?

SERIOUS Abuse of Power, Violations of Ethics, Aiding and Abetting Corruption, Protecting Attorneys and Violating the rights of Florida Citizens.

Judge Martin Colin has been CAUGHT and yet is still ruining lives with BOGUS, Lawless, Fraud on the Court Rulings.

Hey remember when Judge Martin Colin wanted the Millions in Heritage Life / Jackson National insurance money moved from Illinois Courts to his tiny lawless court. MILLIONS in life insurance in regard to a man that the Palm County Sheriff Office is SUPPOSED to be investigating the Murder of???

Corruption in FLORIDA is very Bad. And Judge Martin Colin seems to be in charge of protecting the most lawless schemes in Florida and aiding HUGE RICH law firms such as Tescher and Spallina and Alan Rose / Alan B. Rose of Mrachek, Fitzgerald, Rose, Konopka, Thomas & Weiss, P.A. in West Palm Beach, Fla.

Judge Martin Colin has no issue with the deceased signing documents, nor attorneys forging documents, and has no respect for the law, rights or children, judicial cannons or well, anyone that is not possibly bribing him or giving him some other motive to BREAK THE LAW and Ruin Lives.

So why is the Palm County Sheriff NOT looking into murder allegations, forgery, fraud and more in the Simon Bernstein Estate Case? Well I suppose its because they are seriously CORRUPT. And Judge Colin seems to be their buddy.

The PBSO has NO Respect for CIVIL Rights or the Law PERIOD.

Check this Out:

"FBI Raid on PBSO: Deputies Routinely Violate Civil Rights of Minorities!

WEST PALM BEACH — This week's FBI activity at the Palm Beach County Sheriff's Office came after a push by Guatemalan-Maya Center lawyer Jack Scarola for the U. S. Department of Justice to investigate what he claims is the unfair treatment of minorities by sheriff's deputies.

Jack Scarola

Guatemalan-Maya Center lawyer Jack Scarola (via Facebook)

It's another Gossip Extra exclusive: Last month, Scarola wrote a lengthy letter to U. S. Attorney General Eric Holder that outlined a series of PBSO shootings and incidents of brutality against minorities, mostly Hispanics.

The letter also blasted Sheriff Ric Bradshaw's handling of such incidents, including the agency's "growing militarization" and the sheriff's message in television appearances that minority neighborhoods are akin to "war zones."

And to make sure that Holder got the message that PBSO's handling of such incidents didn't pass muster, Scarola forwarded his missive to members of the local delegation to the U.S. Congress, including U.S. Reps. Patrick Murphy, Alcee Hastings and Lois Frankel.

When asked if his effort caused Monday's arrival of the feds at PBSO headquarters on Gun Club Road, Scarola said: "There have been stranger coincidences."

"I'm not surprised," the high-profile lawyer said. "And I am pleased they're acting as requested. I contacted various government officials about this problem and I'm just pleased someone's taking action."

Cedarhurst, New York
WOW, a full days wages
National Empl...

Pam and Ted CUT out of
they seem to be...

Whatch all worried about
Fines, Judgement...

Not Getting Much Work
ya? I sure ho...

303 East Wacker Drive S
Chicago Illinois

STP Enterprises, Inc. - f

Jackson National Life Di
Registere...

So Where Does Christop
Ex Proskauer...

Carol Ann Kindred at He
Life Insurance...

Heritage Union Life Ins
is well awar...

So, who at Jackson Nati
palms, all ...

So is Pamela Simon the i
in all this?...

Jackson National Life In
Company has HUGE L...

oh and Don't Forget the
CONDO and how...

More on Michael A. Well
National Life Co...

Looks to me like Jackso
Little SPOO...

So Funny, that Heritage
Insurance Compa...

Heritage Union Life Ins
is well awar...

Ted Bernstein



Life Insurance Concepts

Blog Posts

Is Google Really the Best
Conduct a Fraud, ...

Welcome Back, How is t
Investigation Goi...

Order for Discharge and
Counsel Tesc...

Morgan Stanley Group N
Tescher & Spalli...

Judge Martin Colin seen
the Right Thi...

Why is Ted Bernstein N
to this Story? ...

Motion to Halt Hat Trick
Believe this is ...

Hmmm.. Friend or Foe?

Scarola said the riots in Ferguson, Missouri, that followed the shooting death of a black man by a white police officer have placed a renewed emphasis on the use of lethal force by police on minorities.

But, Scarola says, the FBI's apparent investigation into PBSO is independent of what's happening near St. Louis.

"I believe that I wrote a persuasive letter," Scarola said.

Gossip Extra broke the story last night: FBI agents were spotted at PBSO Monday to seize files pertaining to deputy-involved shootings and complaints.

Among the documents taken by the G Men were files about the public's complaints against Lake Worth deputy Russell Brinson.

Minority leaders in Lake Worth have been asking that Brinson be fired after they found out he had a long string of use-of-force incidents, and most of them involving minorities.

Instead, the 40-year-old Brinson was re-assigned to Palm Beach International Airport security.

In his letter, Scarola mentioned one Brinson incident in which a Hispanic immigrant who tried to report a crime to Brinson was allegedly beaten down.

Scarola also reminded Holder of the principles of modern policing, including that the cooperation of the public with police is inversely proportional to police's use of physical force.

There is, Scarola's letter reads, a growing perception in Palm Beach County that (deputies) "are too quick to resort to the use of force — even deadly force — particularly when confronting members of the civilian population whose racial and ethnic appearance differs from their own."

Source

<http://www.gossipextra.com/2014/11/26/fbi-raid-palm-beach-county-sheriff-civil-rights-violations-4196/>

The Florida / Palm Beach County Sheriff DOES NOTHING to help solve murder cases, jewelry and real estate theft, massive attorney fraud, corruption and collusion in the Simon Bernstein Case. And Judge Martin Colin seems to be assisted by Palm County to violate the rights of the poor, minorities or anyone that Judge Colin does not WANT to be on top of the PILE. Maybe it's about who pays him the most. As I allege that Judge Martin Colin has taken bribes from Tescher and Spallina and possible Ted Bernstein's legal team including Alan B. Rose of Mrachek, Fitzgerald, Rose, Konopka, Thomas & Weiss, P.A. in West Palm Beach, Florida.

"What will the FEDS do — They should start with SA Dave Aronberg & Alan Johnson — i.e., there relationship with the crooks at Weiss Handler & Cornwell, P.A. Fraud case fixing fraudulent documents Civil theft and legal Malpractice.

Legal Assistants sleeping with certain wealthy clients and be billed as well... Handler is operating a brothel for his clients.

Handler creates fraudulent and back dates legal DOCS. Does Handler BILL his client for his legal assistant to sleep with clients.... Mostly, yes, before Judge Martin Colin in South County.

Colin is on the handler "PAYROLL" FBI SAC Piro you have your work cut out for you.. Henry Handler and Howard Weiss should be indicted and jailed.... BTW Jack Scarola is well aware of Weiss Handler... Jack, perhaps you should write a letter to DOJ regarding WEISS HANDLER. This is CORRUPTION COUNTY!!!! As Judge Kastranakes!!!! He indicted most of em..."

Source

<http://www.gossipextra.com/2014/11/26/fbi-raid-palm-beach-county-sheriff-civil-rights-violations-4196/>

Posted by Crystal L. Cox at 11:23 AM No comments:

 Recommend this on Google

Saturday, August 1, 2015

WOW Judge Martin Colin protecting Corruption?? no say it ain't so... - and WOW the Palm County Sheriff Office involved?? Hmmm

"November 27, 2014 at 9:24 am

What will the FEDS do — They should start with SA Dave Aronberg & Alan Johnson — i.e., there relationship with the crooks at Weiss Handler & Cornwell, P.A. Fraud case fixing fraudulent documents Civil theft and legal Malpractice. Legal Assistants sleeping with certain wealthy clients and be billed as well... Handler is operating a brothel for his clients.

Alan B. Rose, Mrachek, I
Rose, Konopka &...

Hello Marc Randazza, W
PARTY, Hope yo...

Alan Rose Wants the Fir
to Be Set Asid...

Hey Liars, Thugs, Thieve
Murdering, Gre...

Hey Alan B. Rose, Mrach
Rose, Konop...

Judge Martin Colin has a
protecting the...

I keep waiting for Judge
punish, o...

Whatch hiding FROM Bo

Hey Flushing New York
Raymond or possib...

Objection to Motion to
Personal Repres...

Objection to Motion to
Personal Repres...

I am getting me some "t
that somethin...

Why is Heritage Union L
Company Filin...

"Criminal Action throug
Simulated Legal Pr...

Letter to Judge Martin
Opposition to Ted...

What is Going on with J
about not ...

Motion for Appointment
Administrator...

Ted Petition for Appoin
Successor Personal...

Alan Rose Esq., John J.
Pankauski Law F...

Chicago Insurance and C
Litigation Law Fi...

Morgan Stanley Group, T
and Tescher & ...

Wow, the Fraud Sure Se
Piling Up. Is Ted ...

Full Docket Of Heritage
Insurance Case ...

Heritage Lawsuit Illinois
Response Regar...

Reported as a Murder, y
checked is medic...

"The Document in Ques
the Inheritance ...

Looks like the Tescher &
Bernstein F...

Ted Bernstein, Tescher and Spi

• Florida Estate Forgery, F
DOCKET

Donald Tescher on Left



Ted Bernstein, Tescher and Spi

Handler creates fraudulent and back dates legal DOCS. Does Handler BILL his client for his legal assistant to sleep with clients... Mostly, yes, before Judge Martin Colin in South County.

Colin is on the handler "PAYROLL" FBI SAC Piro you have your work cut out for you.. Henry Handler and Howard Weiss should be indicted and jailed.... BTW Jack Scarola is well aware of Weiss Handler... Jack, perhaps you should write a letter to DOJ regarding WEISS HANDLER. This is CORRUPTION COUNTY!!!! As Judge Kastranakes!!!! He indicted most of em..."

Source

<http://www.gossipextra.com/2014/11/26/fbi-raid-palm-beach-county-sheriff-civil-rights-violations-4196/>

Posted by Crystal L. Cox at 8:04 PM No comments:

 Recommend this on Google

Monday, July 20, 2015


Is Detective Andrew Panzer Investigating this fraud, forgery, theft and possible murder case or NOT?

Detective Andrew Panzer Letter from Eliot Bernstein January 2015
<https://drive.google.com/file/d/0Bzn2NurXrSkiMHNpa29Zc2VmbEU/view>

Why has Detect Andrew Panzer not arrested anyone? The FACTS sure look pretty clear. Why are these lawyers still creating victims and even still in business? The Palm County Sheriff has known for years and yet all these same players / attorneys are still in business and harming more people.

Below is lot's of details, in this Florida Supreme Court Filing
<https://drive.google.com/file/d/0Bzn2NurXrSkiZFdpU3F3WjZQWnM/view?usp=sharing>

Posted by Crystal L. Cox at 5:09 PM No comments:

 Recommend this on Google

Monday, June 29, 2015

Why has the Palm County Sheriff office NOT arrested Robert Spallina and Donald Tescher? Why is Palm Beach County Sheriff's Office protecting Robert Spallina and Donald Tescher even in the face of admitted crimes. Has the PBSO Office been paid off or threatened? Has Andrew Panzer personally been paid off or threatened? Are these admitted crimes legal in Palm Beach County ? With detectives like Andrew Panzer it is easy to see where there is so much probate crime in Palm Beach County Florida.

The Simon Bernstein Estate Case and the Shirley Bernstein Estate Case out of Boca Raton Florida is still going on, three years later. Judges are not ruling per law, Detectives are looking the other way and high finance crimes are RAMPANT.

Below is an email yet AGAIN from Eliot Bernstein to Palm Beach County Sheriff's Office, Detective Andrew Panzer, who seems to have no interest in protecting the victims of crimes in Palm Beach county Florida.

"From: Eliot Ivan Bernstein [mailto:iviewit@gmail.com]
Sent: Monday, June 29, 2015 5:58 AM
To: Detective Andrew Panzer @ Palm Beach County Sheriff (PanzerA@pbso.org); Captain Carol Gregg @ Palm Beach County Sheriff (greggc@pbso.org)

Subject: Bernstein Cases - RE: CASES NO: 13097087 MORAN FORGERY AND FRAUDULENT NOTARIZATION; 13159967 JEWELRY THEFT, 14029489 TESCHER AND SPALLINA ET AL. SUPPLEMENTAL, 12121312 ALLEGED MURDER OF SIMON BERNSTEIN

Detective Panzer,

After our last several calls it is apparent that the PBSO investigations into the Bernstein case matters has been derailed, stymied and delayed and that instead of investigating these ongoing crimes you have begun doing research on my federal RICO filed and who I copy on emails to you as if this were more important than the crimes reported to your agency.

I am not sure why it matters to you at all why I copied Judge Scheindlin on these matters, especially where there are growing correlations between these new crimes committed to my prior RICO filed and those defendants.

- Florida Estate Forgery, f DOCKET

Blog Archive

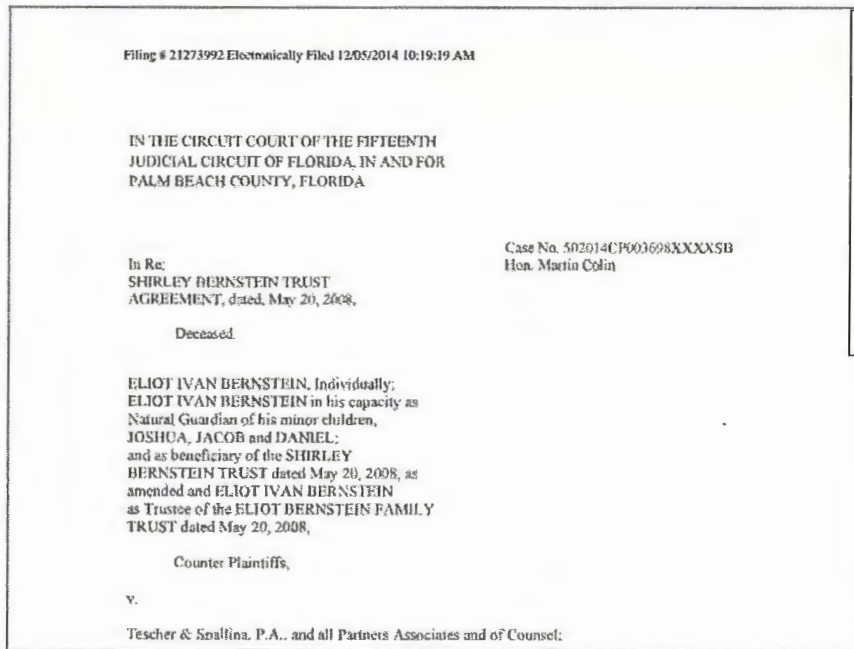
- ▼ 2015 (116)
 - ▼ August (3)
 - Why is Judge Martin the Bench with ...
 - Judge Martin Colin G over and over prot
 - WOW Judge Martin C Corruption?? no ...
 - July (1)
 - June (4)
 - May (22)
 - April (63)
 - March (8)
 - February (7)
 - January (8)
- 2014 (248)
- 2013 (31)

Ted Bernstein Insurance

written upon knowledge and belief of Crystal L. Cox

Friday, December 5, 2014

Petition to Remove Ted Bernstein and attorney Alan Rose along with him in Florida Estate Case riddled with fraud, alleged murder, forgery, bullying, abuse of court documents, dead guys signing legal documents and more.



Click Below to Read the Petition to Remove Ted Bernstein
<https://docs.google.com/file/d/0Bzn2NurXr5kiSEd2GVqRmRxeUU/edit>

More documents and information at
<http://tedbernsteinreport.blogspot.com/>

Posted by Crystal L. Cox at 12:13 PM No comments:

Recommend this on Google

Friday, May 23, 2014

Ted Bernstein, Alan B. Rose of Mrachek, Fitzgerald & Rose and John Pankauski and the case of Florida estate fraud, forgery and fraudulent documents. Ted Bernstein is HOPPING mad and wants access to EVERYTHING, Everywhere or ELSE you all are FIRED. See, if you will not aid and abet Ted Bernstein of Life Insurance Concepts, well then what's the use in him paying ya???

Ted Bernstein, Alan B. Rose of Mrachek, Fitzgerald & Rose and John Pankauski - John J. Pankauski - Pankauski Law Firm PLLC sure seem to be up to NO GOOD.

Ted Bernstein, Life Insurance Concepts, Alan B. Rose of Mrachek, Fitzgerald & Rose and John Pankauski - John J. Pankauski - Pankauski Law Firm PLLC sure seem to be up to NO GOOD.

Ted Bernstein, Alan B. Rose of Mrachek, Fitzgerald & Rose and John Pankauski like to operate in the dark. The thing is God / Goddess, the Great Spirit has a way of bringing the dark to the light, in support of the "good guy" and of doing the right thing.

Blog Archive

- ▼ 2014 (4)
 - ▼ December (1)
 - Petition to Remove Ted Bernste attorney Alan...
 - May (2)
 - January (1)
- 2013 (5)

Poor Baby TEDDY does not want to spend another dime on attorneys who will not cover up his corruption, aid and abet him or defend his rights to break the law.

Below is an eMails that seems to suggest "Foul Play" and lawless, over the top aggressive, you be the judge. And also read this entire blog, and I would say that FLORIDA is not the best place to actually have your wishes carried out when you die. Especially not with this gang of seemingly corrupt THUGS.

oH and Ted Bernstein accusing Crystal Cox, me, of Extortion, but no BALLS to file a police report, what? If I have extorted your whiny, corrupt ASS then file a police report, ya spineless coward.

God / Goddess works in mysterious ways and this eMail is one of those ways in which the LIGHT is coming in and God is working for the Greater Good.

Thank You God <takes a bow> <hands firmly pressed>

*

"Alan - I want Eliot's deposition scheduled as soon as you can notice him. We can discuss the strategy once he is served. I want to go through each claim with you and/or John to determine the legal necessity to respond. If any reply is necessary, the record must be straight with respect to each.

This is a rambling, filled with contradictions that need to be exposed for what they are. If John does not want to tangle with Eliot, remove John immediately. I am sorry to be this blunt, but I do not want to address the John issue again.

If he is not 100% in support of me as trustee, including how I have protected myself with trust assets and will continue doing so as necessary, and being aggressive and forceful, if need be, with eliot, remove him as counsel.

I do not want to spend another unnecessary dollar with counsel that is not going to zealously defend me as trustee and protect trust assets.

I cannot be more decisive re this and I say this with no animosity - simply for efficiency sake and my best interest.

Eliot is in default of production. Let's serve notice on him that he is in default.

I want Eliot to produce everything he has with respect to these cases, including:

Documents he refers to having that provide trusts for him and/or his children.

Agreements he has signed with my father and mother, together or separately.

All correspondence between him and my parents, together or separately concerning anything he has referenced in his rambles through this one.

Anything and everything pertaining to iviewit, including his harassment of Jerry Lewin, Al Gortz of Proskauer and their firms.

I want court proceedings, lawsuits, all correspondence to him and from him including paper and electronic, including video tapes and electronic interviews.

History of incidents at st. Andrews school.

All correspondence with bill Stansbury. Everything related to Feaman / Stansbury

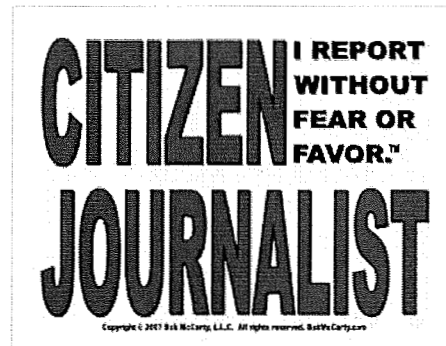
All bank accounts, credit cards, sources of income, loans and gifts.

All correspondence with anyone he has shared estate details.

All correspondence of every type with: walker, puzzio, SAHM, Diana banks, Scott banks, NACLERIO, Dietz, Gefen and every person on his email distribution list. If he doesn't comply, I want all of them deposed.

Everything in which he has mentioned my name including emails, phone calls, letters, complaints to whatever agencies he has made complaints including police, federal, state, regulatory.

Everything and anything he is doing that we are not yet aware of such as online web site attacks.



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

Probate Division
Case No.: 502014CP003698XXXXSB

TED BERNSTEIN, as Trustee
of the Shirley Bernstein Trust Agreement
dated May 20, 2008, as amended,

Plaintiff,

**ELIOT I. BERNSTEIN'S OPPOSITION
TO IMPROPER HEARING CALLED
UP BY TRUSTEE TED BERNSTEIN
AND COUNSEL ALAN ROSE**

v.

ALEXANDRA BERNSTEIN; et al.,

Defendants.

COMES NOW Eliot I. Bernstein, being duly sworn who hereby deposes and says under oath and penalties of perjury in filing this Opposition to an improper hearing called up by Trustee Ted Bernstein and Alan Rose and says as follows:

1. I file this opposition to the improperly noticed Hearing filed by Florida licensed attorney Alan Rose on behalf of the alleged Trustee Ted Bernstein and move to Strike the Hearing from the Calendar and move that attorney Rose be sanctioned accordingly.
2. Attorney Alan Rose and alleged Trustee Ted Bernstein had actual knowledge of my filing of a Notice of Unavailability throughout the month of January and have now called up their second Motion for a Hearing disregarding said Notice and in this instance not even providing 2 days Notice while failing to call the motion or Notice an Emergency. See,

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151223%20Notice%20of%20Unavailability%20Eliot%20Bernstein%2036989%20case%20ECF%20STAMPED%20COP Y.pdf>

3. The motion should be struck from the Calendar or at minimum rescheduled.

4. These actions are even more egregious as the Notice for the Hearing on Jan. 7, 2016 was not even filed by Alan Rose until after regular business hours on Jan. 5th, 2016 being filed after 5 pm despite the fact that Alan Rose and Ted Bernstein were both on a phone Conference Call / Meeting earlier in the day which included my attorney Candice Schwager of Texas who is seeking Pro Hac Vice admission and previously sought a continuance of the alleged validity Trial of Dec. 15, 2015, yet Alan Rose at no time mentioned any issue of emergency nature involving minor children to attorney Schwager either before, during or after this phone Meeting just yesterday.
5. Attorney Alan Rose not only never contacted my attorney Candice Schwager who he was on the phone with just yesterday, Jan. 5, 2016, but he also never contacted me in the scheduling of this matter.
6. I have already had to reschedule medical/dental related appointments due to Alan Rose's actions this New Year, I am currently on prescription medication since January 02, 2016, including painkillers and muscle relaxers and am not fit to attend hearings, which is part of the reason for my unavailability this month. This scheduling and notice is improper and further harassment and this is not the first time Alan Rose has deployed these tactics as the record for the cases reflects.
7. This is nothing but more of the same "sharp practices" and legal process abuses that Alan Rose and Trustee Ted Bernstein have perpetuated throughout the litigation.
8. Florida Licensed attorney (presently) Alan Rose and his client Ted Bernstein fail to point out to this Court their continuing Conflicts of Interest since both Alan Rose and Ted Bernstein have actively worked Against the Interests of the "grandchildren" to Shirley and

Simon Bernstein by trying to block \$1.7 in Life Insurance proceeds from coming into the Estate.

9. Both attorney Alan Rose and Ted Bernstein have been involved in actions which directly were contrary to the best interests of minor children by refusing to agree to a Continuance of the validity trial in Dec. 2015 even for 30 days so my minor children could have Counsel by Candice Schwager, Esq. and yet now try to claim to come to this court for the welfare of minor children. See,

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151212%20Candice%20Schwager%20Pro%20Hac%20Vice%20ECF%20Filing%20Stamped%20Copy.pdf>

and

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

10. Ted Bernstein and Alan Rose have articulated no adequate basis to impose a Gag order.

11. In fact according to the Email Letter sent by attorney Schwager today to Alan Rose (see

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20160106%20Schwager%20Letter%20to%20Alan%20Rose%20to%20Cancel%20Hearings.pdf>) to seek his voluntary withdrawal

of this Hearing, even one of the cases cited by Alan Rose actually has the District Court of Appeals reversing a Trial Court's Order closing a Trial from the public: "The orders of the trial court sealing the file and closing the proceedings are REVERSED. The public shall be permitted access to the court file and the transcript or reporter's notes of any proceedings in the trial court. ERVIN, J., concurs. NIMMONS, J., concurs, with written opinion."

<https://casetext.com/case/florida-freedom-newspapers-v-sirmons>

12. There was minimal if virtually any naming of the “grandchildren” and/or “minor children” in the Trial in any event and I should have every right to inspect and have my own copy of the Transcript and this appears to be nothing more than the bully sharp practices of Alan Rose and Ted Bernstein in trying to deny due process and access to the courts and the ability to seek proper appeal, collateral attack and other motions concerning the trial.
13. As attorney Schwager pointed out in her letter, “Thus, it truly appears that your motion is more of a “smoke-screen” and “sharp practices” which are more designed to further delay, obstruct and hinder the due process rights of Eliot Bernstein and his minor children and perhaps others in the truth seeking processes by this motion which must be withdrawn.”
14. In one breathe, Alan Rose and Ted Bernstein rush to push a validity Trial through that had been requested years before by Plaintiff Eliot and do so in a manner to Deny Counsel to Minor Children but now that the hour of Truth is at hand where Ted Bernstein’s business partner / former business partner Robert Spallina’s testimony Admitting to mail fraud, fraudulently creating an Invalid Trust and Fraud Upon the Court in these matters and related Testimony is about to be available as it should be, Alan Rose and Ted Bernstein are now suddenly (and frantically) the big heroes for minor children and rushing in by an improperly Noticed Hearing to gag truth without providing any specific justification that this will benefit any minor children.
15. Yet, as stated by the very case Alan Rose and Ted Bernstein have cited for this Court, “ Preserving the independence and integrity of the judicial process through open and publicly scrutinized judicial proceedings is the issue.”

16. “A strong and independent judiciary is the bulwark of a free society. If there were no public access to proceedings before the trial judge, there would be no safeguard for judicial independence nor any assurance of judicial integrity.”
17. “It is the existence of the right of access that is critical to the court's autonomy, not the public's exercise of that right. Knowing the public can attend these proceedings and review judicial records helps guarantee that those matters will be conducted with due regard for the public's interest in a fair and impartial judiciary.” See, <https://casetext.com/case/florida-freedom-newspapers-v-sirmons>.
18. Minor children ultimately have to grow up and learn the laws of civil societies.
19. There is nothing in the Transcripts that relates to the actions and behaviors of the minor children and thus Alan Rose and Ted Bernstein have shown ***nothing specific of a compelling nature*** with respect to the minor children and this motion should be struck from the Calendar and denied.
20. Instead the Trial consisted of testimony and actions by Ted Bernstein’s business partners and his former counsel to him as fiduciary Robert Spallina and Donald Tescher who admitted to (i) illegally using the Mails to mail a fraudulently created invalid trust to the three minor children’s prior counsel Christine Yates, (ii) that his law firm deposited fraudulent documents in the Court record in the cases, (iii) that he fraudulently used a deceased Personal Representative to Fraudulently close the Estate of Shirley Bernstein in these matters leading to the reopening of the Estate of Shirley and three years of litigation costs and expenses and (iv) that he was under an SEC Consent order for Felony Insider Trading charges and other matters.

21. The SEC Consent Orders¹ for Spallina and Tescher are already of Public Record by the Washington, DC Office of the US SEC itself naming Robert Spallina and Donald Tescher, Ted Bernstein's business partners and former disgraced counsel to him as fiduciary in these matters, who he and Alan Rose allowed to "hold onto" Original records even after Spallina's admitting to fraud that benefited his client Ted directly and also having the firm's paralegal notary public Kimberly Moran admit to criminal charges in this matter of forging documents, fraudulently notarizing them, including Post Mortem for Simon Bernstein and committing multiple frauds on the Court and beneficiaries in these matters.
22. See, "**FOR IMMEDIATE RELEASE 2015-213** *Washington D.C., Sept. 28, 2015* — The Securities and Exchange Commission today charged five Florida residents – including two lawyers and an accountant – with insider trading in advance of the acquisition of Pharmasset Inc. by Gilead Sciences Inc. In a complaint filed in federal court in Newark, New Jersey, the SEC alleged that attorneys Robert L. Spallina and Donald R. Tescher and accountant Steven G. Rosen illegally traded on confidential information obtained from a mutual client who served on the board of directors of Princeton, New Jersey-based Pharmasset."
23. Spallina, Tescher, Rosen, Palermo, and Markowitz collectively agreed to pay approximately \$489,000 to settle the charges. The settlements are subject to court approval.

¹ 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%20Tescher%20SEC%20Settlement%20Consent%20Orders%20Insider%20Trading.pdf>

24. “Lawyers and accountants occupy special positions of trust and confidence and are required to protect the information entrusted to them by their clients,” said Joseph G. Sansone, Co-Chief of the SEC’s Market Abuse Unit. “It is illegal for them to steal their clients’ confidential information to trade securities for their own profit or to tip others.” See, <http://www.sec.gov/news/pressrelease/2015-213.html>
25. Thus, those matters regarding Ted Bernstein’s business partners and prior counsel to him as fiduciaries are already a matter of public record being made public by the federal government.
26. No compelling circumstances are shown by Ted Bernstein and his attorney Alan Rose to gag any part of the Trial herein other than what my attorney Candice Schwager says in her Letter Email that the standard in federal court for Pleadings is to simply abbreviate the minor child’s name instead of spelling it out such as “J.B.”, “D.B”, etc. Where none of the parents of the minor children have objected on their children’s behalf either.
27. Nothing else more than that should happen here.
28. Alan Rose and Ted Bernstein’s desperate attempt to hide and conceal the Truth of the Trial is just like what the District Court of Appeals found offensive in the case their papers cited, “In essence, one of the parties wished to conduct the proceedings in private to prevent the disclosure of certain information the party would otherwise prefer not be made public. The information is of a somewhat general nature and not specifically tied to a domestic relations case.⁸The information is not related to the marital relationship nor its breakup, to the welfare of the children, nor to the marital property.”
29. “This may be so, but we do not find this reason to be sufficiently compelling, rising to the level that would deny the party an opportunity to receive a fair trial, to justify closing these

proceedings.” District Court of Appeal of Florida, First District. 508 So.2d 462 (Fla. Dist. Ct. App. 1987) <https://casetext.com/case/florida-freedom-newspapers-v-sirmons>

30. Having acted to repeatedly Deny minor children Counsel by denial of proper Trust funds and thus deny minor children rights, these actions now by Ted Bernstein and Alan Rose are a sham and must be denied.
31. Ted Bernstein would have this Court disregard and deny the actual history of fraud and abusive, bullying, extortive, illegal and coercive tactics and conduct of he and his business partners and his former counsel against Minor children as if Ted Bernstein had the Court on his own Payroll. See, May 6, 2013 Emergency Motion² and See Motion on St. Andrew’s School³,
32. I, Eliot Bernstein, further renews and reminds this Court that it lacks jurisdiction to hear the matter as this Court was mandatorily disqualified at least as of Dec. 4, 2015⁴ and was further moved to mandatory disqualify Dec.28, 2015⁵ and thus no further action may be taken at this time beyond mandatory Disqualification.

² 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>

³ August 24, 2014 Emergency Motion <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140824%20Amended%20Emergency%20Motion%20to%20Compel%20Eliot%20School%20Saint%20Andrews%20Payments.pdf>

⁴ December 04, 2015 Disqualification of Judge Phillips <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151204%20FINAL%20SIGNED%20NOTARIZED%20Disqualification%20of%20Florida%20Circuit%20Court%20Judge%20John%20L%20Phillips%20ECF%20STAMPED.pdf>

⁵ Dec 28, 2015 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%202015.%202015%20ECF%20STAMPED%20COPY.pdf>

and

Corrections

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151204%20FINAL%20CORRECTIONS%20to%20Disqualification%20of%20Florida%20Circuit%20Court%20Judge%20John%20L%20Phillips%20ECF%20STAMPED.pdf>

WHEREFORE, it is respectfully prayed for an Order mandatorily Disqualifying Judge John L. Phillips and striking the improperly Noticed Hearing of Alan Rose and Ted Bernstein from the calendar, sanctions against Alan Rose and Ted Bernstein and such other and further relief as may be just and proper.

Dated: January 06, 2016

/s/Eliot Ivan Bernstein

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

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing has been furnished to parties listed on attached Service List by E-mail Electronic Transmission; Court ECF; this 6th day of January, 2016.

By: /s/ Eliot Ivan Bernstein

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

SERVICE LIST - CASE NO. SC15-1077 & LOWER CASES DEFENDANTS, RESPONDENTS, COUNTER DEFENDANTS

John P. Morrissey, Esq. 330 Clematis Street, Suite 213 West Palm Beach, FL 33401 (561) 833-0766-Telephone (561) 833-0867 -Facsimile Email: John P. Morrissey (iohn@jmoiTisseylaw.com)	Lisa Friedstein 2142 Churchill Lane Highland Park, IL 60035 lisa@friedsteins.com
Peter M. Feaman, Esq. Peter M. Feaman, P.A. 3695 West Boynton Beach Blvd., Suite 9 Boynton Beach, FL 33436 (561) 734-5552 -Telephone (561) 734-5554 -Facsimile	Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com

<p>Email: service@feamanlaw.com: mkoskey@feamanlaw.com</p>	
<p>Gary R. Shendell, Esq. Kenneth S. Pollock, Esq. Shendell & Pollock, P.L. 2700 N. Military Trail, Suite 150 Boca Raton, FL 33431 (561)241-2323 - Telephone (561)241-2330-Facsimile Email: gary@shendellpollock.com ken@shendellpollock.com estella@shendellpollock.com britt@shendellpollock.com grs@shendellpollock.com</p>	<p>Counter Defendant Robert Spallina, Esq. Donald Tescher, Esq. Tescher & Spallina 925 South Federal Hwy., Suite 500 Boca Raton, Florida 33432</p>
<p>Brian M. O'Connell, Esq. Joielle A. Foglietta, Esq. Ciklin Lubitz Martens & O'Connell 515 N. Flagler Dr., 20th Floor West Palm Beach, FL 33401 561-832-5900-Telephone 561-833-4209 - Facsimile Email: boconnell@ciklinlubitz.com; ifoglietta@ciklinlubitz.com; service@ciklinlubitz.com; slobdell@ciklinlubitz.com</p>	<p>Counter Defendant John J. Pankauski, Esq. Pankauski Law Firm PLLC 120 South Olive Avenue 7th Floor West Palm Beach, FL 33401 courtfilings@pankauskilawfirm.com john@pankauskilawfirm.com</p>
<p>Counter Defendant Mark R. Manceri, Esq., and Mark R. Manceri, P.A., 2929 East Commercial Boulevard Suite 702 Fort Lauderdale, FL 33308 mrmlaw@comcast.net</p>	<p>Counter Defendant Donald Tescher, Esq., Tescher & Spallina, P.A. Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 dtescher@tescherspallina.com</p>
<p>Theodore Stuart Bernstein 880 Berkeley Boca Raton, FL 33487 tbernstein@lifeinsuranceconcepts.com</p>	<p>Counter Defendant TESCHER & SPALLINA, P.A.. Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 dtescher@tescherspallina.com</p>
<p>Theodore Stuart Bernstein Life Insurance Concepts, Inc. 950 Peninsula Corporate Circle Suite 3010 Boca Raton, FL 33487 tbernstein@lifeinsuranceconcepts.com</p>	<p>Counter Defendant Alan B. Rose, Esq. PAGE, MRACHEK, FITZGERALD, ROSE, KONOPKA, THOMAS & WEISS, P.A. 505 South Flagler Drive, Suite 600 West Palm Beach, Florida 33401 561-355-6991 arose@pm-law.com arose@mrachek-law.com</p>
<p>Pamela Beth Simon 950 N. Michigan Avenue</p>	<p>Counter Defendant L. Louis Mrachek, Esq.</p>

<p>Apartment 2603 Chicago, IL 60611 psimon@stpcorp.com</p>	<p>PAGE, MRACHEK, FITZGERALD, ROSE, KONOPKA, THOMAS & WEISS, P.A. 505 South Flagler Drive, Suite 600 West Palm Beach, Florida 33401 561-355-6991 lmrachek@mrachek-law.com</p>
<p>Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com</p>	<p>Counter Defendant Pankauski Law Firm PLLC 120 South Olive Avenue 7th Floor West Palm Beach, FL 33401</p>
<p>Lisa Sue Friedstein 2142 Churchill Lane Highland Park, IL 60035 lisa.friedstein@gmail.com lisa@friedsteins.com</p>	<p>Dennis McNamara Executive Vice President and General Counsel Oppenheimer & Co. Inc. Corporate Headquarters 125 Broad Street New York, NY 10004 800-221-5588 Dennis.mcnamara@opco.com info@opco.com</p>
<p>Dennis G. Bedley Chairman of the Board, Director and Chief Executive Officer Legacy Bank of Florida Glades Twin Plaza 2300 Glades Road Suite 120 West – Executive Office Boca Raton, FL 33431 info@legacybankfl.com DBedley@LegacyBankFL.com</p>	<p>Hunt Worth, Esq. President Oppenheimer Trust Company of Delaware 405 Silverside Road Wilmington, DE 19809 302-792-3500 hunt.worth@opco.com</p>
<p>James Dimon Chairman of the Board and Chief Executive Officer JP Morgan Chase & CO. 270 Park Ave. New York, NY 10017-2070 Jamie.dimon@jpmchase.com</p>	<p>Neil Wolfson President & Chief Executive Officer Wilmington Trust Company 1100 North Market Street Wilmington, DE 19890-0001 nwolfson@wilmingtontrust.com</p>
<p>William McCabe Oppenheimer & Co., Inc. 85 Broad St Fl 25 New York, NY 10004 William.McCabe@opco.com</p>	<p>STP Enterprises, Inc. 303 East Wacker Drive Suite 210 Chicago IL 60601-5210 psimon@stpcorp.com</p>
<p>Charles D. Rubin Managing Partner Gutter Chaves Josepher Rubin Forman Fleisher Miller PA Boca Corporate Center 2101 NW Corporate Blvd., Suite 107 Boca Raton, FL 33431-7343</p>	<p>Ralph S. Janvey Krage & Janvey, L.L.P. Federal Court Appointed Receiver Stanford Financial Group 2100 Ross Ave, Dallas, TX 75201 rjanvey@kjllp.com</p>

crubin@floridatx.com	
Kimberly Moran Tescher & Spallina, P.A. Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 kmoran@tescherspallina.com	Lindsay Baxley aka Lindsay Giles Life Insurance Concepts 950 Peninsula Corporate Circle Suite 3010 Boca Raton, FL 33487 lindsay@lifeinsuranceconcepts.com
Gerald R. Lewin CBIZ MHM, LLC 1675 N Military Trail Fifth Floor Boca Raton, FL 33486	CBIZ MHM, LLC General Counsel 6480 Rockside Woods Blvd. South Suite 330 Cleveland, OH 44131 ATTN: General Counsel generalcounsel@cbiz.com (216)447-9000
Albert Gortz, Esq. Proskauer Rose LLP One Boca Place 2255 Glades Road Suite 421 Atrium Boca Raton, FL 33431-7360 agortz@proskauer.com	Heritage Union Life Insurance Company A member of WiltonRe Group of Companies 187 Danbury Road Wilton, CT 06897 cstroup@wiltonre.com
Estate of Simon Bernstein Brian M O'Connell Pa 515 N Flagler Drive West Palm Beach, FL 33401 boconnell@ciklinlubitz.com	Counter Defendant Steven Lessne, Esq. Gray Robinson, PA 225 NE Mizner Blvd #500 Boca Raton, FL 33432 steven.lessne@gray-robinson.com
Byrd F. "Biff" Marshall, Jr. President & Managing Director Gray Robinson, PA 225 NE Mizner Blvd #500 Boca Raton, FL 33432 biff.marshall@gray-robinson.com	Steven A. Lessne, Esq. Gunster, Yoakley & Stewart, P.A. 777 South Flagler Drive, Suite 500 East West Palm Beach, FL 33401 Telephone: (561) 650-0545 Facsimile: (561) 655-5677 E-Mail Designations: slessne@gunster.com jhoppel@gunster.com eservice@gunster.com
T&S Registered Agents, LLC Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 dtescher@tescherspallina.com	David Lanciotti Executive VP and General Counsel LaSalle National Trust NA CHICAGO TITLE LAND TRUST COMPANY, as Successor 10 South LaSalle Street Suite 2750 Chicago, IL 60603 David.Lanciotti@ctt.com

Joseph M. Leccese
Chairman
Proskauer Rose LLP
Eleven Times Square
New York, NY 10036
jleccese@proskauer.com

Brian Moynihan
Chairman of the Board and Chief Executive Officer
100 N Tryon St #170, Charlotte, NC 28202
Phone:(980) 335-3561

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,

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.

Probate Division

Case.: 502014CP003698XXXXNB

Judge John Phillips

**Response in Opposition
Motions for Guardian & Gag
Order filed by Alan M. Rose**

RESPONSE IN OPPOSITION MOTIONS FOR GUARDIAN & GAG FILED BY ALAN B. ROSE

COMES NOW, PRO SE, Eliot Ivan Bernstein (“Eliot”) or (“Petitioner”) as Beneficiary and Interested Party both for himself personally and as Guardians for his three minor children Beneficiaries of the Shirley Bernstein Trust and hereby files this and in support thereof states, on information and belief, as follows:

1. I oppose the motion by Alan M. Rose to appoint a Guardian for my children and oppose his motion for any “gag” order and since an Evidentiary Hearing and Testimony are both necessary with respect to the factual pleadings by Alan Rose and such evidence and testimony including my own testimony on both matters which would last well beyond 30 minutes alone it is inappropriate and improper process to achieve anything at the Uniform Motion Calendar Hearing on Jan. 14, 2016 beyond Scheduling of Compliance for outstanding Discovery and Production, depositions and then an evidentiary hearing and a proper Case Management Conference for this “Complex” case.
2. This, however, naturally raises the issue of first scheduling the hearings on the motions to remove Ted Bernstein as Trustee for not being qualified under the language of the trusts, for misconduct in fiduciary capacity, for waste and fraud upon the estate and other matters wherein even this very response by myself in this filing has been delayed by Representations by Creditor William Stansbury that his Florida Licensed Attorney Peter Feaman would be filing yesterday with the Court and Alan Rose a request to delay any hearing on these motions until a Status Conference / Case Management Conference for the Orderly scheduling of further hearings wherein Peter Feaman already notified this Court on Sept. 15, 2015 at the Case Management Conference that removal of Ted Bernstein as Trustee should be the first order of business instead of a validity trial with Ted Bernstein as Trustee, but whereupon this Court improperly moved to Schedule Trial in Shirley Bernstein’s Trust case as Alan Rose misled the Court to believe that all cases were called up, which was untrue, where Shirley’s

Trust case was Not Notified for the Case Management Conference¹ requested by the current PR of Simon's Estate being Mr. Brian O'Connell and Joy Foglietta of the Ciklin Lubitz Martens & O'Connell firm who filed the Notice to bring the matter up for the Case Management Conference on Sept. 15, 2015 in the first instance.

3. Thus, both alleged Creditor William Stansbury and Florida Licensed Attorney Peter Feaman are both Necessary Witnesses in relation to the Integrity of these proceedings and the good faith efforts I have undertaken to uncover fraud upon the Court and in the Court which is directly relevant to resolution of any sham claim by attorney Alan Rose or Steven Lessne regarding guardianship, both being Florida licensed attorneys who have directly Misled this Court in many ways including but not limited to falsely citing language from other Court orders such as Southern District of New York Judge Shira Scheindlin, or Alan Rose falsely claiming during the alleged validity trial that there has been no prior Order for Production of all Original Records by Tescher and Spallina when in fact this was part of the Discharge Order of Judge Colin to the extent any such Order of Judge Colin remains valid. See, Order of Colin on Production².
4. Specifically, Alan Rose, a Served Counter Defendant in this very action has knowingly misquoted an Order of SDNY Judge Shira Scheindlin by falsely portraying a Proskauer Rose proposed language in an Order as an actual Order, quote, finding of Hon. Judge Scheindlin

¹ Case Management Notice of Hearing for Only Simon Bernstein Estate Case
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150803%20Notice%20of%20Hearing%20for%20Sept%202015%202015%20930am%20Case%20Management.pdf>

²February 18, 2014 Colin Order Regarding Turning Over ALL Records to Curator
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140218%20ORDER%20ON%20PETITION%20FOR%20DISCHARGE%20TESCHER%20SPALLINA%20Case%20502012CP004391XXXXSB%20SIMON.pdf>

herself and while this conduct recently occurred in matters before the 4th DCA³, this evidence is representative of the sharp practices that Alan Rose and Ted Bernstein have employed to avoid full and fair hearings, obstruct due process, and obscure actual truth seeking processes acting in conflict of interest and more while simultaneously not only denying proper funds for myself to obtain proper counsel for my minor children and myself but further denied retained Texas attorney Candice Schwager documents to review for her to further an application to be admitted pro hac vice after having opportunity to scope potential conflicts of interest between myself and minor children.

5. Alan Rose falsely stated to this Court at the Case Management Conference⁴ that no hearings were held prior for guardianship hearings but yet Alan Rose had only a year earlier been denied⁵ by Judge Colin who claimed Eliot and Candice did not need Guardians for their children.
6. Thus, attorney Alan Rose's conduct himself in these proceedings has relevance to his sham motion for guardianship since his own conduct has caused waste and harm to beneficiaries and delayed and obstructed the fact finding and truth seeking processes of this court and thus right there alone are 3 Witnesses in addition to myself that should be part of any Evidentiary hearing relating to appointment of a Guardianship and thus arriving at a Schedule would be the most that can happen on Jan. 14, 2016, or at least should be the most that can happen on this date.

³ December 17, 2015 Sur Reply Showing Alan Rose Misquoting Federal Judge Shira Scheindlin Order <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151217%204th%20DCA%20Rose%20Ted%20Sur%20Reply%20Dec%2016%202015.pdf>

⁴ September 15, 2015 Case Management Hearing Transcript Scheduled In Simon Estate ONLY, Page 28 Line 7-16
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150915%20Judge%20Phillips%20Hearing%20Transcript%20-%20Estate%20of%20%20Simon%20Bernstein.pdf>

⁵ August 14, 2014 Order DENYING GUARDIAN
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140814%20Order%20Judge%20Martin%20Colin%20NO%20GUARDIAN%20FOR%20ELIOT%20CHILDREN.pdf>

7. In fact, Florida licensed attorney Peter Feaman has directly prepared pleadings and correspondence showing myself as being the only sibling in these cases to expose fraud and forgery and other proper matters in these cases and eligible to be a Successor. See, below.
8. See filings by Peter Feaman on behalf of alleged Creditor William Stansbury relevant to the sham filing for Guardianship by Alan Rose on behalf of Ted Bernstein.
 - a. <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140217%20Stansbury%20Response%20in%20Opposition.pdf> Page 4-6 (C)
 - b. <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140522%20JOINDER%20IN%20PETITION%20FILED%20BY%20ELIOT%20IVAN%20BERNSTEIN%20FOR%20REMOVAL%20OF%20TRUSTEE%20AND%20FOR%20TRUST%20ACCOUNTING.pdf>
 - c. <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>
9. Then of course is the letter by Florida Licensed attorney Peter Feaman from August of 2014, nearly 17 months ago claiming PR Brian O’Connell had an absolute “duty” to file to Remove Ted Bernstein in showing failure to provide Accountings, waste of Trust assets and other matters, yet no action taken by PR O’Connell and no present follow-up by Peter Feaman although as indicated I have been delayed in this very filing by Representations of William Stansbury that Peter Feaman would be filing with the Court relative to these matters including holding hearings off until a Status or Case Management Conference but has yet to do that either, although it was represented it would be filed Tuesday, Jan., 12, 2016 further knowing I had filed for Unavailability with this Court which was served upon Alan Rose and

further filed in my last opposition to the Gag order that I was under medication and needing medical care. See,

- a. August 29, 2014 Letter from Attorney at Law Peter Feaman, Esq. to Personal Representative Attorney Brian O'Connell re Conflicts and more of Ted and Alan Rose.

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

- b. December 16, 2014, Letter from Attorney Peter Feaman to PR and Attorney Brian O'Connell Letter re O'Connell's Absolute Duty to Remove Ted –

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20141216%20Attorney%20>

- c. [Peter%20Feaman%20Letter%20to%20Attorney%20Personal%20Representative%20Brian%20O'Connell%20re%20Ted%20and%20Alan%20Conflicts.pdf](#)

- d. September 19, 2014 Attorney Peter Feaman to PR Attorney Brian O'Connell re Assets of Estates -

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140919%20Feaman%20Letter%20to%20Brian%20Oconnell%20re%20assets%20of%20Simon%20Estate%209%2019%202014.pdf>

10. William Stansbury is further a necessary Witness as he has information relating to an ongoing Federal investigation of Ted Bernstein by the US Dept. of Labor in relation to Ted Bernstein's fiduciary actions as Plan Administrator / Trustee involving Arbitrage International an asset of the Estate and Trusts where it is likely that further financial harm to beneficiaries including my minor children has occurred according to William Stansbury and yet Alan Rose and Ted Bernstein have not only failed to Disclose these matters to the Court

and parties but further failed to disclose these matters in an alleged Meeting involving Bernstein Holdings and Bernstein Family Investments where Ted Bernstein and Alan Rose .

11. It is unknown why neither Creditor William Stansbury or his Florida licensed attorney Peter Feaman has yet to bring this information to the Court further making them necessary witnesses while it is further noted that just last week Alan Rose improperly scheduled a Hearing without contacting me although being on the phone that same morning with my retained attorney Candice Schwager of Texas seeking pro hac vice admission yet never mentioned the hearing and yet Rose later claimed in an email on Jan. 7, 2016 that an agreement he made with Attorney Peter Feaman to appear on short notice further justified his filing thus playing a “circus” / “charade” game of having Stansbury/Feaman in some parts of the cases but then not having them in on others all the while claiming that Ted Bernstein should be removed.

12. Further that the Estate itself by and through Brian O’Connell and Joy Foglietta has failed to account or provide Documents and Records despite prior Court Ordered Production⁶ upon the former PR’s, Tescher and Spallina, after their removal after admissions to fraudulently altering and creating a fraudulent Shirley Trust that Alan Rose misleads this Court about there being no such Court Order during an alleged Validity Trial⁷ and having multiple cross examination questions sustained as a result of such misstatement to the Court where it appears that in **contempt of such order** for Tescher & Spallina to Produce and turn over all Originals and files, Alan Rose, alleged Fiduciary and Trustee Ted Bernstein, Brian

⁶ February 18, 2014 Court Ordered Production of ALL Records of Tescher and Spallina to Curator <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140218%20ORDER%20ON%20PETITION%20FOR%20DISCHARGE%20TESCHER%20SPALLINA%20Case%20502012CP004391XXXXSB%20SIMON.pdf>

⁷ December 15, 2015 Validity Hearing Transcript - Transcript Page 123 Lines 10-18 & Page 124 3-7 and Pages 124 Line 17 to 125 Line 17. <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151215%20Hearing%20Transcript%20Phillips%20Validity%20Hearing.pdf>

O'Connell and Joy Foglietta and potentially others have left "Original" documents and files instead in the Custody of Tescher & Spallina where Spallina has now admitted to fraud upon beneficiaries and their counsel, mail fraud, fraud upon the Court in the filings his office prepared and other crimes and misconduct during the alleged "validity" trial before Your Honor where the PRs O'Connell & Foglietta are *wholly and conspicuously absent from the "Validity trial"* (despite having pleaded to the Court in the Shirley Trust Construction case that Ted was NOT A VALID TRUSTEE⁸ in the SIMON TRUST, which would have materially affected the outcome of such hearing on the Simon Trust case and Ted's ability to argue the validity in the first place) among many other "*missing Witnesses*" at the alleged validity Trial such as Traci Kratish, Notaries Diana Banks, Kimberly Moran (charged with Felony fraudulent notarization and admitted Forgery of documents in these matters) and Lindsay Baxkey and Donald Tescher and an unknown signatory witnesses, leaving the Estate of Simon Bernstein *without counsel* despite the fact that one of the First Orders of Business PRs O'Connell and Foglietta should have sought at the Case Management Conference held Sept. 15, 2015 which was Held and Noticed only in the Estate of Simon Bernstein is a Compliance Order to obtain all the "Originals" and files/documents from Tescher & Spallina so proper Discovery and Production could occur to prove validity but instead results in an improperly schedule Trial in Shirley's Trust case which was not Noticed for Sept. 15, 2015 as required in the procedural rules of the Court.

13. Thus, Brian O'Connell and Joy Foglietta should further be called as Necessary Witnesses in relation to the integrity of proceedings and were further factual Witnesses in relation to

⁸ February 17, 2015 Answer Affirmative Defenses Filed by PR Attorney Brian O'Connell stating Ted is NOT A VALID TRUSTEE under the terms of the Trust.
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150217%20Answer%20%20Affirmative%20Defenses%20O'Connell%20States%20Ted%20is%20NOT%20VALID%20TRUSTEE.pdf>

missing documents, missing production, missing business records and intertwined in conduct with Alan Rose in sudden emerging “original” documents from the St. Andrew’s Home allegedly for the Oppenheimer matters and other dispositive Estate and Trust documents yet Creditor William Stansbury had previously stated that his Florida licensed attorney Peter Feaman suggested that a Meeting at his Office and or Brian O’Connell’s Office and inviting the Palm Beach County Sheriff’s for Criminal investigation and prosecution of Ted Bernstein in relation to the missing Tangible Personal Property (“TTP”) should occur, thus intertwining all of the various parties as witnesses in relation to any Guardianship hearing and necessity.

14. Licensed attorney Peter Feaman and his client alleged Creditor William Stansbury further being Witnesses as both claimed to have observed Donald Tescher at the Courthouse after the validity trial yet was not produced by Alan Rose suggesting Tescher’s presence was under Alan Rose’s control and yet because this Court had impermissibly prejudiced and “pre-judged” the validity trial by improperly limiting it to one day ordered in the wrong case without addressing discovery and dispositive motions there was no timing remaining for further necessary witnesses and thus the validity trial should be vacated.
15. While I understand it was filed in a different case number, Steven Lessne is intertwined with Rose on numerous issues including not only the sudden emergence of “original” documents in the Oppenheimer case but further the sharp practices conduct wherein Lessne has **directly mislead this Court** by an almost identical sharp practice of Alan Rose where Southern District of New York Judge Hon. Shira Scheindlin is again knowingly misquoted wherein Lessne claims Judge Scheindlin issued some nationwide injunction against me again misquoting language “proposed” by Proskauer Rose where in actuality the language Judge Scheindlin determined in the Order was as follows: “IV. CONCLUSION For the foregoing

reasons, a monetary sanction in the amount of \$3,500 is hereby imposed on Bernstein as is the injunctive sanction described above. The money is to be paid to the Clerk of the Court, Southern District of New York, forthwith. If Bernstein ignores the monetary sanction, defendants may obtain an enforceable judgment in the amount of \$3,500. If Bernstein continues to file motions in this case, he may be subject to additional monetary sanctions. The Clerk of the Court is directed to close the motion for sanctions (Docket Entry # 145).

Dated: 14 New York, New York August 29, 2013 Opposition at 13. 7⁹“

16. Thus, the only injunctive limitation determined by SDNY Judge Scheindlin is that if I file motions “*in this case*”, being the SDNY case, I “*may be subject to additional monetary sanctions*”, thus showing Lessne himself directly misleading this Court as a Florida licensed attorney.
17. The Court should note that Lessne left his firm Gray Robinson and took with him the Bernstein / Oppenheimer case as he transitioned to Alan Rose’s prior law firm Gunster.
18. To the extent any Order of Judge Colin remains valid, he has already ruled upon motions by Alan Rose and Ted Bernstein on Guardianship and the related matters and DENIED those matters. See below Orders Colin in Rose Denial Guardian Shirley Trust Construction stating no Guardian necessary and Oppenheimer denial of same, This renewed attempt on virtually the same grounds constitutes further harassment and a 2nd bite at apple hoping for a better outcome than with Judge Colin.

- a. Oppenheimer Denial

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20141107%20Omnibus%20Order%20Colin%20Oppenheimer%20Case.pdf>

⁹August 29, 2013 Order the Most Honorable Shira A. Scheindlin
<http://www.iviewit.tv/20130829%20Scheidlin%20Order%20Sanctioning%20Bernstein.pdf>

b. Rose Trust Construction Denial

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140814%20Order%20Judge%20Martin%20Colin%20NO%20GUARDIAN%20FOR%20ELIOT%20CHILDREN.pdf>

c. Order Denying Contempt Against Eliot -

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150504%20Order%20on%20Motion%20to%20Hold%20Eliot%20Bernstein%20in%20Contempt%20DENIED.pdf>

19. There has been no “construction” hearing scheduled much less any full and fair hearing after proper discovery and depositions.

20. Moreover, alleged Creditor William Stansbury’s attorney has previously written to Rose directly regarding Rose’s conflicts of interest and other matters of testimony relevant at any hearing as follows:

a. August 08, 2014 Feaman Letters to Rose

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

b. Pleading filed by PR Attorney Brian O’Connell in Shirley Trust – Ted NOT A VALID TRUSTEE IN SIMON -

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150217%20Answer%20%20Affirmative%20Defenses%20O'Connell%20States%20Ted%20is%20NOT%20A%20VALID%20TRUSTEE.pdf>

- c. January 16, 2015 Nevada District Court Ruling - Crystal Cox ruling Eliot and Crystal not associated -

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150116%20Cox%20Bernstein%20Nevada%20RICO%20Order%20Denying%20Motions%20for%20Summary%20Judgement.pdf>

21. I re-plead and re-allege the following in further opposition to any continued improper attempts at a gag order which should be denied and stricken but certainly would require an adversarial evidentiary hearing first not part of the Uniform Motion Calendar Hearing of Jan. 14, 2016 and certainly not in 10 minutes.
22. I have already had to reschedule medical/dental related appointments due to Alan Rose's actions this New Year, I am currently on prescription medication since January 02, 2016, including painkillers and muscle relaxers and am not fit to attend hearings, which is part of the reason for my unavailability this month. This scheduling and notice is improper and further harassment and this is not the first time Alan Rose has deployed these tactics as the record for the cases reflects.
23. This is nothing but more of the same "sharp practices" and legal process abuses that Alan Rose and Trustee Ted Bernstein have perpetuated throughout the litigation.
24. Florida Licensed attorney (presently) Alan Rose and his client Ted Bernstein fail to point out to this Court their continuing Conflicts of Interest since both Alan Rose and Ted Bernstein have actively worked Against the Interests of the "grandchildren" to Shirley and Simon Bernstein by trying to block \$1.7 in Life Insurance proceeds from coming into the Estate.

25. Both attorney Alan Rose and Ted Bernstein have been involved in actions which directly were contrary to the best interests of minor children by refusing to agree to a Continuance of the validity trial in Dec. 2015 even for 30 days so my minor children could have Counsel by Candice Schwager, Esq. and yet now try to claim to come to this court for the welfare of minor children. See,

a. December 12, 2015 Attorney Candice Schwager Pro Hac Vice Letter to Court

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151212%20Candice%20Schwager%20Pro%20Hac%20Vice%20ECF%20Filing%20Stamped%20Copy.pdf>

and

b. December 15, 2015 Phillips Trial Stay

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

26. Ted Bernstein and Alan Rose have articulated no adequate basis to impose a Gag order.

27. In fact according to the Email Letter sent by attorney Schwager today to Alan Rose (see

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20160106%20Schwager%20Letter%20to%20Alan%20Rose%20to%20Cancel%20Hearings.pdf>) to seek his voluntary withdrawal

of this Hearing, even one of the cases cited by Alan Rose actually has the District Court of Appeals reversing a Trial Court's Order closing a Trial from the public: "The orders of the trial court sealing the file and closing the proceedings are REVERSED. The public shall be permitted access to the court file and the transcript or reporter's notes of any proceedings in the trial court. ERVIN, J., concurs. NIMMONS, J., concurs, with written opinion."

<https://casetext.com/case/florida-freedom-newspapers-v-sirmons>

28. There was minimal if virtually any naming of the “grandchildren” and/or “minor children” in the Trial in any event and I should have every right to inspect and have my own copy of the Transcript and this appears to be nothing more than the bully sharp practices of Alan Rose and Ted Bernstein in trying to deny due process and access to the courts and the ability to seek proper appeal, collateral attack and other motions concerning the trial.
29. As attorney Schwager pointed out in her letter, “Thus, it truly appears that your motion is more of a “smoke-screen” and “sharp practices” which are more designed to further delay, obstruct and hinder the due process rights of Eliot Bernstein and his minor children and perhaps others in the truth seeking processes by this motion which must be withdrawn.”
30. In one breathe, Alan Rose and Ted Bernstein rush to push a validity Trial through that had been requested years before by Plaintiff Eliot and do so in a manner to Deny Counsel to Minor Children but now that the hour of Truth is at hand where Ted Bernstein’s business partner / former business partner Robert Spallina’s testimony Admitting to mail fraud, fraudulently creating an Invalid Trust and Fraud Upon the Court in these matters and related Testimony is about to be available as it should be, Alan Rose and Ted Bernstein are now suddenly (and frantically) the big heroes for minor children and rushing in by an improperly Noticed Hearing to gag truth without providing any specific justification that this will benefit any minor children.
31. Yet, as stated by the very case Alan Rose and Ted Bernstein have cited for this Court, “ Preserving the independence and integrity of the judicial process through open and publicly scrutinized judicial proceedings is the issue.”

32. “A strong and independent judiciary is the bulwark of a free society. If there were no public access to proceedings before the trial judge, there would be no safeguard for judicial independence nor any assurance of judicial integrity.”
33. “It is the existence of the right of access that is critical to the court's autonomy, not the public's exercise of that right. Knowing the public can attend these proceedings and review judicial records helps guarantee that those matters will be conducted with due regard for the public's interest in a fair and impartial judiciary.” See, <https://casetext.com/case/florida-freedom-newspapers-v-sirmons>.
34. Minor children ultimately have to grow up and learn the laws of civil societies.
35. There is nothing in the Transcripts that relates to the actions and behaviors of the minor children and thus Alan Rose and Ted Bernstein have shown *nothing specific of a compelling nature* with respect to the minor children and this motion should be struck from the Calendar and denied.
36. Instead the Trial consisted of testimony and actions by Ted Bernstein’s business partners and his former counsel to him as fiduciary Robert Spallina and Donald Tescher who admitted to (i) illegally using the Mails to mail a fraudulently created invalid trust to the three minor children’s prior counsel Christine Yates, (ii) that his law firm deposited fraudulent documents in the Court record in the cases, (iii) that he fraudulently used a deceased Personal Representative to Fraudulently close the Estate of Shirley Bernstein in these matters leading to the reopening of the Estate of Shirley and three years of litigation costs and expenses and (iv) that he was under an SEC Consent order for Felony Insider Trading charges and other matters.

37. The SEC Consent Orders¹⁰ for Spallina and Tescher are already of Public Record by the Washington, DC Office of the US SEC itself naming Robert Spallina and Donald Tescher, Ted Bernstein's business partners and former disgraced counsel to him as fiduciary in these matters, who he and Alan Rose allowed to "hold onto" Original records even after Spallina's admitting to fraud that benefited his client Ted directly and also having the firm's paralegal notary public Kimberly Moran admit to criminal charges in this matter of forging documents, fraudulently notarizing them, including Post Mortem for Simon Bernstein and committing multiple frauds on the Court and beneficiaries in these matters.
38. See, " **FOR IMMEDIATE RELEASE 2015-213** *Washington D.C., Sept. 28, 2015* — The Securities and Exchange Commission today charged five Florida residents – including two lawyers and an accountant – with insider trading in advance of the acquisition of Pharmasset Inc. by Gilead Sciences Inc. In a complaint filed in federal court in Newark, New Jersey, the SEC alleged that attorneys Robert L. Spallina and Donald R. Tescher and accountant Steven G. Rosen illegally traded on confidential information obtained from a mutual client who served on the board of directors of Princeton, New Jersey-based Pharmasset."
39. Spallina, Tescher, Rosen, Palermo, and Markowitz collectively agreed to pay approximately \$489,000 to settle the charges. The settlements are subject to court approval.

¹⁰ 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%20Tescher%20SEC%20Settlement%20Consent%20Orders%20Insider%20Trading.pdf>

40. “Lawyers and accountants occupy special positions of trust and confidence and are required to protect the information entrusted to them by their clients,” said Joseph G. Sansone, Co-Chief of the SEC’s Market Abuse Unit. “It is illegal for them to steal their clients’ confidential information to trade securities for their own profit or to tip others.” See, <http://www.sec.gov/news/pressrelease/2015-213.html>
41. Thus, those matters regarding Ted Bernstein’s business partners and prior counsel to him as fiduciaries are already a matter of public record being made public by the federal government.
42. However in the December 15, 2015 Hearing Spallina testifying to the validity of documents he already admitted in the hearing to having fraudulently altered and disseminated via mail, states to Your Honor that he had **NOT** pled guilty to either felony or misdemeanor criminal conduct and yet the Consent Order signed by Spallina directly contradicts his testimony before this Court and this Court should take Judicial Notice and report such misconduct.
43. That SPALLINA perjured his testimony and further misled this court as he did plead guilty of criminal misconduct and the SEC Consent signed by SPALLINA states, ,
- “2. Defendant [Robert Spallina] 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”).”
44. 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 14-17¹¹;

¹¹ December 15, 2015 PHILLIPS VALIDITY HEARING TRANSCRIPT

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.

45. 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...”

46. No compelling circumstances are shown by Ted Bernstein and his attorney Alan Rose to gag any part of the Trial herein other than what my attorney Candice Schwager says in her Letter Email that the standard in federal court for Pleadings is to simply abbreviate the minor child’s name instead of spelling it out such as “J.B.”, “D.B”, etc. Where none of the parents of the minor children have objected on their children’s behalf either.

47. Nothing else more than that should happen here.

48. Alan Rose and Ted Bernstein’s desperate attempt to hide and conceal the Truth of the Trial is just like what the District Court of Appeals found offensive in the case their papers cited, “In essence, one of the parties wished to conduct the proceedings in private to prevent the disclosure of certain information the party would otherwise prefer not be made public. The information is of a somewhat general nature and not specifically tied to a domestic relations

case.⁸ The information is not related to the marital relationship nor its breakup, to the welfare of the children, nor to the marital property.”

49. “This may be so, but we do not find this reason to be sufficiently compelling, rising to the level that would deny the party an opportunity to receive a fair trial, to justify closing these proceedings.” District Court of Appeal of Florida, First District. 508 So.2d 462 (Fla. Dist. Ct. App. 1987) <https://casetext.com/case/florida-freedom-newspapers-v-sirmons>
50. Having acted to repeatedly Deny minor children Counsel by denial of proper Trust funds and thus deny minor children rights, these actions now by Ted Bernstein and Alan Rose are a sham and must be denied.
51. Ted Bernstein would have this Court disregard and deny the actual history of fraud and abusive, bullying, extortive, illegal and coercive tactics and conduct of he and his business partners and his former counsel against Minor children as if Ted Bernstein had the Court on his own Payroll. See, May 6, 2013 Emergency Motion¹² and See Motion on St. Andrew’s School¹³,
52. I, Eliot Bernstein, further renews and reminds this Court that it lacks jurisdiction to hear the matter as this Court was mandatorily disqualified at least as of Dec. 4, 2015¹⁴ and was further

¹² 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>

¹³ August 24, 2014 Emergency Motion <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140824%20Amended%20Emergency%20Motion%20to%20Compel%20Eliot%20School%20Saint%20Andrews%20Payments.pdf>

¹⁴ December 04, 2015 Disqualification of Judge Phillips <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151204%20FINAL%20SIGNED%20NOTARIZED%20Disqualification%20of%20Florida%20Circuit%20Court%20Judge%20John%20L%20Phillips%20ECF%20STAMPED.pdf>

moved to mandatory disqualify Dec.28, 2015¹⁵ and thus no further action may be taken at this time beyond mandatory Disqualification.

WHEREFORE, it is respectfully prayed for an Order mandatorily Disqualifying Judge John L. Phillips, striking or alternatively Continuing the motions of Ted Bernstein and Alan Rose until after a properly scheduled, noticed and held Case Management Conference for a “complex” case, proper Discovery, depositions and proper evidentiary hearings held first, sanctions against Alan Rose and Ted Bernstein and such other and further relief as may be just and proper.

Dated: January 13, 2016

/s/Eliot Ivan Bernstein

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

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing has been furnished to parties listed on attached Service List by E-mail Electronic Transmission; Court ECF; this 13th day of January, 2016.

/s/Eliot Ivan Bernstein

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

¹⁵ Dec 28, 2015 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%202015.%202015%20ECF%20STAMPED%20COPY.pdf>

and

Corrections

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151204%20FINAL%20CORRECTIONS%20to%20Disqualification%20of%20Florida%20Circuit%20Court%20Judge%20John%20L%20Phillips%20ECF%20STAMPED.pdf>

SERVICE LIST

<p>COUNTER DEFENDANT Robert L. Spallina, Esq., Tescher & Spallina, P.A. Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 rspallina@tescherspallina.com kmoran@tescherspallina.com ddustin@tescherspallina.com</p>	<p>COUNTER DEFENDANT Ted Bernstein, Individually 880 Berkeley Boca Raton, FL 33487 tbernstein@lifeinsuranceconcepts.com</p>	<p>COUNTER DEFENDANT John J. Pankauski, Esq. Pankauski Law Firm PLLC 120 South Olive Avenue 7th Floor West Palm Beach, FL 33401</p>
<p>COUNTER DEFENDANT Donald Tescher, Esq., Tescher & Spallina, P.A. Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 dtescher@tescherspallina.com ddustin@tescherspallina.com kmoran@tescherspallina.com</p>	<p>COUNTER DEFENDANT Ted Bernstein Life Insurance Concepts et al. 950 Peninsula Corporate Circle Suite 3010 Boca Raton, FL 33487 tbernstein@lifeinsuranceconcepts.com</p>	<p>COUNTER DEFENDANT Pankauski Law Firm PLLC 120 South Olive Avenue 7th Floor West Palm Beach, FL 33401 courtfilings@pankauskilawfirm.com john@pankauskilawfirm.com</p>
<p>COUNTER DEFENDANT Donald Tescher, Esq., Tescher & Spallina, P.A. Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 dtescher@tescherspallina.com ddustin@tescherspallina.com kmoran@tescherspallina.com</p>	<p>COUNTER DEFENDANT & COUNSEL TO TED BERNSTEIN SERVED 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</p>	<p>Counter Defendant TESCHER & SPALLINA, P.A. Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 dtescher@tescherspallina.com ddustin@tescherspallina.com kmoran@tescherspallina.com</p>
	<p>Pamela Simon</p>	<p>Counter Defendant</p>

	<p>President STP Enterprises, Inc. 303 East Wacker Drive Suite 210 Chicago IL 60601-5210 psimon@stpcorp.com</p>	<p>Mark R. Manceri, Esq., and Mark R. Manceri, P.A., 2929 East Commercial Boulevard Suite 702 Fort Lauderdale, FL 33308 mrmlaw@comcast.net mrmlaw1@gmail.com</p>
<p>Counter Defendant L. Louis Mrachek, Esq. PAGE, MRACHEK, FITZGERALD, ROSE, KONOPKA, THOMAS & WEISS, P.A. 505 South Flagler Drive, Suite 600 West Palm Beach, Florida 33401 lmrachek@mrachek-law.com</p>	<p>Counter Defendant Charles D. Rubin Managing Partner Gutter Chaves Josepher Rubin Forman Fleisher Miller PA Boca Corporate Center 2101 NW Corporate Blvd., Suite 107 Boca Raton, FL 33431-7343 crubin@floridatax.com</p>	<p>Counter Defendant Kimberly Moran Tescher & Spallina, P.A. Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 kmoran@tescherspallina.com</p>
<p>Counter Defendant Lindsay Baxley aka Lindsay Giles Life Insurance Concepts 950 Peninsula Corporate Circle Suite 3010 Boca Raton, FL 33487 lindsay@lifeinsuranceconcepts.com</p>	<p>Counter Defendant Estate of Simon Bernstein Personal Representative Brian M. O'Connell, Partner Ciklin Lubitz Martens & O'Connell 515 N Flagler Drive 20th Floor West Palm Beach, FL 33401 boconnell@ciklinlubitz.com jfoglietta@ciklinlubitz.com</p>	<p>Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com</p>
<p>Lisa Friedstein 2142 Churchill Lane Highland Park, IL 60035 Lisa@friedsteins.com lisa.friedstein@gmail.com lisa@friedsteins.com</p>	<p>Pamela Beth Simon 950 N. Michigan Avenue Apartment 2603 Chicago, IL 60611 psimon@stpcorp.com</p>	

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.

**Objections to Proposed Order of Alan
Rose / Ted Bernstein**

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.

**OBJECTIONS TO PROPOSED ORDER OF ALAN B. ROSE AND TED BERNSTEIN "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" AND PROPOSED ALTERNATIVE
ORDER FOR HEARING HELD JANUARY 14, 2016**

1. That Florida licensed attorney Alan Rose on behalf of Ted Bernstein misled this Court on Sept. 15, 2015¹ including whether all four cases had been properly Noticed² and where due to this misinformation at the case management conference a Trial was improperly set in Shirley Bernstein's Trust case in violation of Florida Civil Rules of Procedure 1.200³ and in violation of due process while the PRs of the Simon Bernstein Estate Brian O'Connell and Joy Foglietta stood silent despite their office having sent the Notice for the Case Management Conference in the first instance,

4 MR. ROSE: I'm not planning on doing the
5 whole hearing, but briefly there are,
6 technically, four other cases that all were
7 assigned. I think we've noticed a status
8 conference in all four cases.

That Florida licensed attorney Alan Rose requested January 14, 2016 at 12:17pm⁴ that Eliot Bernstein submit comments to a proposed Order from a January 14, 2016 hearing by 3pm that same day or else he would file with the Court as an unopposed Order and Eliot replied and 3:30pm⁵ on January that he would try to get his changes to him timely on January 15th, 2016 to submit to the Court together with his proposed Order (Eliot did not know at the time that Rose was supposed to give him five days under the rules);

2. Mr. Rose in violation of ADMINISTRATIVE ORDER 5.204-5/09⁶ then ignored said received email indicating that Eliot would send comments and a proposed order to him the next day and instead sent a letter to Judge Phillips with his proposed Order only to the Court on January 14,

¹ Sept 15, 2015 Hearing Transcript

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150915%20Judge%20Phillips%20Hearing%20-%20Estate%20of%20%20Simon%20Bernstein.pdf>

² August 03, 2015 Notice of Hearing Status Conference for Simon Bernstein Estate Case Only
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150803%20Notice%20of%20Hearing%20for%20Sept%2015%202015%20930am%20Case%20Management.pdf>

³Florida Rules of Civil Procedure 1.200
http://phonl.com/fl_law/rules/frcp/frcp1200.htm

⁴ January 14, 2016 Email Rose

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20160114%20at%2012.12pm%20Alan%20Rose%20Proposed%20Order%20Email.pdf>

⁵ January 14, 2016 Eliot Email to Rose with Dr. Report

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20160114%20at%203.30pm%20Eliot%20response%20to%20Rose%20re%20Order.pdf>

⁶<http://15thcircuit.co.palm-beach.fl.us/documents/10179/15133/5.204.pdf>

2016 at 4:15pm⁷ without waiting for Eliot's comments and proposed order and this too in violation of Administrative Order 5.204-5/09⁸ and further asked for an immediate ruling that day from Judge Phillips, knowing there are five days for my response and proposed order to be sent to him before seeking relief with the court as if unopposed with no counter order. This further evidences Mr. Rose's continued Sharp Practices and violation and contempt of the court decorum, efforts to obstruct due process and tortiously interfere with the fair administration of justice;

3. Florida licensed attorney Alan Rose on behalf of Ted Bernstein having further misled this Court about the status of the case and the time necessary for a proper validity Trial at the September 15, 2015 case management conference and left no time for a proper trial for the 10 witnesses called by the Trustee or for Eliot to properly cross examine witnesses available that day leaving Eliot and this Court with insufficient time for a proper trial / hearing which was improperly held without proper pre-trial procedures to determine outstanding discovery and requests for production and proper witnesses.
4. That the January 14, 2016 hearing for standing was also improperly scheduled at a UMC hearing by Alan Rose, despite needing an evidentiary hearing as requested by Eliot at the hearing to give testimony and have any witnesses present but which Eliot was denied opportunity for such by this Court;
5. Where Judge Phillips asked Eliot at the January 14, 2016 hearing what statute gave him standing as a named Beneficiary in the Shirley Trust document that Phillips has Ordered to be valid and when Eliot, a Pro Se litigant, did not know off the top of his head the Florida Statute giving

⁷ January 14, 2016 4:15 pm Alan Rose Letter to Judge Phillips
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20160114%204.06pm%20ExParte%20Letter%20to%20Judge%20Phillips%20Alan%20Rose%20Proposed%20Order.pdf>

⁸<http://15thcircuit.co.palm-beach.fl.us/documents/10179/15133/5.204.pdf>

named beneficiaries standing in a Trust case where they are named, Judge Phillips, who is supposed to know the statutes himself improperly ruled against Eliot's standing for this sole reason of his lack of knowing the statute at the hearing and based solely on the claims of Alan Rose and not on the merits after proper hearing with testimony from both sides or giving Eliot a chance to find the correct statute to preserve his standing. Judge Phillips, then quite rudely told Eliot if he did not like it to get a lawyer despite the fact that a prior motion for a Continuance of the validity trial itself was filed timely before Trial so that Texas attorney Candice Schwager could get admitted pro hac vice yet attorney Alan Rose denied Candice Schwager any such courtesy even though it was to benefit the minor children and Alan Rose has further denied Candice Schwager access to document production to further her review of the case while this Court improperly stated the motion for continuance was untimely when the statute permits it to be made even at the time of trial and where it was filed in writing before the trial.

6. That Florida Statutes 733.707, 736.0103, 731.201 (2)(4)(9)(11)(20) and (23) give Eliot standing as a Beneficiary, Heir and Interested Person and Trustee of the Eliot Bernstein Family Trust in this case and the Simon Estate, the Simon Trust and the Shirley Estate.
7. That for instance in the Shirley Trust case addressed herein, Eliot and his two sisters are the beneficiaries of Shirley's Trust at the time it become irrevocable with a defined class of beneficiaries in stone upon her death, as stated in the trust;

ARTICLE II. AFTER MY DEATH - E. Disposition of Trusts Upon Death of Survivor of My Spouse and Me.

2. Disposition of Balance. Any parts of the Marital Trust and the Family Trust my spouse does not or cannot effectively appoint (including any additions upon my spouse's death), or all of the Family Trust if my spouse did not survive me, shall be divided among and **held in separate Trusts for my lineal descendants then living, per stirpes [emphasis added]**. Any assets allocated under this Subparagraph 11.D. to my children (**as that term is defined under this Trust [emphasis added]**), shall be distributed to the then serving Trustees of each of their respective Family Trusts, established by my spouse

as grantor on even date herewith (the "Family Trusts" which term includes any successor trust thereto), to be held and administered as provided under said Trusts. The provisions of the Family Trusts are incorporated herein by reference, and if any of the Family Trusts are not then in existence and it is necessary to accomplish the foregoing dispositions, the current Trustee of this Trust is directed to take such action to establish or reconstitute such applicable trust(s), or if the Trustee is unable to do so, said assets shall be held in separate trusts for such lineal descendants and administered as provided in Subparagraph 11.E. below. Each of my lineal descendants for whom a separate Trust is held hereunder shall hereinafter be referred to as a "beneficiary," with their separate trusts to be administered as provided in Subparagraph 11.E. below.

and

F. Trusts for Beneficiaries. The Trustee shall pay to a beneficiary the net income of such beneficiary's trust. The Trustee shall pay to the beneficiary and the beneficiary's children, such amounts of the principal of such beneficiary's trust as is proper for the Welfare of such individuals. After a beneficiary has reached any one or more of the following birthdays, the beneficiary may withdraw the principal of his or her separate trust at any time or times, not to exceed in the aggregate 1/3 in value after the beneficiary's 25th birthday, 1/2 in value (after deducting any amount previously subject to withdrawal but not actually withdrawn) after the beneficiary's 30th birthday, and the balance after the beneficiary's 35th birthday, provided that the withdrawal powers described in this sentence shall not apply to any child of mine as beneficiary of a separate trust. The value of each trust shall be its value as of the first exercise of each withdrawal right, plus the value of any subsequent addition as of the date of addition. The right of withdrawal shall be a privilege which may be exercised only voluntarily and shall not include an involuntary exercise. If a beneficiary dies with assets remaining in his or her separate trust, upon the beneficiary's death the beneficiary may appoint his or her trust to or for the benefit of one or more of my lineal descendants and their spouses (excluding from said class, however, such beneficiary and such beneficiary's creditors, estate, and creditors of such beneficiary's estate). Any part of his or her trust such beneficiary does not effectively appoint shall upon his or her death be divided among and held in separate Trusts for the following persons:

1. for his or her lineal descendants then living, per stirpes; or
2. if he or she leaves no lineal descendant then living, per stirpes for the lineal descendants then living of his or her nearest ancestor (among me and my lineal descendants) with a lineal descendant then living who is also a lineal descendant of my spouse.

A trust for a lineal descendant of mine shall be held under this paragraph, or if a trust is then so held, shall be added to such trust.

ARTICLE III. GENERAL - E1 - Definitions. In this Agreement,

1. Children, Lineal Descendants. The terms "child," "children" and "lineal descendant" mean only persons whose relationship to the ancestor designated is created entirely by or through (a) legitimate births occurring during the marriage of the joint biological parents to each other, (b) children and their lineal descendants arising from surrogate births and/or third party donors when (i) the child is raised from or near the time of birth by a married couple (other than a same sex married couple) through the

pendency of such marriage, (ii) one of such couple is the designated ancestor, and (iii) to the best knowledge of the Trustee both members of such couple participated in the decision to have such child, and (c) lawful adoptions of minors under the age of twelve years. No such child or lineal descendant loses his or her status as such through adoption by another person. **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 [Emphasis Added],**

That the trust language is clear that Ted and Pamela and their lineal descendants, at the time of Shirley's death were not beneficiaries and Eliot and his two sisters Lisa and Jill are. Further, the Court should note that Ted is considered predeceased for ALL PURPOSES OF DISPOSITIONS of the Shirley Trust, which would disqualify him as a Trustee to make dispositions, including holding hearings for construction and validity or making any disbursements and thus further reason to strike the Validity Hearing on December 15, 2015 as a Sham Hearing conducted by a deceased person under the trust.

8. Similarly, at Judge Phillips' validity hearing Order on December 16, 2016, Eliot was never shown a copy of beforehand or had chance to submit comments and a counter order to Rose was also issued in violation of ADMINISTRATIVE ORDER 5.204-5/09*⁹, the order issued contains rulings on issues that were not Noticed to be Heard, not Scheduled for the Trial and in fact not heard at the hearing at all, no testimony or anything from either party on the ruled on items as evidenced in the transcript and thus the December 16, 2015 Order should further be stricken as an improper Void Order and for other far more serious reasons further defined herein. That the Rose Proposed Order for the January 14, 2016 hearing feeds off the December 16, 2016 Order and for this reason the December 16, 2016 Order and the Proposed Order should be stricken.

⁹ Administrative Order Regarding Preparation of Order - ADMINISTRATIVE ORDER 5.204-5/09*

9. That Eliot further stated to the Court that the hearing was improperly scheduled by Rose when he knew Eliot had filed in December a Notice of Unavailability for the month of January and further learned that he was under medical care and prescription medications¹⁰ making him medically unfit during the time of the January 14, 2016 hearing and again, using sharp practice unbecoming of an Attorney at Law, Rose scheduled the hearing and would not withdraw it despite knowing Eliot was not well and was still seeking to have counsel admitted to protect the children.
10. Eliot stated on the record that he was medically unfit and on heavy medications for any hearing that day and yet Judge Phillips ignored the request to postpone and schedule a proper evidentiary hearing to determine standing and rushed to rule without even having proper testimony on any of the items in Rose's Proposed Order.
11. That having declared in a September 15, 2015 hearing "love"¹¹ for Judge Colin and pre-judging that he would not question Colin's actions that have been called into question and alleged as Fraud by the Court and that he would not find that Colin did something wrong, wholly prejudiced Eliot's position and denies him fundamental due process rights.
12. Having further reviewed the Record of the Cases having determined that an outstanding Order by Judge Colin for Production¹² against prior fiduciaries Tescher & Spallina was never performed or complied with fundamentally prejudicing a proper validity Trial. In fact it was learned at the December 15, 2015 trial that NONE of the Original Dispositive Documents were available for inspection at the hearing and that Trustee Ted Bernstein claimed under oath he had

¹⁰ Dr. Ronik Seecharan Letter

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20160114%20Seecharan%20Letter%20Regarding%20procedure.pdf>

¹¹ September 15, 2015 Hearing Transcript Page 27 Lines 14-25 and Page 28 Lines 1-6

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150915%20Judge%20Phillips%20Hearing%20-%20Estate%20of%20%20Simon%20Bernstein.pdf>

¹² February 18, 2014 Order to Turn Over **ALL** records of Tescher and Spallina to Curator

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

never seen the original trust he operates under nor took any steps to validate the documents in light of the fact that his prior counsel SPALLINA had admittedly fraudulently created a Shirley Trust document at the December 15, 2015 hearing he testified at as to the validity of the documents he admitted fraud in creating and then sent the fraudulent trust via mail to Attorney at Law Christine Yates representing Eliot's minor children and finally it was learned at the hearing that Tescher and Spallina had violated the Colin Court Order to turn over their records in entirety and still possessed Original dispositive documents;

13. That the totality of the related cases should have determined this case to be a "complex" case and the case management conference should have been conducted properly as such, again such deprivation of rights severely prejudiced the outcome;
14. That proper pre-trial procedures thus were not followed and must be corrected in furtherance of justice;
15. That missing necessary witnesses and missing discovery were existent at the time of the validity trial including but not limited to witnesses Notary Publics who signed documents, Kimberly Moran and Lindsay Baxley (where Governor Rick Scott's Notary Public Division has already prosecuted in conjunction with the Palm Beach County Sheriff Moran for fraudulent notarization in these matters and Lindsay Baxley aka Lindsay Giles was also found to have improperly notarized a Will and Amended Trust of Simon) and Witnesses to the Execution of the alleged documents, Traci Kratish, Esq., Diana Banks, Rachel Walker and a John Doe signor, as well as, other witnesses William Stansbury and Donald Tescher, Esq. thus necessitating a new Trial after proper pre-trial proceedings are completed and a Case-Management Conference for a "complex" case is held before a non-conflicted and non-adverse judge;

16. That the circumstances of Judge Colin's handling of the case and specifically, including but not limited to, hearings held on Sept. 13, 2013¹³ whereupon alleged Trustee Ted Bernstein appeared on the record claiming his fiduciary status as fiduciary for the Estate at a time he had not yet been appointed, a year after Simon's death at the time of the hearing, yet remaining silent as to various Frauds upon the Court admitted by his counsel, including an April 9, 2012 Petition for Discharge¹⁴ claiming all beneficiaries had properly waived their interests and rights and Simon was in possession of them on that date. Ted Bernstein having known this to be false, as he did not complete his own Waiver until August 01, 2012 and therefore knew this statement that Simon had the completed Waivers in April 2012 to be false and further fraudulent actions involving the fiduciaries Tescher and Spallina who were acting as Simon's counsel at the time of the alleged signing and Ted's counsel when it was finally delivered to the Court as if Simon were delivering it alive Post Mortem months after his death while still acting as PR.
17. For clarification of this complex Post Mortem scheme, it should be noted that when Simon died, Ted was NOT appointed Successor PR by the Court while he maintained to the family on the day Simon died that he was acting as PR and acted as such and yet Ted was not appointed by Colin and issued Letters until October 13, 2013 after the hearing September 13, 2013 hearing that Colin threatened to read him Miranda's, leading to a series of bad rulings of Colin's that were designed to protect rather than have prosecuted those officers of his court involved in these frauds on the Court and the Beneficiaries. Yet, Ted's counsel Tescher and Spallina never filed for Letters for Ted when Simon died and instead they (Ted and his counsel Tescher and Spallina)

¹³ September 13, 2013 Colin Hearing - Mirand Warnings and more
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20130913%20TRANSCRIPT%20Emergency%20Hearing%20Colin%20Spallina%20Tescher%20Ted%20Manceri.pdf>

¹⁴ April 09, 2012 Alleged Simon Full Discharge Waiver Deposited by him with the Court after he passed away.
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20120409%20Petition%20for%20Discharge%20Full%20Waiver%20Shirley%20SIGNED%2020120409%20NOT%20FILED%20UNTIL%2020121024.pdf>

all choose to use Simon as PR for months after he died to file fraudulently filed documents and in some instance forged and fraudulently notarized for Simon Post Mortem, all these criminal acts committed as part of a complex legal scam to create the appearance that Simon closed his wife's estate properly before he died and made changes to Beneficiaries and Fiduciaries and documents prior to his own death.

18. Ted introduced his friends Tescher and Spallina to his father to do estate planning so as that Ted could get business in return from them.
19. Spallina and Tescher, Ted's close business associates that he retained as his counsel to represent him as Personal Representative and Trustee and Ted Bernstein further sat idly by as he learned that his mother's estate was closed by his deceased father acting as PR at a time after his death and while Ted was claiming he was the PR (prior to Letters issued in October 2013) through a series of fraudulent acts of his counsel Spallina and Tescher and the totality of the circumstances indicating Judge Colin is a necessary and material fact witness as Eliot Bernstein attempted to inform this Court on July 30, 2015 and Sept. 15, 2015 and at Trial Dec. 15th, 2015 and further by opposition herein;
20. That Judge Colin having issued prior Orders denying Ted Bernstein's motions to deny Eliot's Standings and that Eliot Bernstein has standing in all cases before this Court until proper hearings and trial determine otherwise;
21. Eliot Bernstein was sued individually in this action and Eliot has filed a counter complaint that also gives him individual standing. Eliot is also the alleged Trustee of his children's trusts, trusts that to this day he still has not been given a copy of. Eliot is also a beneficiary of the Simon Estate, the Shirley Bernstein Trust and the Shirley Bernstein Estate. Eliot also is alleged to be a beneficiary of Simon's Trust, as Simon's 2012 Amended Trust, allegedly done days before his

death, was improperly constructed, leaving Eliot still a beneficiary. Eliot is an interested party individually in all cases.

22. That a continuance should have been granted for Eliot Bernstein for all hearings to determine if his minor children's counsel Candice Schwager could be admitted pro hac vice or otherwise be afforded additional time to retain counsel of his choosing as the minor children have not been represented at any hearings, despite Rose's own contention that the children need independent counsel and where the Court should demand deposit of adequate funds from the Trusts or from the parties responsible for the need for counsel, Tescher and Spallina, into a proper account for no less than \$100,000.00 for immediate retention of counsel for the minors, thereby negating any need for guardians (who would then need to get counsel and so a guardian would only add additional expenses);
23. Hampering this effort to retain counsel for the minor children is Rose and his client Ted, as alleged Successor Trustee, refusal to turn over records to counsel Schwager¹⁵ acting on behalf of Eliot and his minor children whom she is retained to represent but cannot enter the cases until she is approved Pro Hac Vice, a determination she will be making after getting the necessary case files from the fiduciaries. Currently, efforts underway to provide Eliot and his children with local counsel for Schwager have proved unsuccessful and perhaps that is because Eliot has exposed Fraud on the Court and alleges Fraud by the Court and several South Florida lawyers and judges involved, leading to a blackballing effect whereby many contacted will not even return calls after learning of who is involved in the case and many are already aware and instantly refuse.

¹⁵ Rose Letter Refusing to turn over documents to Attorney at Law Candice Schwager
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20160106%20Rose%20Denying%20to%20talk%20or%20give%20information%20to%20Attorney%20Schwager.pdf>

24. The refusal to turn over documents by fiduciaries including Ted Bernstein have plagued this case from the start and continue to this day and in fact are what forced Eliot to seek counsel and Court relief to get documents statutorily owed to him in the first place as he and his children were denied dispositive documents for months after the death of his father and years after the death of his mother by Ted, Spallina, Tescher and others. Production requests are still outstanding and unheard by the Court, including records of the Court in toto due to the Fraud on the Court, which requires now discovery.
25. That no construction hearings have been held on the Wills, Trusts and instruments herein and / or not fully and fairly heard to determine beneficiaries, standing, valid trustees (where the PR of Simon's Estate Brian O'Connell has asserted an affirmative defense to the complaint in the Shirley Trust Construction case that Ted is NOT A VALID trustee serving in the Simon Trust under the terms of the trust¹⁶ and if true would call for a rehearing of the validity hearing entirely with a new legally proper Trustee who is valid, not conflicted and not adverse to Beneficiaries as Ted is;
26. That hearings should be held on the removal of Ted Bernstein instantly by this Court from all fiduciary capacities PRIOR TO ANY ACTIONS involving Ted proceeding further and as the referenced September 13, 2013 hearing transcript footnoted herein already shows, Judge Colin had at that time of the first hearing in September 13, 2013 enough evidence involving TWO criminal acts learned and admitted to in the hearing involving Fraud on the Court and Fraud on the Beneficiaries, to state that he had enough evidence at that moment to read Ted and his counsel Spallina, Tescher (who did not appear but was represented) and Manceri their Miranda

¹⁶ Brian O'Connell pleading Ted is NOT A VALID Trustee Under Slmon L Bernstein Amended and Restated Trust, Page 7
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150217%20Answer%20%20Affirmative%20Defenses%20O'Connell%20States%20Ted%20is%20NOT%20VALID%20TRUSTEE.pdf>

Warnings, twice, yet no action has since been taken by Colin or the Phillips Court to remedy such actions that leave Ted and his counsel with “unclean hands” and involvement in criminal activities;

27. That the present motions of Ted Bernstein and Alan Rose should be stayed indefinitely;
28. That this Court having given reason to Eliot Bernstein that he would not receive a fair trial and having not received fair trials based upon the findings herein should now for this reason and others stated in two disqualification petitions filed against Judge Phillips, voluntarily mandatorily Disqualify from these proceedings.
29. Further, Judge Phillips is also now a necessary material and fact witness to the improper Post Recusal steering of the cases by Judge Colin to his Court, first to Judge Coates, a former Proskauer Rose Partner and where Proskauer is Counter Defendant in this action and also Coates formerly was retained by Eliot’s Iviewit technology companies at the heart of the estate and trust matters, yet Coates took the cases and files and concealed in Court in this case his prior involvement with Eliot and Simon Bernstein’s companies when he was a Proskauer Partner and held a hearing where he then Sua Sponte recused himself (after getting all the court’s confidential and non published records sent to him) and then passed the cases to Judge Phillips, the alleged intended target all along of Colin’s improper Post Recusal steering as cited in the disqualification motions filed¹⁷ and ¹⁸ and thus Phillips should also instantly disqualify and void

¹⁷ December 04, 2015 First Disqualification of Phillips
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151204%20FINAL%20SIGNED%20NOTARIZED%20Disqualification%20of%20Florida%20Circuit%20Court%20Judge%20John%20L%20Phillips%20ECF%20STAMPED.pdf>

and

Corrections

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151204%20FINAL%20CORRECTIONS%20to%20Disqualification%20of%20Florida%20Circuit%20Court%20Judge%20John%20L%20Phillips%20ECF%20STAMPED.pdf>

¹⁸ December 28, 2015 Second Disqualification of Phillips

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151228%20FINAL%20SIGNED%20NOTARIZED>

his orders as required by Judicial Canons as he will soon be subpoenaed for deposition and as a witness to relevant matters about the case steering, for his acts outside the color of law in taking this case while knowing of his witness status, if not made a defendant in any further proceedings, state and federal, for continued Fraud by the Court and aiding and abetting and more.

30. That Judge Phillips knowing he is a material and fact witness and now potential defendant of charges of Fraud By the Court in these cases has an adverse interest to Eliot, his wife and their minor children that reflect in his intent to deprive Eliot and his three minor children and lovely wife of their fundamental due process rights.
31. Phillips has threatened Eliot and his wife Candice repeatedly with contempt for nothing other than to create false record, while at the December 15, 2015 hearing an attorney at law, Spallina and an officer the court commits and admits Fraud on the Court, Fraud on the Beneficiaries, Mail Fraud and more, yet at the same hearing Phillips is too busy threatening Candice and then removing her from participating and forcing her from the bench with Eliot as the records of the hearings reflect and simultaneously doing nothing when Spallina admits criminal misconduct in the proceedings directly involving the cases before him. This adverse interest and conflict with Eliot is because Eliot has accused Phillips, Judge Colin and Judge Coates of being part of the improper Post Recusal steering by Colin and transfer of the cases by Colin (who recused 1 day after denying a disqualification motion that alleged **FRAUD BY THE COURT OF COLIN**). Judge Phillips rude and threatening behaviors reflected in the transcripts of the hearings appear entirely in retaliation and to suppress Eliot's rights to fair hearings and Eliot fears that he and his children have not and cannot receive due process in the Phillips court.

[%20Second%20Disqualification%20of%20Judge%20Phillips%20after%20Validity%20Hearing%20on%20December%202015,%202015%20ECF%20STAMPED%20COPY.pdf](#)

32. The Proposed Order of Rose now attempts to remove Eliot's standing and his prior pleadings filed on behalf of himself and as Guardian of his minor children and remove his standing in the matters through this improper proposed Order without due process and in violation of Administrative Orders. The Order Rose has prepared for Phillips to sign does not accurately reflect the truth of the proceedings and is designed to remove Eliot's rights to his inheritancy through further denial of due process and procedure, even moving the court to attempt Gag Orders on Eliot and to suppress distribution of the December 15, 2016 hearing that exposes new frauds on the court and more.

33. That the Court should take **JUDICIAL NOTICE** and REPORT THE FOLLOWING CRIMINAL MISCONDUCT AND NEW FRAUD ON THE COURT INFORMATION ADMITTED TO BEFORE JUDGE PHILLIPS UNDER OATH BY SPALLINA, the sole witness to the validity hearing before Judge Phillips, who in the hearing violated his signed SEC consent Order for criminal conduct involving insider trading and admitted to new crimes under oath, including Fraud on the Court, Fraud on Beneficiaries, Mail Fraud and more in the December 15, 2016 hearing. **Spallina Perjured his testimony about not having pled to felony or misdemeanor charges as the SEC Order shows he plead to criminal conduct thus mandating it be either felony or misdemeanor criminal conduct.**

34. The following information is cause for impeachment of Spallina's testimony made with "unclean hands" and voiding of the validity hearings ruling due to the criminal conduct learned and committed in the Court on December 15, 2015 by Spallina, a court appointed officer of the court and a court appointed fiduciary in these matters. Therefore, immediate actions should be taken by the Court to notify proper authorities, including but not limited to, the SEC of the violation of his Consent Order that Spallina signed as evidenced in the referenced herein Consent Order, the

FBI regarding the newly admitted Mail Fraud, the Sheriff department regarding the newly admitted Fraud on the Court, Fraud on Beneficiaries and their counsel and the misuse of a deceased person's identity to close another deceased person's estate (now fully admitted), the Inspector General of the Courts due to the Fraud on the Court and alleged Fraud by the Court, the Chief Judge and where the Court is the scene of fresh new crimes of continued Fraud on the Court in these matters, this Court should disqualify itself entirely from the matters as it appears that one cannot investigate oneself or one's court and judicial friends and loves without a MASSIVE APPEARANCE OF IMPROPRIETY;

- a. 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. 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”).”¹⁹
- b. 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 14-22²⁰;

¹⁹ September 28, 2015 SEC Government Complaint filed against TESCHER and SPALLINA @ <http://www.sec.gov/litigation/complaints/2015/comp-pr2015-213.pdf>

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

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. [emphasis added]**
 22. . . . Q. Were you involved in a insider trading case?
 23. MR. ROSE: Objection. Relevance.
 24. THE COURT: Sustained. Next question.

c. 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...”

d. 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 [emphasis added].**

e. SPALLINA then perjures himself in self contradiction when he tries to claim that his law firm did not mail Fraudulent documents to the court and commits here further FRAUD ON THE COURT when he then slips up and admits that his legal assistant and notary public Kimberly Moran, already prosecuted in these matters for fraudulent notarization and who has admitted forgery of six persons in these matters then 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.

- f. That not only does SPALLINA admit to Felony criminal acts 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 for Eliot) and fraudulent notarizations of such documents when 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.

- g. SPALLINA then claims that it is “standard operating procedure” for he and his clients to sign sworn Final Waivers under penalty of perjury with knowingly and irrefutably false statements and admitting that the April 09, 2012 Full Waiver

(already referenced and linked herein) submitted to this Court by Spallina's law firm in October of 2012 by Simon Bernstein, at a time after his death on September 13, 2012 and yet still acting as the Personal Representative, signed under penalty of perjury allegedly by Simon Bernstein and witnessed by Spallina, contained knowingly 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 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.

h. Finally, 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

“Not Eligible to Practice Law in Florida”²¹ 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
· 3 · that I was not practicing.

- i. 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:

²¹ https://www.floridabar.org/wps/portal/flbar/home/attysearch/mprofile!/ut/p/a1/jc_LDolwEAXQT-ptthRaWo6mkRazxgdCNYUWaKLowfr_42LioOrtJzs3cYZ41zA_dLftdNZyH7vjYvTxACM3dBrawxEHIOI3ZggSEHEE7girnxJMMNktoDIOr2qgtF7RM_8sjMoRf-T3zn8RJNQO5BXKtp0AxeYNIRTj-HTx_eJ2II7ycdg2C6e8_WXgh/dl5/d5/L2dBISEvZ0FBIS9nQSEh/?mid=497381

23. . . . Q. Did the fraudulently altered document change
24. the beneficiaries that were listed in Shirley's trust?
25. . . . A. **They did not [emphasis added].**

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 [emphasis added]** 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.”²²

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 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."

Clearly the fraudulent amendment attempts to remove from the predeceased language regarding TED and PAMELA’s lineal descendants from being excluded by removing them from the original trust language as being considered predeceased and thus change the beneficiaries of the Shirley Trust. In fact, adding Ted and Pam’s lineal descendants back into the trust would give them a chance to convert improperly %40 of the value to their families from %0.

²² Shirley Trust Page 7
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/Shirley%20Trust%20plus%20fraudulent%20amendm ent%202.pdf>

This perjury by Spallina, acting already with proven unclean hands and admitted to crimes in the Estates and Trusts of Simon and Shirley Bernstein changed the outcome of the validity hearing adding cause for a rehearing and voiding the Order that resulted, which were already void and of no effect since Judge Phillips should have already voluntarily mandatorily disqualified himself from the proceedings prior to holding any hearings.

35. That as for Ted being qualified as a fiduciary, the following passage from the December 15, 2015 hearing that Ted called for to prove the validity of the dispositive documents after his former counsel admitted criminal activities shows that Ted, who used this disgraced attorney Spallina as his star and only witness to validate the documents, did nothing to validate the documents himself as Trustee to protect the beneficiaries harmed by his former counsels actions, his friend and business associate when he states, under oath,

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 · alteration [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.

36. Finally, as reported by the Palm Beach Post²³ and others in an evolving story of

Probate/Guardian abuse emanating from Florida's courts, similar to the bank and mortgage frauds that found judges and lawyers fraudulently conveying properties through "robo signing" aka bank fraud, forgery and more, Florida's Judges are coming under fire for their bizarre behaviors of probate/guardianship abuses and basically grave robbing Florida's elderly as has been evidenced herein, where dead person's identities are used to commit Fraud on the Court and when discovered covered up by further Fraud by the Court in conjunction with the lawyers and guardians and judges.

²³ <http://www.mypalmbeachpost.com/guardianships-elizabeth-savitt/>
and
<http://aaapg.net/florida-the-judges-wife-a-frequent-court-appointed-guardian/>

WHEREFORE, the proposed Order of Ted Bernstein is Objected to herein and an Alternate Order submitted.

Dated: January 19, 2016

/s/Eliot Ivan Bernstein

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

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing has been furnished to parties listed on attached Service List by E-mail Electronic Transmission; Court ECF; this 19th day of January, 2016.

/s/Eliot Ivan Bernstein

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

SERVICE LIST

COUNTER DEFENDANT Robert L. Spallina, Esq., Tescher & Spallina, P.A. Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 rspallina@tescherspallina.com kmoran@tescherspallina.com ddustin@tescherspallina.com	COUNTER DEFENDANT Ted Bernstein, Individually 880 Berkeley Boca Raton, FL 33487 tbernstein@lifeinsuranceconcept.com	COUNTER DEFENDANT John J. Pankauski, Esq. Pankauski Law Firm PLLC 120 South Olive Avenue 7th Floor West Palm Beach, FL 33401
---	---	--

<p>COUNTER DEFENDANT Donald Tescher, Esq., Tescher & Spallina, P.A. Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 dtescher@tescherspallina.com ddustin@tescherspallina.com kmoran@tescherspallina.com</p>	<p>COUNTER DEFENDANT Ted Bernstein Life Insurance Concepts et al. 950 Peninsula Corporate Circle Suite 3010 Boca Raton, FL 33487 tbernstein@lifeinsuranceconcep ts.com</p>	<p>COUNTER DEFENDANT Pankauski Law Firm PLLC 120 South Olive Avenue 7th Floor West Palm Beach, FL 33401 courtfilings@pankauskilawfirm. com john@pankauskilawfirm.com</p>
<p>COUNTER DEFENDANT Donald Tescher, Esq., Tescher & Spallina, P.A. Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 dtescher@tescherspallina.co m ddustin@tescherspallina.co m kmoran@tescherspallina.co m</p>	<p>COUNTER DEFENDANT & COUNSEL TO TED BERNSTEIN SERVED 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</p>	<p>Counter Defendant TESCHER & SPALLINA, P.A. Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 dtescher@tescherspallina.com ddustin@tescherspallina.com kmoran@tescherspallina.com</p>
	<p>Pamela Simon President STP Enterprises, Inc. 303 East Wacker Drive Suite 210 Chicago IL 60601-5210 psimon@stpcorp.com</p>	<p>Counter Defendant Mark R. Manceri, Esq., and Mark R. Manceri, P.A., 2929 East Commercial Boulevard Suite 702 Fort Lauderdale, FL 33308 mrmlaw@comcast.net mrmlaw1@gmail.com</p>
<p>Counter Defendant L. Louis Mrachek, Esq. PAGE, MRACHEK, FITZGERALD, ROSE, KONOPKA, THOMAS & WEISS, P.A. 505 South Flagler Drive, Suite</p>	<p>Counter Defendant Charles D. Rubin Managing Partner Gutter Chaves Josepher Rubin Forman Fleisher Miller PA Boca Corporate Center</p>	<p>Counter Defendant Kimberly Moran Tescher & Spallina, P.A. Wells Fargo Plaza 925 South Federal Hwy Suite 500</p>

<p>600 West Palm Beach, Florida 33401 lmrachek@mrachek-law.com</p>	<p>2101 NW Corporate Blvd., Suite 107 Boca Raton, FL 33431-7343 crubin@floridatax.com</p>	<p>Boca Raton, Florida 33432 kmoran@tescherspallina.com</p>
<p>Counter Defendant Lindsay Baxley aka Lindsay Giles Life Insurance Concepts 950 Peninsula Corporate Circle Suite 3010 Boca Raton, FL 33487 lindsay@lifeinsuranceconcepts.com</p>	<p>Counter Defendant Estate of Simon Bernstein Personal Representative Brian M. O'Connell, Partner Ciklin Lubitz Martens & O'Connell 515 N Flagler Drive 20th Floor West Palm Beach, FL 33401 boconnell@ciklinlubitz.com jfoglietta@ciklinlubitz.com</p>	<p>Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com</p>
<p>Lisa Friedstein 2142 Churchill Lane Highland Park, IL 60035 Lisa@friedsteins.com lisa.friedstein@gmail.com lisa@friedsteins.com</p>	<p>Pamela Beth Simon 950 N. Michigan Avenue Apartment 2603 Chicago, IL 60611 psimon@stpcorp.com</p>	

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.

ALTERNATE ORDER

THIS CAUSE came before the Court for hearing on January 14, 2016 on Successor Trustee Ted Bernstein and Alan Rose's Motion for Appointment of a Guardian Ad Litem to Represent the Interests of Eliot Bernstein's Children and other relief, and Eliot I. Bernstein having filed Opposition and appeared in Opposition. The Court, having considered the record, heard argument of counsel and the parties and having reconsidered the record and being otherwise fully advised in the premises, hereby ORDERS AND ADJUDGES:

1. Strike the Proposed Order of Alan B. Rose and Ted Bernstein in entirety;
2. That Florida Statutes 733.707, 736.0103, 731.201 (2)(4)(9)(11)(20) and (23) give Eliot standing as a Beneficiary, Heir and Interested Person and Trustee of the Eliot Bernstein Family Trust in this case and the Simon Estate, the Simon Trust and the Shirley Estate.
3. That there was no Construction Hearing held, Noticed or Scheduled;
4. That proper pre-trial procedures thus were not followed and must be corrected in furtherance of justice;
5. That the present motions of Ted Bernstein and Alan Rose are stayed indefinitely;
6. Judge Phillips mandatorily disqualify himself and void ALL orders for all the reasons stated in the disqualifications and for newly discovered factual admissions of fraud on the court learned at the December 15, 2015 hearing and further fraud on the court continued through perjured statements made under oath in testimony by a former officer of the court and former fiduciary constituting perjury, obstruction and more;
7. Instantly report new Admissions before this Court and perjurious statements made in the December 15, 2016 validity hearing by attorney at law, former officer of the court and former fiduciary in the Simon Bernstein Estate and Trust, Robert Spallina's admissions of his newly admitted Fraud on the Court, Fraud on Beneficiaries, Mail Fraud and Violations of his signed SEC Consent Order for Securities Fraud and Insider Trading to all the proper authorities, including but not limited to, the Inspector General of the Courts, the Chief Judge of 15th Judicial,
8. That the new Court demand deposit of adequate funds from the Trusts or from bonding of the responsible parties for causing the need for counsel into a proper account for no less than \$100,000.00 for immediate retention of counsel of Eliot's choosing for the minor

children as they have not been represented at hearings despite their standing as alleged beneficiaries and despite the fact that the conflict arises due to the fraud on the court by the prior fiduciaries and their counsel as proven already and or provide leave to Eliot Bernstein to re-apply immediately for funds for Counsel upon a new Judge presiding.

DONE and ORDERED in Chambers, North County Courthouse in Palm Beach Gardens, Florida, on this ___th day of January, 2016.

HONORABLE JOHN L. PHILLIPS
Circuit Court Judge

Copies to: Attached Service List

SERVICE LIST

<p>COUNTER DEFENDANT Robert L. Spallina, Esq., Tescher & Spallina, P.A. Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 rspallina@tescherspallina.com kmoran@tescherspallina.com ddustin@tescherspallina.com</p>	<p>COUNTER DEFENDANT Ted Bernstein, individually 880 Berkeley Boca Raton, FL 33487 tbernstein@lifeinsuranceconcepts.com</p>	<p>COUNTER DEFENDANT John J. Pankauski, Esq. Pankauski Law Firm PLLC 120 South Olive Avenue 7th Floor West Palm Beach, FL 33401</p>
<p>COUNTER DEFENDANT Donald Tescher, Esq., Tescher & Spallina, P.A. Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 dtescher@tescherspallina.com ddustin@tescherspallina.com kmoran@tescherspallina.com</p>	<p>COUNTER DEFENDANT Ted Bernstein Life Insurance Concepts et al. 950 Peninsula Corporate Circle Suite 3010 Boca Raton, FL 33487 tbernstein@lifeinsuranceconcepts.com</p>	<p>COUNTER DEFENDANT Pankauski Law Firm PLLC 120 South Olive Avenue 7th Floor West Palm Beach, FL 33401 courtfilings@pankauskilawfirm.com john@pankauskilawfirm.com</p>

<p>COUNTER DEFENDANT Donald Tescher, Esq., Tescher & Spallina, P.A. Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 dtescher@tescherspallina.com ddustin@tescherspallina.com kmoran@tescherspallina.com</p>	<p>COUNTER DEFENDANT & COUNSEL TO TED BERNSTEIN SERVED 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</p>	<p>Counter Defendant TESCHER & SPALLINA, P.A. Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 dtescher@tescherspallina.com ddustin@tescherspallina.com kmoran@tescherspallina.com</p>
	<p>Pamela Simon President STP Enterprises, Inc. 303 East Wacker Drive Suite 210 Chicago IL 60601-5210 psimon@stpcorp.com</p>	<p>Counter Defendant Mark R. Manceri, Esq., and Mark R. Manceri, P.A., 2929 East Commercial Boulevard Suite 702 Fort Lauderdale, FL 33308 mrmlaw@comcast.net mrmlaw1@gmail.com</p>
<p>Counter Defendant L. Louis Mrachek, Esq. PAGE, MRACHEK, FITZGERALD, ROSE, KONOPKA, THOMAS & WEISS, P.A. 505 South Flagler Drive, Suite 600 West Palm Beach, Florida 33401 lmrachek@mrachek-law.com</p>	<p>Counter Defendant Charles D. Rubin Managing Partner Gutter Chaves Josepher Rubin Forman Fleisher Miller PA Boca Corporate Center 2101 NW Corporate Blvd., Suite 107 Boca Raton, FL 33431-7343 crubin@floridatx.com</p>	<p>Counter Defendant Kimberly Moran Tescher & Spallina, P.A. Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 kmoran@tescherspallina.com</p>
<p>Counter Defendant Lindsay Baxley aka Lindsay Giles Life Insurance Concepts 950 Peninsula Corporate Circle Suite 3010 Boca Raton, FL 33487 lindsay@lifeinsuranceconcepts.c</p>	<p>Counter Defendant Estate of Simon Bernstein Personal Representative Brian M. O'Connell, Partner Ciklin Lubitz Martens & O'Connell 515 N Flagler Drive</p>	<p>Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com</p>

om	20th Floor West Palm Beach, FL 33401 boconnell@ciklinlubitz.com jfoglietta@ciklinlubitz.com	
Lisa Friedstein 2142 Churchill Lane Highland Park, IL 60035 Lisa@friedsteins.com lisa.friedstein@gmail.com lisa@friedsteins.com	Pamela Beth Simon 950 N. Michigan Avenue Apartment 2603 Chicago, IL 60611 psimon@stpcorp.com	

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA
CASE No. 502014CP003698XXXXNB

TED BERNSTEIN,

Plaintiff,

-vs-

DONALD R. TESCHER, ELIOT IVAN BERNSTEIN,
LISA SUE FRIEDSTEIN, JILL MARLA IANTONI, et al.,

Defendants.

TRIAL BEFORE THE HONORABLE
JOHN L. PHILLIPS
VOLUME 1 PAGES 1 - 114

Tuesday, December 15, 2015
North County Courthouse
Palm Beach Gardens, Florida 33410
9:43 a.m. - 4:48 p.m.

Reported By:
Shirley D. King, RPR, FPR
Notary Public, State of Florida
West Palm Beach Office Job #1358198 - VOL 1

2
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES:

On behalf of the Plaintiff:

ALAN ROSE, ESQUIRE
GREGORY WEISS, ESQUIRE
MRACHEK FITZGERALD ROSE KONOPKA
THOMAS & WEISS, P.A.
505 South Flagler Drive, Suite 600
West Palm Beach, Florida 33401
Phone: 561.655.2250
E-mail: Arose@mrachek-law.com

On behalf of the Defendant:

ELIOT IVAN BERNSTEIN, PRO SE, ESQUIRE
2753 NW 34th Street
Boca Raton, Florida 33434
Phone: 561.245.8588
E-mail: Iviewit@iviewit.tv

On behalf of Molly Simon, Alexandra, Eric & Michael
Bernstein:

JOHN P. MORRISSEY, ESQUIRE
LAW OFFICE OF JOHN P. MORRISSEY, P.A.
330 Clematis Street
Suite 213
West Palm Beach, Florida
Phone: 561.833.0866
E-mail: John@jmorrisseylaw.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- - -
I N D E X
- - -

WITNESS:	DIRECT	CROSS	REDIRECT	RECROSS
ROBERT SPALLINA				
BY MR. ROSE:	11			
BY MR. MORRISSEY:		82		
BY MR. BERNSTEIN:		91		

- - -
E X H I B I T S
- - -

NUMBER	DESCRIPTION	PAGE
PLAINTIFF'S EX. 1	COPY OF SHIRLEY'S WILL	34
PLAINTIFF'S EX. 2	SHIRLEY BERNSTEIN TRUST AGREEMENT	62
PLAINTIFF'S EX. 3	FIRST AMENDMENT OF SHIRLEY BERNSTEIN'S TRUST	39
PLAINTIFF'S EX. 4	SI'S NEW WILL	70
PLAINTIFF'S EX. 5	SIMON L. BERNSTEIN AMENDED AND RESTATED TRUST AGREEMENT	72
PLAINTIFF'S EX. 7	DOCUMENT	20
PLAINTIFF'S EX. 9	11/16/07 INTAKE SHEET	13
PLAINTIFF'S EX. 10	MEETING NOTES	14
PLAINTIFF'S EX. 11	4/19/08 LETTER	27
PLAINTIFF'S EX. 13	NOTES	46
PLAINTIFF'S EX. 14	EMAIL FROM ELIOT BERNSTEIN	61
PLAINTIFF'S EX. 15	5/24/12 LETTER	64
PLAINTIFF'S EX. 16	DURABLE POWER OF ATTORNEY	66
PLAINTIFF'S EX. 17	LETTER	73

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- - -

E X H I B I T S (cont'd)

- - -

PLAINTIFF'S EX. 18	DEATH CERTIFICATE	74
PLAINTIFF'S EX. 40A-F	GREENWALD DOCUMENTS	17
DEFENDANT'S EX. 1	FIRST AMENDMENT TO SHIRLEY BERNSTEIN TRUST AGREEMENT	102

1 P R O C E E D I N G S

2 - - -

3 THE COURT: We're here on the Bernstein case.
4 Everybody ready to go?

5 MR. ROSE: Good morning, Your Honor. Yes.
6 Alan Rose on behalf of the plaintiff, Ted S.
7 Bernstein, as successor trustee.

8 THE COURT: Okay.

9 MR. ROSE: And with me is my partner, Greg
10 Weiss. May not be for the whole trial, but he is
11 with us for the beginning.

12 THE COURT: Okay. Well, great. Thanks for
13 coming.

14 And who's on the other side?

15 MR. BERNSTEIN: Eliot Bernstein, pro se, sir.

16 THE COURT: Okay. You're not going to have
17 any counsel? Who's with you at the table?

18 MR. BERNSTEIN: That's my lovely wife,
19 Candice.

20 THE COURT: All right. And why are you at the
21 table?

22 MR. BERNSTEIN: That's one of the questions I
23 would like to address. I'm here individually.

24 THE COURT: Right.

25 MR. BERNSTEIN: And I was sued individually.

1 But I'm also here on behalf, supposedly, of my
2 minor children, who aren't represented by counsel.
3 And I'm sued as a trustee of a trust that I've
4 never possessed.

5 THE COURT: Are you asking me a question?

6 MR. BERNSTEIN: Yes.

7 THE COURT: What's the question?

8 MR. BERNSTEIN: Well, my children are being
9 sued.

10 THE COURT: What's the question?

11 MR. BERNSTEIN: And I was sued as their
12 trustee, but I'm --

13 THE COURT: Stop, please.

14 MR. BERNSTEIN: Yes, sir.

15 THE COURT: I would love to talk with you all
16 day --

17 MR. BERNSTEIN: Okay.

18 THE COURT: -- but we're not going to have
19 that happen.

20 MR. BERNSTEIN: Okay.

21 THE COURT: This is not a conversation. This
22 is a trial. So my question is, What is your
23 question? You said you had a question.

24 MR. BERNSTEIN: I tried to get counsel for my
25 children who was willing to make a pro hoc vice --

1 THE COURT: When will you ask me the question?

2 Because this is all --

3 MR. BERNSTEIN: Well, I'd like to stay the
4 proceeding.

5 THE COURT: Okay. The request for a
6 continuance is denied. Thank you.

7 MR. BERNSTEIN: Have you read the filing I
8 filed? Because my children are minor --

9 THE COURT: Was that your question?

10 MR. BERNSTEIN: Well, my children are
11 minors --

12 THE COURT: Please stop.

13 MR. BERNSTEIN: -- and they're not represented
14 here.

15 THE COURT: What is your name again, sir?

16 MR. BERNSTEIN: Eliot Bernstein.

17 THE COURT: Okay. Mr. Bernstein, I'll be
18 courteous, unless it doesn't work; then I'll be
19 more direct and more aggressive in enforcing the
20 rules that I follow when I conduct trials.

21 I've asked you several times if you had
22 questions. You finally asked me one, and it was,
23 Did you read my filing? No, I did not. You asked
24 for a continuance. I have denied that because it's
25 untimely.

1 Now I'm turning back to the plaintiff, and
2 we're going forward with this trial. That is one
3 day set on my docket. We're going to have this
4 trial done by the end of the day. You'll have half
5 the time to use as you see fit; so will the other
6 side. I'll not care if you waste it, but I'll not
7 participate in that. Thank you.

8 Now, from the plaintiff's side, what is it
9 that the Court is being asked to decide today?

10 MR. ROSE: Before I answer, could
11 Mr. Morrissey make an appearance, sir?

12 THE COURT: All right.

13 MR. MORRISSEY: Yes, I'm here on behalf of
14 four of the defendants, Judge, four adult
15 grandchildren, Alexandra Bernstein, Eric Bernstein
16 Michael Bernstein and Molly Simon, all of whom have
17 joined in the plaintiff's complaint today.

18 THE COURT: Okay. Last time I'll ask this
19 question of the plaintiff. What is it that I'm
20 asked to decide today?

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

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

4 THE COURT: When was the amendment?

5 MR. ROSE: Amendment was in November of 2008.

6 THE COURT: All right. So there's also a 2008
7 amendment?

8 MR. ROSE: Yes, sir. In fact, I have a -- I
9 don't know if you can read it, but I did put up
10 here on the -- there are seven testamentary
11 documents. We believe five of them to be valid and
12 operative, and two of them to have been with --
13 revoked by later documents.

14 So for Shirley, there are three documents that
15 count two seeks you to determine are valid,
16 authentic and enforceable according to their terms.

17 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.

21 There also is a 2008 will and trust that
22 you'll hear testimony were prepared, but have been
23 revoked and superseded by later documents.

24 THE COURT: Does everybody agree that Simon's
25 2008 will and trust are invalid or is there some

1 claim that they're valid?

2 MR. ROSE: I can't answer.

3 THE COURT: All right. I'll ask.

4 Are you claiming that the Simon Bernstein 2008
5 will or 2008 trust are valid, or do you agree that
6 they are invalid?

7 MR. BERNSTEIN: Well, I individually disagree.

8 THE COURT: Okay. Thank you.

9 MR. BERNSTEIN: And my children --

10 THE COURT: I just wanted to know --

11 MR. BERNSTEIN: -- aren't represented by
12 counsel, so they can't have an opinion --

13 THE COURT: Okay.

14 MR. BERNSTEIN: -- even though they're parties
15 to the case.

16 THE COURT: Okay. Like I say, you can waste
17 all your time you want. I won't object to it, but
18 I won't participate in it.

19 You can put on your first witness.

20 MR. ROSE: Thank you. Plaintiff will call
21 Robert Spallina.

22 Thereupon,

23 (ROBERT SPALLINA)

24 having been first duly sworn or affirmed, was examined
25 and testified as follows:

1 THE WITNESS: I do.

2 MR. ROSE: May I approach, Your Honor?

3 THE COURT: Sure. All approaches are okay.

4 MR. ROSE: Okay. I brought for Your Honor --
5 would you like a book instead of the exhibits?

6 THE COURT: Nothing better than a huge book.

7 MR. ROSE: We may not use all of them, but
8 we'll adjust it later.

9 THE COURT: All right.

10 MR. ROSE: And then I was going to hand the
11 witness the original for the admission into the
12 court file as we go.

13 THE COURT: All right.

14 MR. ROSE: I have a book for Mr. Eliot
15 Bernstein.

16 DIRECT EXAMINATION

17 BY MR. ROSE:

18 Q. Would you state your name for the record?

19 A. Robert Spallina.

20 Q. Did you know Simon and Shirley Bernstein,
21 Mr. Spallina?

22 A. Yes, I did.

23 Q. And when did you first meet Simon and Shirley
24 Bernstein?

25 A. In 2007.

1 Q. What was your occupation at the time?

2 A. I was working as an estate planning attorney.

3 Q. With a law firm?

4 A. Yes.

5 Q. And what was the name of the law firm?

6 A. Tescher, Gutter, Chaves, Rubin, Ruffin and
7 Forman and Fleisher.

8 Q. And did Simon and Shirley Bernstein retain
9 your law firm?

10 A. Yes, they did.

11 Q. I'm going to approach with Exhibit No. 9 --
12 Plaintiff's Exhibit 9. Ask if you'd identify that
13 document?

14 A. This was an intake sheet to open up the file,
15 dated November 16th of 2007.

16 Q. And the clients are Simon and Shirley
17 Bernstein?

18 A. The clients were Simon and Shirley Bernstein,
19 yes.

20 MR. ROSE: I would move Exhibit 9 into
21 evidence, Your Honor.

22 THE COURT: Any objection?

23 [No verbal response]

24 THE COURT: No objection being stated, I'll
25 receive that as Plaintiff's 19.

1 (Plaintiff's Exhibit No. 9 was received into
2 evidence.)

3 BY MR. ROSE:

4 Q. Now, what was the purpose of Simon and Shirley
5 Bernstein retaining your law firm?

6 A. They wanted to review and go over their
7 existing estate planning and make changes to their
8 documents.

9 Q. I'm going to hand you Exhibit No. 10, and ask
10 you if you can identify for the record Exhibit 10.

11 A. These are meeting notes, my meeting notes,
12 and -- and then partner Don Tescher's meeting notes from
13 several different meetings that we had with Si and
14 Shirley during the time following them retaining us as
15 clients.

16 Q. And is it your standard practice to take notes
17 when you're meeting with clients?

18 A. Yes.

19 Q. And were these notes kept in your company's
20 files and were they produced with Bates stamp numbers?

21 A. Yes, they were.

22 MR. ROSE: I would move Exhibit 10 into
23 evidence, Your Honor.

24 THE COURT: Is there any objection to the
25 exhibit?

1 [No verbal response].

2 THE COURT: No objection being stated, they'll
3 be received as Plaintiff's 10.

4 (Plaintiff's Exhibit No. 10 was received into
5 evidence.)

6 BY MR. ROSE:

7 Q. Now, for today's purposes, are those notes in
8 chronological or reverse chronological order?

9 A. This is reverse chronological order.

10 Q. Okay. Can you go to the bottom of the stack
11 and start with the earliest notes. Do they reflect a
12 date?

13 A. Yes. 11/14/07.

14 Q. And if you'd turn to the last page, is that
15 your partner's notes that are in evidence?

16 A. Yes. We both would always take notes at the
17 meetings.

18 Q. And so the first -- was that the first meeting
19 with Mr. Simon or Shirley Bernstein?

20 A. I believe so, yes.

21 Q. Now, before you met with Simon and Shirley
22 Bernstein, did you have any prior relationship with
23 them?

24 A. No, we did not.

25 Q. Did you personally know either of them before

1 that date?

2 A. No, I did not.

3 Q. 11/14/2007. Okay. And if you'd just flip
4 back to the client intake. I think that was dated
5 November the 26th?

6 A. It was two days later, 11/16. The file was
7 opened two days later.

8 Q. So file open.

9 Now, did you know in advance of the meeting
10 what they were coming in to talk about?

11 A. Yeah. They were coming in to talk about their
12 estate planning.

13 Q. And did they provide you in advance of the
14 meeting with any of their prior estate planning
15 documents?

16 A. I believe we had copies of documents. I don't
17 know if they provided them at that meeting or if they
18 provided them before for us to look at, or after, but I
19 know that there were existing documents that were in our
20 file.

21 Q. Okay. Let me approach and hand you
22 Exhibit 40A, which is -- bears Tescher Spallina
23 Number 1.

24 Does that appear to be an envelope from
25 Stephen Greenwald --

1 A. Yes.

2 Q. -- directed to Simon Bernstein?

3 A. Yes, it is.

4 Q. And copy of this was in your files when they
5 were produced?

6 A. Yes.

7 Q. And was Stephen Greenwald the prior lawyer
8 that represented Simon and Shirley Bernstein, as far as
9 you know?

10 A. Yes. Yes, he was.

11 Q. I'm going to hand you Exhibit 40B, which is a
12 letter from Mr. Greenwald to Simon and Shirley
13 Bernstein.

14 Is that also -- is that also provided in your
15 files?

16 A. Yes, sir.

17 Q. Does it bear a Bates stamp of your law firm?

18 A. Yes, it does.

19 Q. Okay. And does Mr. Greenwald, in that letter,
20 disclose what he is sending to Simon --
21 Mr. and Mrs. Simon L. Bernstein?

22 A. Yes, he did. Their estate planning documents,
23 including their ancillary documents, their wills, their
24 trusts, health care powers, durable powers and living
25 wills.

1 Q. And if -- I'll show you 40C, D, E and F, and
2 ask if you can identify these as some of the documents
3 that were included with the letter from Mr. Greenwald?

4 A. We have each of the first codicils to
5 Mr. and Mrs. Bernstein's wills, and we have each of
6 their wills.

7 MR. ROSE: I would move Exhibit 40A through F
8 into evidence, Your Honor.

9 THE COURT: Any objection?

10 [No response.]

11 THE COURT: No objection being stated, I'm
12 going to receive this as Plaintiff's 40A through F.

13 (Plaintiff's Exhibit Nos. 40A-F were received
14 into evidence.)

15 BY MR. ROSE:

16 Q. Within Exhibit 40, is there a will and a --
17 for Simon and a will for Shirley?

18 A. Yes, there is.

19 Q. And could you tell the Court the date of those
20 documents?

21 A. August 15, 2000.

22 THE COURT: Are both documents the same date?

23 THE WITNESS: Yes, they are, Your Honor.

24 THE COURT: All right. Thanks. I just wanted
25 to make sure I don't get confused.

1 BY MR. ROSE:

2 Q. Can you generally describe what the estate
3 plan reflected in Exhibit 40 would be, who are the
4 beneficiaries and what percentages?

5 A. Okay. Just give me a minute. I haven't seen
6 these in...

7 The plan under the documents -- and let me
8 just make sure it's the same under both documents. The
9 plan under the documents was to provide all the assets
10 to the survivor of Shirley and Si, and that at the death
11 of the survivor of the two of them, assets would pass
12 to -- it appears to be Ted, Pam, Eliot, Jill and Sue and
13 Lisa -- and Lisa. So it looks to be a typical estate
14 plan; everything would pass to the survivor at the first
15 death, and then at the second death everything to the
16 children.

17 Q. How many of the children under the 2000
18 documents?

19 A. This shows all five. The will shows all five.

20 Q. What page are you looking at?

21 A. The first page of the will. Is this -- oh,
22 no. That's just as to tangible personal property. I'm
23 sorry.

24 Q. That's okay. Are you on -- are you in Simon's
25 or Shirley's?

1 A. I'm in -- on both documents, to make sure the
2 disposition was the same.

3 Q. Okay. So on the page -- the first page, it
4 talks under --

5 A. It speaks to tangible personal property.

6 Q. Split equally among the five children?

7 A. Among the five children.

8 Q. Let me just stop you one second right there.
9 If you would, turn --

10 MR. ROSE: This might help, Your Honor, if
11 you'd turn to Tab 7. It may be out of order.
12 Might be a good time just to go over the family
13 tree and let -- get everyone on the same page of...

14 We prepared a chart, and I'm going to put
15 the -- it lists Simon and Shirley and the names of
16 their children on the second line, and then under
17 each child with arrows, the names of the
18 grandchildren and which parents they belong to.

19 THE WITNESS: This looks accurate.

20 MR. ROSE: I would move Exhibit 7 into
21 evidence, Your Honor.

22 THE COURT: Any objection?

23 [No response.]

24 THE COURT: No objection being stated, that's
25 in evidence as Plaintiff's 7.

1 (Plaintiff's Exhibit No. 7 was received into
2 evidence.)

3 BY MR. ROSE:

4 Q. So under the 2000 documents, for personal
5 property, it's split among the five children.

6 And when you get to the residuary estate or
7 the amount that was put into trusts, who are the
8 beneficiaries?

9 A. Again, at the death of the survivor of the two
10 of them, tangible personal property would go to the five
11 children, and the residuary of the estate would go to
12 four of the five children. It appears that Pam is cut
13 out of these documents. And I recall that now, yes.

14 Q. Okay. So under the 2000 documents, Eliot
15 Bernstein would get 25 percent of the residuary?

16 A. Correct.

17 Q. Now, if you look at page 5, it talks
18 about -- page 5, near the top, it says "upon the death
19 of my husband," then "the principal of his trust shall
20 pass," and then the next sentence says "to the extent
21 that said power of appointment -- oh, "and such shares
22 equal or unequal and subject to such lawful trust terms
23 and conditions as my husband shall by will appoint."

24 Do you see what I'm talking about?

25 A. Yes, I do.

1 Q. That's a power of appointment?

2 A. Correct.

3 Q. And then it says, the next sentence, To the
4 extent the power of appointment is not effectively
5 exercised, then it goes to the four of the five
6 children?

7 A. Correct.

8 Q. So under the 2000 documents, the survivor
9 would have the power to give it all to one?

10 A. Correct.

11 Q. And theoretically change it and give some to
12 Pam?

13 A. That's true, by the language of this document.

14 Q. Okay. So I'm just going to write. We have a
15 power of appointment, which we don't need to belabor, in
16 favor of the survivor; and then if it's not exercised,
17 Eliot gets 25 percent, and three other siblings get the
18 balance?

19 A. 25 percent each.

20 Q. Okay.

21 A. Equal shares.

22 Q. Now, when Simon and Shirley came to you, did
23 they give you an indication whether they wanted to keep
24 in place the 2000 structure?

25 A. No. They wanted to change the dispositions

1 under their documents.

2 Q. Okay. So if we work through your notes now,
3 which are in evidence as Exhibit No. 10, the first
4 meeting was November the 14th, 2007. You had a
5 discussion about Simon's net worth -- Simon and
6 Shirley's net worth, how much money they had at that
7 time?

8 A. Yes.

9 Q. Okay. I'm going to show you Exhibit No. 12
10 before we --

11 Do you recognize the handwriting on
12 Exhibit 12?

13 A. No.

14 Q. Okay. I believe it's Simon Bernstein's
15 statement of his net worth.

16 But you have seen this document before?

17 A. I don't recall.

18 Q. Okay. And you're not familiar with his
19 handwriting to --

20 A. No. Other than his signature.

21 Q. That's fine.

22 But during the discussion, did you discuss
23 Simon's net worth?

24 A. Yes. Both my partner and I.

25 Q. And if I look at Mr. Tescher's notes, which

1 are a little easier to read, he lists the joint
2 brokerage account, some money for Simon, Simon, a
3 house -- the house appears to have a million dollar
4 mortgage -- a condo, some miscellaneous and some life
5 insurance. And he totals -- that totals to 13 million,
6 and then he lists 5 million for 33 shares of the
7 company.

8 Do you see that?

9 A. Yes, I do.

10 Q. Okay. So if I add up what Mr. Tescher wrote
11 in his notes, I get to about \$18 million.

12 And this is on November the 14th of '07,
13 around 18 million, but that includes life insurance?

14 A. Yes, it does.

15 Q. Okay. Now, did you meet with them -- how long
16 were these meetings with Simon and Shirley Bernstein?

17 A. They could be an hour; sometimes more.

18 Q. Now, if we flip through your notes, does it
19 reflect a second meeting?

20 A. Yes, it does.

21 Q. And what's the date of the second meeting?

22 A. 12/19/07.

23 Q. And do you have any -- I'm sorry. 12/19?

24 A. 12/19/07.

25 Q. Okay. And what's the -- let's just put all

1 the dates up here. That was the second meeting.

2 Are there notes from a third meeting?

3 A. The next meeting was January 31, '08.

4 Q. Okay. Is there a fourth meeting?

5 A. March 12 of '08.

6 Q. Now, just to put this in perspective, the
7 document that we are going to -- well, the document
8 that's been admitted into probate in this case is a will
9 of Shirley Bernstein that bears a date of May 20, 2008.

10 Does that sound consistent with your memory?

11 A. Yeah, it was clearly 2008.

12 MRS. CANDICE BERNSTEIN: Excuse me. Can you
13 turn that so we can see it?

14 THE WITNESS: Sure. Sorry.

15 THE COURT: Ma'am, you are not a party. You
16 are not an attorney. And you are not really
17 supposed to be sitting there. I'm letting you sit
18 there as a courtesy. If you ask for and inject
19 yourself any further in the proceeding than that,
20 I'll have to ask you to be seated in the gallery.
21 Do you understand?

22 MRS. CANDICE BERNSTEIN: Yes, sir.

23 THE COURT: Thank you.

24 BY MR. ROSE:

25 Q. So you have four meetings with Simon and

1 Shirley Bernstein.

2 And did it take that long to go over what they
3 wished to do with their estate planning documents?

4 A. It was more of us, you know, trying to get a
5 handle on everything that they had, the business, prior
6 planning. From the first meeting to the March meeting,
7 it was only a couple of months. The holidays were in
8 there. So it wasn't uncommon for us to meet with a
9 client more than once or twice when they had a
10 sophisticated plan and asset schedule.

11 Q. At this time --

12 A. By the last meeting, we knew what we needed to
13 do.

14 Q. And around this -- based on your notes, did
15 Simon Bernstein believe he had a net worth all in of
16 about 18 million when he met with you?

17 A. Yeah, it appears that way, 18, 19 million
18 dollars.

19 Q. And did he discuss at all with you that he was
20 involved in a business at that time, an insurance
21 business?

22 A. Yes.

23 Q. And did he give you an indication of how well
24 the business was doing at around the times of these
25 meetings between November 2007 and March or May of 2008?

1 A. Yeah, the business was doing well at that
2 time. He was -- he was very optimistic about the future
3 of the business.

4 Q. Now, did you do any -- did you prepare any
5 documents before the will was signed in May? Did you
6 prepare drafts of the documents?

7 A. Yes, we did. We always prepare drafts of
8 documents.

9 Q. And did you share the drafts with Simon and
10 Shirley?

11 A. Yes, we did.

12 Q. Okay. I'm going to hand you Exhibit 11, and
13 ask if you can identify that for the record?

14 A. This is a letter from our firm dated April 19
15 of 2008. It's transmitting the documents to the client,
16 with an explanation that they could follow, better than
17 reading their documents -- a summary of the documents.

18 Q. Is that a true and authentic copy of a
19 document that you created?

20 A. Yes, it appears to be.

21 MR. ROSE: I would move Exhibit 11 into
22 evidence, Your Honor.

23 THE COURT: All right. Any objection?

24 [No response.]

25 THE COURT: All right. Then that's in

1 evidence as Plaintiff's 11.

2 (Plaintiff's Exhibit No. 11 was received into
3 evidence.)

4 BY MR. ROSE:

5 Q. And if I read Exhibit 11, the first three
6 words say, "Enclosed are drafts of each of your wills
7 and revocable trusts, the children's family trust, each
8 of your durable powers of attorney, designations of
9 health care surrogate and living wills," correct?

10 A. Yes.

11 Q. So about a month and 11 days before anything
12 was signed, documents were sent by Federal Express to
13 Simon and Shirley Bernstein?

14 A. Correct.

15 Q. And it appears to have gone to Simon's
16 business?

17 A. Yes.

18 Q. Now, if you look at -- does your -- does your
19 letter, sort of in laymen's terms, rather than reading
20 through the legalese of a will, explain what the estate
21 planning was under the documents that have yet to be
22 signed but that you were preparing?

23 A. Yes, it does, as much as possible in laymen's
24 terms.

25 Q. Can you just give us a short -- well, the will

1 itself for both Simon and Shirley was a relatively
2 simple will that poured over into a revocable trust, one
3 for each?

4 A. Yes, poured over wills for both.

5 Q. And whoever died first would inherent the
6 personal property?

7 A. All tangible personal property under the will
8 would pass to the survivor.

9 Q. So assuming Simon survived Shirley, he would
10 be the sole beneficiary of her estate?

11 A. Correct.

12 Q. And then any of her residuary would go into a
13 trust?

14 A. That's correct.

15 Q. And he, in fact, outlived Shirley?

16 A. He did.

17 Q. Okay. Now, if you go to the second page, at
18 the top, you describe the will of Shirley Bernstein.

19 It's essentially identical to Si -- it says "Si."

20 Just for the record, that's Simon shorthand?

21 A. Yes.

22 Q. Si is the personal representative of Shirley's
23 estate, and Ted is designated as successor if Simon is
24 unable to serve.

25 That was what was in the document you sent in

1 April?

2 A. Yes. I believe so, yes.

3 Q. And that provision remained in the final
4 documents you signed?

5 A. Yes.

6 Q. Now, did Ted eventually become a successor
7 personal representative upon Simon's death?

8 A. Yes, he did.

9 Q. Then you next start to talk about the Simon L.
10 Bernstein trust agreement.

11 And theoretically, that was going to be the
12 primary testamentary document?

13 A. Correct, it was.

14 Q. And that's fairly standard?

15 A. Yes. When a client wants to avoid probate, we
16 use a revocable trust to title assets in prior to death.
17 Those assets remain confidential; they're not part of
18 the court record. And the trust is also used to avoid
19 the need for the appointment of a guardian in the event
20 of incapacity, because there's a successor trustee
21 mechanism.

22 Q. Okay. Now, under Simon's trust agreement,
23 moving down to the third paragraph, under that heading,
24 it says that both trusts provide for mandatory income
25 distributions. And then the next sentence starts, "Upon

1 Shirley's death, she has been given a special power to
2 appoint the remaining assets of both the marital trust
3 and the family trust to any of your lineal descendants
4 and their spouses, a power to redirect and reallocate."

5 Do you see that?

6 A. Yes.

7 Q. Now, is that consistent with the way the
8 documents were intended to be drafted?

9 A. Yes, it is.

10 Q. And I guess it's sort of similar to what
11 existed in the 2000 wills?

12 A. Yes. Typically, you give the survivor of the
13 spouse a power to appoint in the event that they want to
14 change any of the estate planning of the first to die.
15 Found in most first marriage documents with only
16 children from that marriage.

17 Q. And this is a first marriage with all five
18 children being the product of the same marriage --

19 A. Yes.

20 Q. -- as far as you know?

21 A. As far as I know.

22 Q. And as far as you know, Simon and Shirley
23 Bernstein, they each married only once in their
24 lifetime, to each other?

25 A. That's all I know.

1 Q. If you flip to the next page, there's a
2 shorter paragraph for Shirley.

3 It basically says -- it's virtually identical,
4 except that Simon is the initial successor, and after
5 that, Ted would be Simon's replacement if he passed
6 away?

7 A. Correct.

8 Q. And is that the mechanism by which Ted
9 Bernstein became the successor trustee in this lawsuit?

10 A. Yes, it is.

11 Q. Now, if Shirley died first, then did the
12 documents give Simon the same power of appointment over
13 the assets in her trust that was provided for in the
14 Simon document if he died?

15 A. Same power of appointment was in both
16 documents. They were identical documents, with one
17 exception.

18 Q. And what was the exception; the name of the
19 successor trustee?

20 A. The name of the successor trustee.

21 Q. And then Simon wanted his then business
22 partner, Bill Stansbury, to be his successor trustee in
23 both his will and his trust, and Shirley wanted her
24 oldest son, Ted, to be her successor in both documents?

25 A. Correct. The signer, non-survivor.

1 Q. Okay. And Shirley, I guess it says here, also
2 made a specific gift of \$200,000 to someone named
3 Matthew Logan?

4 A. Correct.

5 Q. If you look at our family tree chart, I think
6 Matthew Logan is under Ted.

7 He is the son of Ted's second wife, Deborah?

8 A. Correct.

9 Q. Okay. So there was a \$200,000 special gift to
10 Matthew that was in the documents that you sent on
11 April 9th?

12 A. Correct.

13 Q. Then you prepared family trusts for the
14 children.

15 Were those trusts created at the time?

16 A. Yes, they were.

17 Q. Now, after you sent your letter on April 9th,
18 did you have a further discussion with Simon and Shirley
19 before the documents were signed?

20 A. I can't recall, but we probably -- we probably
21 did, to set up a meeting and talk -- you know, either,
22 A, talk about the documents, the draft documents, any
23 changes that they wanted to make on the draft documents.
24 It would be typical of us to do that, although I don't
25 have any meeting notes that showed that, so...

1 Q. Now, under -- we'll talk -- let's talk about
2 the ones that matter.

3 Because Shirley died first, her 2008 trust
4 became the beneficiary of her estate?

5 A. Correct.

6 Q. And then Simon had a power of appointment,
7 correct?

8 A. Um-hum.

9 Q. And if -- you have to say yes or no.

10 A. Yes.

11 Q. And if he didn't exercise the power of
12 appointment, was there a default set of beneficiaries
13 that were designated in the documents you drafted in
14 2008?

15 A. Yes.

16 Q. And what was the default set of beneficiaries?

17 A. Simon had and Shirley had in their documents
18 excluded Pam and Ted at the death of the survivor of the
19 two of them.

20 Q. Okay. So if the power of appointment was not
21 properly exercised, it would just go to three, and Eliot
22 would end up with 33 and a third percent and two of the
23 other sisters would get the balance?

24 A. That's correct.

25 Q. Did Simon and Shirley eventually execute

1 documents in 2008?

2 A. Yes, they did.

3 Q. I'm going to hand you Exhibit No. 1, which
4 is --

5 A. A copy of Si's will from --

6 Q. Do you have Exhibit 1?

7 A. Excuse me. Sorry. Shirley's will.

8 Q. Is that a conformed copy of the document?

9 A. Yes, it is.

10 MR. ROSE: I would move Exhibit 1 into
11 evidence.

12 THE COURT: Any objection?

13 [No response.]

14 THE COURT: That's in evidence as
15 Plaintiff's 1.

16 (Plaintiff's Exhibit No. 1 was received into
17 evidence.)

18 BY MR. ROSE:

19 Q. Now, that says "conformed copy." If I turn to
20 the last page, there's no handwritten signatures.

21 A. Correct.

22 Q. Do you know where the original of that
23 document sits today?

24 A. It was filed with the court.

25 Q. Okay. So somewhere in the courthouse, the

1 original goes.

2 And that's something that the client would
3 keep?

4 A. Correct. This is what we would send to the
5 client to include with their files.

6 Q. When you filed the original with the court,
7 did anyone object while Simon was alive?

8 A. No.

9 Q. Okay. I'm going to hand you Exhibit No. 2.
10 Do you recognize that document?

11 A. Yes. This is Shirley's trust agreement that
12 she executed in 2008.

13 Q. Now, does that document have copies of her
14 signature?

15 A. Yes. These are actual copies of the signing
16 parties and their signatures.

17 Q. And how many originals would have been created
18 of this document?

19 A. We always created three originals of the trust
20 agreements.

21 Q. Okay. Now, if you turn to the next -- if you
22 turn to the last page, it says that Shirley put a dollar
23 into her trust when it was created.

24 A. Yes.

25 Q. And that's to make it a valid trust?

1 A. Yeah, I mean, it's not required today, but
2 it's pretty much just form to show a dollar. She had
3 certainly funded it more than that.

4 Q. And eventually Shirley put some assets into
5 the trust?

6 A. Yes.

7 Q. Okay. And if you go to the page before that,
8 page 27, it appears to be a signature page, correct?

9 A. Yes.

10 Q. Now, were you one of the witnesses to the
11 signature of Shirley Bernstein on Exhibit 2?

12 A. Yes, I was.

13 Q. And were you present with Shirley Bernstein
14 and the other witness, Traci Kratish, at the time of the
15 execution of the documents?

16 A. Yes, I was.

17 Q. And they're notarized by someone named
18 Kimberly Moran.

19 Does she work for your office?

20 A. Yes, she did.

21 Q. And through her involvement with your firm
22 and -- did she personally know Shirley and Traci
23 Kratish, as well as yourself?

24 A. Yes, she did.

25 Q. Now, at the same time that Shirley signed her

1 documents, did Simon sign a similar set of 2008 will and
2 trust, similar to the drafts that were sent in April?

3 A. Yes, he did. We were all sitting in the main
4 conference area in their offices together.

5 Q. In Simon's office or your office?

6 A. In Simon's offices.

7 Q. Okay. So why would someone from your office
8 come to Simon's office rather than rely on the notary
9 that they have there?

10 A. Because we wanted to accommodate Shirley and
11 Si in their offices and not have them travel.

12 Q. You personally went there. Did you personally
13 go through to make sure that the documents were signed
14 with all the formalities required under Florida law to
15 make them valid and enforceable?

16 A. Yes, we did. That's why we were there.

17 Q. And if Simon did not have a 2008 will
18 and -- sorry.

19 If Simon did not have a 2002 will and trust,
20 would it be your belief that the 2008 will and trust
21 would be valid?

22 A. Yes.

23 Q. Were they properly signed with all the same
24 testamentary formalities required by Florida law?

25 A. Yes, they were.

1 Q. Okay. Did Shirley at some point amend her
2 trust agreement?

3 A. Yes, she did.

4 Q. And do you recall why she amended it?

5 A. She amended it to remove Matt Logan from the
6 document that she had included previously as a specific
7 device.

8 Q. Do you know why Matt was removed?

9 A. It's attorney-client privilege.

10 Does it matter?

11 Q. I'll withdraw the question.

12 Was Matthew removed at the direction of
13 Shirley?

14 A. Yes.

15 Q. I'll withdraw --

16 A. Yes. Yes. Yes.

17 Q. Did Shirley sign a document that effectively
18 removed Matthew?

19 A. Yes, she did.

20 Q. Let me hand you Exhibit No. 3, and ask you if
21 you recognize that document?

22 A. Yes, I do.

23 Q. Now, was this document signed with the same
24 testamentary formalities as the 2008 trust?

25 A. Yes, it was.

1 MR. ROSE: We would move Exhibit 3 into
2 evidence, Your Honor.

3 THE COURT: Any objection?

4 [No response.]

5 THE COURT: All right. That's in evidence as
6 Plaintiff's 3.

7 (Plaintiff's Exhibit No. 3 was received into
8 evidence.)

9 BY MR. ROSE:

10 Q. Now, if you look -- there's a paragraph 1 and
11 a paragraph 3, but no paragraph 2.

12 Do you know why that is?

13 A. It's just a mistake in drafting.

14 Q. And did you specifically discuss with Shirley,
15 whose privilege I technically would control -- my client
16 would control --

17 Did you specifically discuss with Shirley the
18 fact that the effect of the first amendment would be to
19 remove the specific gift that she had made for Matthew
20 Logan?

21 A. Yes. Even prior to the signing of the
22 document.

23 Q. And is this the last relevant testamentary
24 document that Shirley ever signed that you're aware of?

25 A. Yes, it is.

1 Q. Did you meet with Simon and Shirley in person
2 to talk about this amendment?

3 A. Si had called me and said that Shirley had a
4 change to her documents, and asked me to give her a call
5 and have lunch with her. I called her. We arranged for
6 a meeting in her house to execute the document.

7 Q. Now, you brought your -- you brought Kimberly
8 with you to get -- for convenience and to make sure the
9 documents were properly executed?

10 A. Correct. She had -- she had her personal
11 assistant that was there, Rachel Walker, to serve as
12 another witness.

13 Q. Just so I don't have to go back, what's the
14 date of the amendment?

15 A. November 18th, 2008.

16 Q. So now we five documents that exist; 2008,
17 will, trust, will, trust, and an amendment to Shirley's
18 trust.

19 Did you share any of those documents with any
20 of Simon and Shirley's children at that time?

21 A. No, we did not.

22 Q. Did any of the -- did any of the children play
23 any role in bringing Simon or Shirley to your offices?

24 A. Not that I'm aware, no.

25 Q. Did any of the children accompany them

1 to -- any time they came to visit you, did any of the
2 children come with them, drag them along?

3 A. No.

4 Q. So you prepared -- did you do some other
5 estate planning in addition to the 2008 testamentary
6 documents?

7 A. Yes, we did.

8 Q. Can you briefly describe some of the things
9 you did?

10 A. We had set up a Florida limited partnership.
11 We created a general partner entity for that
12 partnership, a limited liability company.

13 Q. What's the name of the Florida limited
14 partnership?

15 A. Bernstein Family Investments, LLLP.

16 Q. Was that an entity that was in existence or
17 was it created under your direction?

18 THE COURT: Can I stop you a second? Is this
19 going to help me figure out the validity of the
20 testamentary documents?

21 MR. ROSE: Only in the very narrowest sense.
22 I'm just trying to establish that they had a very
23 lengthy and extensive relationship, and they did a
24 lot of estate planning for Simon and Shirley. But
25 I'll be very brief.

1 THE COURT: Well, if that becomes relevant
2 later, perhaps you could come back to it. But I
3 don't see the relevance at this point, so I'll ask
4 you to move on.

5 MR. ROSE: Yes, sir.

6 BY MR. ROSE:

7 Q. Now, was Simon concerned at all about asset
8 protection as part of some of the things you discussed?

9 A. Yes, he was.

10 Q. Now, we have -- did you have any discussion
11 with him about who was expected to live longer or if
12 either of them had health problems that you had any
13 knowledge of?

14 A. Si was not -- he was in good health, but he
15 had had some heart issues. And Shirley had had other
16 issues as well. And I think it -- early on, he didn't
17 know, but as the relationship went on, we kind of knew
18 that Shirley was sicker than him and would probably pass
19 first.

20 Q. So Shirley died -- it's in the public
21 record -- but December --

22 A. 2010, yeah.

23 Q. -- 8th. So Simon was her -- he survived her;
24 he becomes the sole beneficiary as far as tangible
25 personal property under her will?

1 A. Yes, he does.

2 Q. The residuary goes into the Shirley Bernstein
3 Trust?

4 A. That's correct.

5 Q. He's the sole successor trustee and the sole
6 beneficiary --

7 A. Yes, he is.

8 Q. -- during the term of his life?

9 A. Correct.

10 Q. Now, was there a great deal of effort put into
11 inventorying the assets, things like that?

12 A. No, there wasn't. For purposes of opening up
13 Shirley's probate, we had asked Si to estimate the value
14 of, you know, her tangible personal property. And
15 that's what we included on the inventory that was filed
16 in the probate.

17 Q. Now, if I'm correct, 2010 was the year there
18 were no estate taxes at all?

19 A. No estate taxes.

20 Q. Simon's the sole beneficiary?

21 A. Sole beneficiary. Even if there were taxes,
22 there wouldn't have been any tax on the first death,
23 because everything went to Si, and there was a marital
24 deduction.

25 Q. While Simon was alive, did Ted have any access

1 to the documents, as far as you know? Did you ever send
2 the testamentary documents of Simon or Shirley to Ted?

3 A. No, we did not.

4 Q. Did Ted play any role in the administration of
5 the estate while Simon was alive?

6 A. No, he did not.

7 Q. Did any of the other children play any role in
8 the administration of the estate while Simon was alive?

9 A. No, they did not.

10 Q. Now, did you have to -- well, strike that.

11 Because it was only Simon, was it sort of the
12 decision by Simon, That I don't want to spend a lot of
13 time and money in this estate because it's just wasting
14 my own money?

15 A. Yes.

16 Q. And that's not unusual in a situation where
17 you have a surviving spouse that's the sole beneficiary?

18 A. Correct.

19 Q. Now, did there come a point in time when Pam,
20 who was not a named beneficiary of the -- Shirley's
21 documents, learned of the fact that she had been
22 excluded?

23 A. Yes, there was.

24 Q. Okay. And did you get involved with
25 discussions with Pam or her lawyer?

1 A. She had hired an attorney, who had made a
2 request to get a copy of her mother's documents. And I
3 called Si, spoke to Si about it, and he authorized me
4 giving Pam those documents -- or her attorney those
5 documents.

6 Q. Were they provided to any of the other
7 children; that would be Ted or his brother, Eliot, or
8 his two sisters, Lisa or Jill?

9 A. No, they were not.

10 Q. And did Simon Bernstein at some point decide
11 to change his testamentary documents?

12 A. Yes, he did.

13 Q. Do you recall approximately when that
14 happened?

15 A. Early 2012, he called and requested that we
16 meet to go over his documents.

17 Q. I'm going to hand you an exhibit marked
18 Exhibit 13, and ask you if you recognize those as your
19 own notes?

20 A. Yes. These are my notes from that meeting in
21 2012.

22 MR. ROSE: I would move Exhibit 13 into
23 evidence, Your Honor.

24 THE COURT: Any objection?

25 [No response.]

1 THE COURT: All right. That's in evidence as
2 Plaintiff's 13 then.

3 (Plaintiff's Exhibit No. 13 was received into
4 evidence.)

5 BY MR. ROSE:

6 Q. Now, during this meeting, did Simon discuss
7 the possibility of altering his estate plan?

8 A. Yes, he did.

9 Q. Did you also go over his current finances?

10 A. Yes, we did.

11 Q. Now, we've seen from 2007 that he had
12 disclosed about \$18 million.

13 As part of the meeting in February of 2012, he
14 gave you sort of a summary of where he stood at that
15 time?

16 A. Yes, he did.

17 Q. And what was the status of the Shirley
18 Bernstein probate administration in early 2012, about
19 13 months after she passed away?

20 A. It was still not closed.

21 Q. Do you know why it was not closed?

22 A. I think that we were still waiting -- I'm not
23 sure that -- we were still waiting on waivers and
24 releases from the children to close the estate, to
25 qualify beneficiaries under the estate if Si were to

1 die. We had to get waivers and releases from them.

2 Q. Standard operating procedure?

3 A. Standard operating procedure.

4 Q. Okay. So Simon here, it says -- it says at
5 the top "SIPC receivable."

6 Do you know what that is?

7 A. Yes, I do. That was -- Si had made an
8 investment in a Stanford product that was purported to
9 be a CD; it was an offshore CD. And when the Stanford
10 debacle hit, I guess he filed a claim with SIPC to get
11 those monies back, because it was supposedly a cash
12 investment.

13 Q. And so he invested in a Ponzi scheme and lost
14 a bunch of money?

15 A. Correct.

16 Q. Some of the 18 million he had in 2007 he lost
17 in the next four and a half years in investing in a
18 Ponzi scheme?

19 A. That's correct.

20 Q. And then the maximum that the SIPC -- which is
21 like the FDIC for investments.

22 You're familiar with that, correct?

23 A. Yes.

24 Q. The maximum is 500,000.

25 You don't actually necessarily recover

1 500,000? You have a receivable, right?

2 A. Yes.

3 Q. Do you know how much he actually realized from
4 the SIPC?

5 A. I believe he never received anything.

6 Q. Okay. And then it said, LIC receivable,
7 \$100,000.

8 Am I reading that correct?

9 A. Yes.

10 Q. And LIC was the company he was involved, with
11 others?

12 A. Yes.

13 Q. Okay. So I put here 600 that he put, but the
14 600 is really probably closer to 100 if you didn't get
15 the SIPC money?

16 A. Correct.

17 Q. So I'm going to just put a little star here
18 and put it's really 100,000, and sort that out.

19 So then he says -- he has -- Si's estate, this
20 would be his personal assets. He's got an interest in
21 the LLLP.

22 That is not relevant to discuss how it was
23 formed, but there was an LLLP that was owned, some by
24 Si's trust, some by Shirley's trust?

25 A. Correct.

1 Q. And at the time, he thought the value was
2 1,150,000 for his share?

3 A. That's correct.

4 MR. BERNSTEIN: Can I object, Your Honor?

5 THE COURT: What's the objection?

6 MR. BERNSTEIN: Relevance.

7 THE COURT: Overruled.

8 MR. BERNSTEIN: Okay.

9 BY MR. ROSE:

10 Q. And then he had an IRA that says 750,000.

11 A. Correct.

12 Q. And those two things totaled 1,550,000?

13 A. No. They totaled one million nine. Right?

14 Q. Okay. You're right.

15 You wrote next to it "estate tax."

16 What does that mean, on the side next to it?

17 A. I think what I had done was offset the value
18 of the assets in his estate by the loans that were
19 outstanding at the time.

20 Q. And it shows a million seven in loans?

21 A. A million seven in loans.

22 Q. So we had loans back in 2008 -- I'm sorry.
23 November of 2007 time period -- or 2008, which were
24 only -- so we have loans now, you said, a million seven?

25 A. Well, he had a \$1.2 million loan with

1 JP Morgan that was collateralized with the assets of the
2 LLLP.

3 Q. And then you list -- just to speed up, then
4 you have -- underneath that, it says Shirley's asset was
5 empty, right? Because whatever was in had gone to
6 Simon?

7 A. Yeah, her estate had nothing in it.

8 Q. She had a Bentley, I think, when she died.
9 Do you know what happened to the Bentley?

10 A. I wasn't aware that she had a Bentley.

11 Q. Did you come to learn that she had a Bentley
12 and Simon gave it to his girlfriend, and she traded it
13 in at the dealership and got a Range Rover?

14 A. Much, much, much later on --

15 Q. But you know --

16 A. -- after Si's death.

17 Q. But you know that to be the case?

18 A. I wasn't aware that it was traded for the
19 Range Rover. I thought he bought her the Range Rover.
20 I didn't realize he used a Bentley to do it.

21 Q. Okay. Somehow you know the Bentley became
22 something for Maritza?

23 A. Yes.

24 Q. That's the name of his girlfriend?

25 A. Yes.

1 Q. Okay. Then it says, in Shirley's trust,
2 condo, one million -- I'm sorry. I should go to the
3 next column. It says "FMV."

4 That would be shorthand for Fair Market Value?

5 A. Yes.

6 Q. So condo, 2 million, which is here; house,
7 3 million; half of the LLLP, which is Shirley's half
8 after -- I assume, after the deduction of the loan, was
9 800,000?

10 A. Um-hum.

11 Q. Then it says "LIC." That's the company Life
12 Insurance Concepts that Mr. -- that Simon, his son Ted,
13 and a gentleman named Bill Stansbury had formally been
14 involved, another attorney, shares by then. Because
15 we're in February of 2012.

16 But, in any event, that's Simon's company?

17 A. Correct.

18 Q. And he told you in 2007 it was worth --
19 Mr. Tescher's -- notes, like -- his interest was worth
20 5 million.

21 What did he tell you it was worth in 2012?

22 A. Zero.

23 Q. Then underneath that -- I put zero here, so
24 zero today.

25 So his net worth -- and then there was a home

1 that he owned for -- that Eliot lives in, right? He
2 didn't really own it, but he controlled it, Simon?

3 A. Yes.

4 Q. Okay. Did you set up the entity that owned
5 the home?

6 A. Yes, I did.

7 Q. Just to save time, there's an entity called
8 Bernstein Family Realty that owns the house.

9 Simon controlled that entity while he was
10 alive?

11 A. Yes, he did.

12 Q. And his estate holds a mortgage on the house
13 for 365,000?

14 A. Correct.

15 Q. So there's some interest there.

16 He didn't put it on his sheet when he talked
17 to you, but that still would have existed in some form,
18 right?

19 A. Yes.

20 Q. And it still exists to this day.

21 We don't know the value of it, but there still
22 is a mortgage, right?

23 A. Yes.

24 Q. Okay. But either way, the point of this whole
25 story is, his net worth went down significantly between

1 2007 and 2012?

2 A. Yes, it did.

3 Q. And in your world, that's not uncommon, with
4 the stock market crash, the depression, things like
5 that, that a lot of clients with high net worth would
6 have suffered losses during that time?

7 A. Many, many of them did. And even the values
8 that are on this sheet were not the real values.

9 Q. We know that the --

10 A. Clients have a tendency to overstate their net
11 worth.

12 Q. All right. And we know the Ocean Drive house
13 sold for about a million four?

14 A. Correct.

15 Q. And the Court -- there's an order that
16 approved the sale, the gross sale price of a million one
17 for St. Andrews?

18 A. Correct.

19 Q. Okay. So that's still -- that's less than
20 half, even then, Simon thought he would get.

21 Now, if you look at the bottom of the
22 Exhibit No. 13, it says a word, begins with an "I." I
23 can't really read it.

24 Can you read that?

25 A. Insurance.

1 Q. Well, did you have some discussions with Simon
2 about his insurance?

3 A. Yes, we did.

4 Q. In fact, I think -- Mr. Spallina, we talked
5 about he had -- I'm sorry.

6 Mr. Tescher's notes had a \$2 million life
7 insurance?

8 A. Correct.

9 Q. Okay. Is this the same life insurance?

10 A. Yes, it is.

11 Q. And was there a discussion about -- I guess it
12 says 1 million --

13 That's one million seven-fifty?

14 A. A million 75 -- yeah, one million seven-fifty
15 was the value of the policy.

16 Q. And the death benefit was a million six?

17 A. Million six. There was a small loan or
18 something against the policy.

19 Q. Okay. And then it says "Maritza."

20 What was Maritza down there for?

21 A. Si was considering changing -- the purpose of
22 the meeting was to meet, discuss his assets. And he
23 was, you know, having a lot of, I guess, internal -- he
24 had received another letter from his daughter -- he
25 asked me to read the letter from Pam -- that she still

1 was not happy about the fact that she had been
2 disinherited under her mother's documents if the assets
3 were to pass under the documents and he didn't exercise
4 his power of appointment. And this meeting was to kind
5 of figure out a way, with the assets that he had, to
6 take care of everybody; the grandchildren, the children,
7 and Maritza.

8 And so he thought maybe that he would change
9 the beneficiary designation on his life insurance to
10 include her. And we had talked about providing for her,
11 depending on -- an amount -- an increasing scale,
12 depending on the number of years that he was with her.

13 Q. So if you look at the bottom, it says 0 to
14 2 years, 250.

15 Is that what you're referring to?

16 A. Yes. Two to four years, 500,000. And then
17 anything over plus-four years would be -- I think that's
18 600,000.

19 Q. Now, during this discussion, was Simon
20 mentally sharp and aware of what was going on?

21 A. Oh, yeah. Yeah, he was -- he was the same
22 Simon. He was just -- you know, he was struggling with
23 his estate now. He was getting -- he felt -- I guess he
24 was getting pulled. He had a girlfriend that wanted
25 something. He had his daughter who, you know, felt like

1 she had been slighted. And he wanted to try to make
2 good by everybody.

3 Q. And at that point in time, other than the
4 house that he had bought that Eliot lived in, were you
5 aware that he was supporting Eliot with a very
6 significant amount of money each year?

7 A. I was not.

8 MR. BERNSTEIN: Object to the relevance.

9 THE COURT: Overruled.

10 BY MR. ROSE:

11 Q. Okay. So that's February.

12 A. Yes.

13 Q. What happens next in relation to Simon coming
14 in to meet with you to talk about changing his
15 documents?

16 A. He had called me on the phone and he -- we
17 talked again about, you know, him changing his
18 documents. He had been thinking about giving his estate
19 and Shirley's estate to his grandchildren. And at the
20 February meeting, I did not think it was a great idea
21 for him to include his girlfriend, Maritza, as a
22 beneficiary of the life insurance policy.

23 Q. He took your advice? He didn't change that,
24 as far as you know?

25 A. He did not.

1 Q. Okay. I'm sorry. Continue.

2 A. He did not.

3 I had suggested that he provide for her in
4 other ways; a joint account that would pass to her at
5 his death, but not to mix her in with his family in
6 their dispositive documents. And he ultimately took
7 that advice and decided that he wanted to give his
8 estate to his ten grandchildren, and that the policy --
9 which I had never seen a copy of the policy, but, you
10 know -- he had had. And I knew that he was paying for
11 it, because -- it almost lapsed, or did lapse at one
12 point, and it got reinstated -- that that policy was to
13 pass to an insurance trust that named his five children
14 as beneficiaries.

15 Q. And that's something Simon specifically
16 discussed with you when you were going over his estate
17 planning in 2012?

18 A. Correct -- or something that we had known
19 about before that meeting. But he was -- at the
20 meeting, he was starting to talk about doing a change to
21 the beneficiary designation to include Maritza, and I
22 wanted to talk him out of that.

23 Q. And at some point, he made a decision to
24 actually change his documents, correct?

25 A. He did. He did.

1 Q. And did he direct you to set up any kind of a
2 communication with his children?

3 A. Yes. He said, I want you to get -- put
4 together a conference call with me and you and my five
5 children so I can talk to them about what I want to do
6 with my estate and Shirley's estate.

7 THE COURT: All right. This would be a good
8 time for us to take a pause for a morning break.
9 We'll be in session again in 10 minutes.

10 As far as time use goes, so far Plaintiff's
11 side has used 60 minutes. So you have 90 remaining
12 in your portion of the day. And that's where we
13 stand.

14 MR. ROSE: We'll be well within our time, sir.

15 THE COURT: Great. Okay.

16 We'll be in recess for ten minutes. Is ten
17 minutes enough time for everybody? That's what
18 it'll be then.

19 (A break was taken.)

20 THE COURT: We're ready to proceed. Please
21 continue.

22 MR. ROSE: Thank you.

23 BY MR. ROSE:

24 Q. I think we were when Shirley died in December
25 of 2010, and you meet with Si, according to

1 Plaintiff's 13, on February 1st of 2012.

2 I think by May of 2012 was when this
3 conference call that you mentioned was?

4 A. Yes, it was.

5 Q. Okay. And did the five children attend the
6 conference call?

7 A. Yes, they all did.

8 Q. Were you present on the call?

9 A. Yes, I was.

10 Q. Was Simon present?

11 A. Yes, he was.

12 Q. Where was Simon physically during the call?

13 A. His office -- I believe his office.

14 Q. Were you in the same room as Simon?

15 A. No, I was not.

16 Q. You were in your office?

17 A. I was in my office.

18 Q. Okay. Generally, what was discussed during
19 this conference call?

20 A. Simon wanted to talk to his children about
21 providing for his estate and his wife's estate to go to
22 the ten grandchildren; wanted to have a discussion with
23 his children and see what they thought about that.

24 Q. And was he asking them for their approval or
25 permission or...

1 A. Well, I think he wanted to see what they all
2 thought, you know, based on things that had happened in
3 the past and documents that had been created in the
4 past. And I don't know that it was going to sway his
5 opinion, but when he told me, you know, to -- you know,
6 to have the conference call, to contact his -- he said,
7 This is what I'm going to do, so...

8 Q. During the call, did Simon ask his children if
9 anybody had an objection to him leaving his and
10 Shirley's wealth to the ten grandchildren?

11 A. Yes. He asked what everybody thought.

12 Q. Did Eliot respond?

13 A. Yes, he did.

14 Q. What did he say?

15 A. I'm paraphrasing, but he said something to the
16 effect of, Dad, you know, whatever you want to do,
17 whatever makes you happy, that's what's important.

18 Q. Did you also discuss during that call the need
19 to close Shirley's estate?

20 A. Yes, we did. We had told Si that we needed to
21 get back the waivers of accounting, the releases, and we
22 asked -- he asked them to get those back to us as soon
23 as possible.

24 Q. Okay. If I hand you Exhibit 14, it appears to
25 be an email from Eliot Bernstein to you addressing the

1 waiver that he needed to sign?

2 A. Yes, it is.

3 MR. ROSE: I move Exhibit 14 into evidence.

4 THE COURT: Any objection?

5 [No response.]

6 THE COURT: All right. That's in evidence
7 then as Plaintiff's 14.

8 (Plaintiff's Exhibit No. 14 was received into
9 evidence.)

10 MR. ROSE: As a matter of housekeeping, Your
11 Honor, I think I might have failed to move in
12 Exhibit 2, which is Shirley Bernstein's 2008 trust
13 agreement, which I would move, to the extent it's
14 not in evidence, 1, 2 and 3, which are the
15 operative documents Mr. Spallina's already
16 testified about.

17 THE COURT: Any objection?

18 MR. BERNSTEIN: What was that? I'm sorry.

19 THE COURT: Is there any objection to
20 Plaintiff's 1, which is the will of Shirley
21 Bernstein, Plaintiff's 2, which is the Shirley
22 Bernstein Trust Agreement, and Plaintiff's 3, which
23 is the First Amendment to the Shirley Bernstein
24 Trust Agreement?

25 MR. BERNSTEIN: No.

1 THE COURT: All right. Those are all in
2 evidence then as Plaintiff's 1, 2 and 3.

3 (Plaintiff's Exhibit No. 2 was received into
4 evidence.)

5 BY MR. ROSE:

6 Q. Okay. This email is dated May -- May 17,
7 2012, from Eliot, correct?

8 A. Yes, it is.

9 Q. This would have been after the conference
10 call?

11 A. This, I believe, was after the conference
12 call, yep.

13 Q. And he says he's attached the waiver
14 accounting and portions of petition for discharge,
15 waiver of service for a petition for discharge, and
16 receipt of beneficiary and consent to discharge that he
17 had signed.

18 Did you receive those from Eliot?

19 A. Yes, I did. We received -- that was the first
20 waivers that we received.

21 Q. Then it says "as I mentioned in the phone
22 call."

23 Did you have any separate phone calls with
24 Eliot Bernstein, you and he, or is he referring to the
25 conference call?

1 A. I think he's referring to the conference call.

2 Q. Okay. I have not yet -- "I have not seen any
3 of the underlying estate documents or my mother's will
4 at this point, yet I signed this document after our
5 family call so that my father can be released of his
6 duties as personal representative and put whatever
7 matters that were causing him stress to rest."

8 Do you see that?

9 A. Yes, I do.

10 Q. Now, while Simon was alive, did you ever get
11 authorization to share the testamentary documents with
12 Eliot Bernstein?

13 A. I did not.

14 Q. Now, after the call and after the discussion
15 with the siblings, did you prepare a draft of -- of new
16 documents for Simon?

17 A. Yes, I did.

18 Q. I'm going to hand you Exhibit 15; ask if
19 that's a letter that you sent to Simon Bernstein
20 enclosing some new drafts?

21 A. Yes, it is.

22 Q. Now, what's the date of that?

23 A. May 24th, 2012.

24 Q. And what's -- what is the summary -- well,
25 strike that.

1 You sent this letter to Simon Bernstein?

2 A. Yes, I did.

3 Q. By FedEx to his home?

4 A. Yes, I did.

5 MR. ROSE: I would move Exhibit 15 in
6 evidence.

7 THE COURT: Any objection?

8 [No response.]

9 THE COURT: All right. That's in evidence as
10 Plaintiff's 15.

11 (Plaintiff's Exhibit No. 15 was received into
12 evidence.)

13 BY MR. ROSE:

14 Q. Okay. So then first page says, "Dear Si, we
15 have prepared drafts of a new will and an amended and
16 restated trust agreement."

17 Are those the 2012 documents that were his
18 final ones?

19 A. Yes, they are.

20 Q. Okay. Then you sort of do the same thing you
21 did in 2008; you give a little summary of what the
22 estate plan is.

23 "Your amended and restated trust provides that
24 on your death, your assets will be divided among and
25 held in separate trusts for your then living

1 grandchildren," correct? I was reading paragraph -- the
2 middle paragraph.

3 A. Yes, I see that. Yes.

4 Q. I actually skipped the part above, which is
5 probably more important, which says -- in the middle of
6 the first paragraph, it says, "In addition, you have
7 exercised the special power of appointment granted to
8 you under Shirley's trust agreement in favor of your
9 grandchildren who survive you."

10 Do you see that?

11 A. Yes.

12 Q. Okay. And so that was Simon's intent as
13 discussed on the conference call?

14 A. Yes, it was.

15 Q. Do you know if you made any changes to these
16 draft documents from May 24th until the day they were
17 signed?

18 A. I don't believe so. If I did, it was for
19 grammar or something else. The dispositive plan that
20 was laid out in this memo was ultimately the subject of
21 the documents that he executed in July.

22 Q. I'm going to hand you Exhibit 16, which is a
23 durable power of attorney.

24 If you flip to Exhibit 16, the last page, does
25 it bear a signature of Simon Bernstein?

1 A. Yes, it does.

2 Q. And it indicates you were a witness to the
3 signature?

4 A. Yes.

5 Q. Along with Kimberly Moran, who is someone from
6 your office?

7 A. Correct.

8 Q. And someone named Lindsay Baxley notarized the
9 documents?

10 A. Yes, she did.

11 Q. Do you know who Lindsay Baxley was?

12 A. Lindsay Baxley worked in Ted and Si's office.

13 Q. She was like a secretary?

14 A. Assistant to Ted, I believe, maybe.

15 Q. Okay. And if you look at --

16 MR. ROSE: Well, first of all, I'll move
17 Exhibit 16 into evidence.

18 THE COURT: Any objection?

19 [No response.]

20 THE COURT: No objection made, then I'll
21 receive this as Plaintiff's 16.

22 (Plaintiff's Exhibit No. 16 was received into
23 evidence.)

24 BY MR. ROSE:

25 Q. If you look at the last page where the notary

1 block is there, it says "personally known" with an
2 underline, or "produced identification" with an
3 underline. And she's checked the box "personally
4 known" -- or she's checked the line.

5 Do you see that?

6 A. Yes.

7 Q. So do you believe that -- did you know Lindsay
8 Baxley by that point in time?

9 A. Yes, I did.

10 Q. And you believe -- she obviously knew Simon,
11 she knew Kim Moran from other dealings between your
12 offices?

13 A. Yes.

14 Q. Okay. And did you all sign this durable power
15 of attorney with testamentary formalities?

16 A. Yes, we did.

17 Q. And what's the date of that?

18 A. July 25, 2012.

19 Q. I'm going to approach with Exhibit 4, and ask
20 you if you recognize Exhibit 4?

21 A. Yes, I do.

22 Q. Okay. And what is Exhibit 4?

23 A. This is Si's new will that he executed in
24 2012, on July 25th, the same day as that durable power
25 of attorney.

1 Q. Now, were you present when Simon executed his
2 new will, which is Exhibit 4?

3 A. Yes, I was.

4 Q. If you turn to the last page --

5 Well, actually, if you turn to the first page,
6 does it say "copy" and bear a clerk's stamp?

7 A. It does.

8 Q. Okay.

9 MR. ROSE: I would represent to the Court that
10 I went to the clerk's office -- unlike with
11 Shirley's will, I went to the clerk's office and
12 obtained a -- like, a copy made by the clerk of the
13 document itself, rather than have the typewritten
14 conformed copy.

15 MR. BERNSTEIN: Can I object to that?

16 THE COURT: What's the objection?

17 MR. BERNSTEIN: Is he making a statement? I'm
18 not sure --

19 THE COURT: You're asking me a question. I
20 don't know.

21 MR. BERNSTEIN: I'm objecting. Is that a
22 statement?

23 THE COURT: The objection is? What are you
24 objecting to?

25 MR. BERNSTEIN: With the statement being

1 from --

2 THE COURT: Okay. That was a statement by
3 somebody who's not a sworn witness, so I'll sustain
4 the objection.

5 MR. BERNSTEIN: And the chain of custody of
6 the document, I'm just trying to clarify that.
7 Okay.

8 THE COURT: The objection was to the
9 statement. I've sustained the objection.

10 Next question, please.

11 BY MR. ROSE:

12 Q. Unlike the trust, how many originals of a will
13 do you have the client sign?

14 A. There's only one.

15 Q. And then you give the client the one with the
16 typewritten -- you call it conformed copy?

17 A. We conform the copy of the will.

18 Q. And after Simon died, was your law firm
19 counsel for the personal representative of the Estate of
20 Simon Bernstein?

21 A. Yes, we were.

22 Q. Did you file the original will with the court?

23 A. Yes, we did.

24 Q. Is it your belief that the original of this
25 document is somewhere in the Palm Beach County Court

1 system with the clerk's office?

2 A. Yes, I do.

3 MR. ROSE: I'd move Exhibit 4 in evidence,
4 Your Honor.

5 THE COURT: All right. Any objection?

6 [No response.]

7 MR. BERNSTEIN: No objection stated, I'll
8 receive this as Plaintiff's 4.

9 (Plaintiff's Exhibit No. 4 was received into
10 evidence.)

11 BY MR. ROSE:

12 Q. Now, if you turn to the next to the last page
13 of Exhibit --

14 A. Yes.

15 Q. -- Exhibit 4, you'll see it bears a signature
16 of Simon Bernstein and two witnesses, yourself and
17 Kimberly Moran, who all assert that you signed in the
18 presence of each other?

19 A. Yes.

20 Q. And then in the next page, it has what would
21 be a self-proving affidavit?

22 A. Correct.

23 Q. Now, if you look at the signature block where
24 the notary signed, where it says "who is personally
25 known to me," it doesn't seem to have a check box there.

1 It just says "who is personally known to me or who has
2 produced [blank] as identification," right?

3 A. Correct.

4 Q. Is this the same person who notarized the
5 exhibit we just put in evidence, Exhibit 15, the durable
6 power of attorney -- 16, the durable power of attorney?

7 A. Yes.

8 Q. Okay. And again, with regard to
9 Exhibit 4 -- strike that.

10 Do you recall where you signed Exhibit 4?

11 A. Yes.

12 Q. In whose office?

13 A. This was also done in Si's office.

14 Q. Okay. So you took -- you went personally
15 again, along with Kim Moran, as your practice, to make
16 sure that the documents were signed properly; true?

17 A. Correct.

18 Q. And that's important because, if the documents
19 aren't properly signed, they might not be valid and
20 enforceable?

21 A. That's correct.

22 Q. And I'm going to hand you Exhibit 5. This is
23 the Simon L. Bernstein Amended and Restated Trust
24 Agreement.

25 Was that signed the same day, at the same

1 time, with the same procedures?

2 A. Yes, it was.

3 Q. And would this have been signed with three
4 originals?

5 A. Yes, it would be.

6 MR. ROSE: I would move Exhibit 5 into
7 evidence, Your Honor.

8 THE COURT: Any objection?

9 [No response.]

10 THE COURT: All right. That's in evidence as
11 Plaintiff's 5.

12 (Plaintiff's Exhibit No. 5 was received into
13 evidence.)

14 BY MR. ROSE:

15 Q. Now, we looked at the history when you did the
16 first set of documents. In the second set, you started
17 in February through July.

18 Did you have a number of telephone conferences
19 with Simon during that time?

20 A. Yes, we did.

21 Q. And at least a couple of face-to-face
22 meetings?

23 A. Yes, we did.

24 Q. Did at any time Simon give you any indication
25 that he was not fully mentally sharp and aware and

1 acting of his own volition?

2 A. Nope. He was Si that we had known since 2007.

3 Q. I'll close with Exhibit 17. This is a letter
4 you sent to Simon Bernstein, enclosing a copy of his
5 conformed will for him.

6 A. Yes, it is.

7 Q. And it's dated the 26th, the day after he
8 signed the documents?

9 A. Correct.

10 Q. And did you also leave him with two of the
11 originals of his trust?

12 A. Yes, we did.

13 MR. ROSE: I move -- did I move 17 in? Or I
14 will move it in.

15 THE COURT: Number 7, is it?

16 MR. ROSE: Seventeen, sir.

17 THE COURT: Oh, I'm sorry.

18 Any objection?

19 [No response.]

20 THE COURT: All right. Then that's in
21 evidence as Plaintiff's 17.

22 (Plaintiff's Exhibit No. 17 was received into
23 evidence.)

24 BY MR. ROSE:

25 Q. Now, Simon passed away on September 13, 2012.

1 Does that sound right?

2 A. Yes, it does.

3 Q. I have Exhibit 18 as his death certificate.

4 MR. ROSE: I'll just move 18 into evidence.

5 THE COURT: Any objection?

6 [No response.]

7 THE COURT: All right. That's in evidence as
8 Plaintiff's 18.

9 (Plaintiff's Exhibit No. 18 was received into
10 evidence.)

11 BY MR. ROSE:

12 Q. So that's the death certificate for Simon
13 Bernstein.

14 Did you have any further discussions or
15 meetings with Simon after he signed the will and trust
16 in 2012 and before he died?

17 A. Not that I recall, no.

18 Q. And you filed a notice of administration,
19 opened an asset, published it in the Palm Beach Daily
20 Review, did what you had to do?

21 A. Yes, we did.

22 Q. And you and Mr. Tescher were the personal
23 representatives of the estate?

24 A. Yes, we were.

25 Q. And you and Mr. Tescher became the successor

1 trustees of Simon's amended trust after he passed away?

2 A. Yes, we did.

3 Q. I guess while he was still alive, he was still
4 the sole trustee of his trust, which was revocable
5 still?

6 A. Correct.

7 Q. And then upon his death, at some point, did
8 Ted Bernstein become aware that he was going to become
9 the successor trustee to the Shirley trust?

10 A. Yes. We had a meeting with Ted.

11 Q. And that was the first time he learned about
12 the contents of her trust, as far as you know?

13 A. Correct.

14 Q. Initially, did anybody object to the documents
15 or the fact that the beneficiaries were supposed to be
16 the 10 grandchildren?

17 A. No.

18 Q. When was there first some kind of an objection
19 or a complaint?

20 A. I can't recall exactly when it happened.

21 Q. Okay. Did you at some point get a letter from
22 a lawyer at the Tripp Scott firm?

23 A. Yes, we did.

24 Q. Okay. I think she was asking you about
25 something called the status of something called I View

1 It Company? Do you recall that?

2 A. Vaguely.

3 Q. Did you know what the Iviewit company was
4 before you received a letter from the Tripp Scott
5 lawyer?

6 A. I'm not sure. I'm not sure. I know today. I
7 can't tell if I'm answering because I know about it
8 today or if I knew about it at that time.

9 Q. Okay. And did -- was she asking for some
10 documents from you?

11 A. Is this Ms. Yates?

12 Q. Yes.

13 A. Yes.

14 Q. And did you provide her with certain
15 documents?

16 A. She had asked for copies of all of Shirley's
17 and Si's estate planning documents.

18 Q. And did you provide her with all of the
19 documents?

20 A. Yes, we did.

21 Q. Was one of the documents that you provided her
22 not an accurate copy of what Shirley had executed during
23 her lifetime?

24 A. That is true.

25 Q. Okay. And I guess I'll hand you Exhibit 6,

1 and this -- is Exhibit 6 a document that is not a
2 genuine and valid testamentary document of Shirley
3 Bernstein?

4 A. That's correct.

5 Q. Can you explain to the Court why Exhibit 6 was
6 prepared and the circumstances?

7 A. It was prepared to carry out the intent of
8 Mr. Bernstein in the meeting that he had had with his
9 five children, and perhaps a vague -- or a layman -- a
10 layman can make a mistake reading Shirley's documents
11 and not understand who the intended beneficiaries were
12 or what powers I had. So this document was created.

13 Q. Is it your belief that under the terms of
14 Shirley's document from -- the ones she actually signed,
15 that Simon had the power to appoint the funds to the ten
16 grandchildren?

17 A. Yes. We -- we prepared the documents that
18 way, and our planning transmittal letter to him
19 reflected that.

20 Q. And this document is, I think you said, to
21 explain it to a layperson in simpler fashion?

22 A. It was created so that the person that, you
23 know, didn't read estate planning documents and prepare
24 estate planning documents for a living -- you know,
25 there was no intent to cut out Pam and Ted's children,

1 basically.

2 Q. Now, did you ever file this exhibit in the
3 courthouse?

4 A. No, we did not.

5 Q. Did you ever use it for any purpose?

6 A. No, we did not.

7 Q. Was it at one point provided to Eliot's
8 counsel?

9 A. Yes, it was.

10 Q. Now, the fact -- putting aside this document,
11 were any of the other documents that we're talking about
12 in any way altered or changed from the ones that were
13 signed by Shirley or Simon?

14 A. No, they were not.

15 Q. Now, after these issues came to light, did
16 Mr. Eliot Bernstein begin to attack you through the
17 internet and through blogging and things like that?

18 A. He was doing that long before this document
19 came to light.

20 Q. Okay. What was Eliot doing?

21 A. His first thing that he did was -- with
22 respect to the courts, was to file an emergency petition
23 to freeze assets and after his brother as successor
24 trustee of his mother's trust had sold the condo.

25 MR. BERNSTEIN: Your Honor, can I object to

1 this line of questioning for relevance to validity?

2 THE COURT: What's the line of questioning
3 you're talking about?

4 MR. BERNSTEIN: The slander defamation going
5 on about me with, you know, what I do and --

6 THE COURT: Well, I wasn't aware there's a
7 line of questioning going on. There is a question.
8 You've objected to it.

9 MR. BERNSTEIN: Yes.

10 THE COURT: What's the objection to that
11 question?

12 MR. BERNSTEIN: The relevancy to a validity
13 hearing.

14 THE COURT: Okay. Can I have the court
15 reporter read the question back?

16 (A portion of the record was read by the
17 reporter.)

18 THE COURT: What is the relevance of whether
19 this guy's posting on Facebook that's negative or
20 not?

21 MR. ROSE: Well, a couple of things, but,
22 primarily, we're just trying to determine whether
23 these documents are valid.

24 THE COURT: Right.

25 MR. ROSE: And he is the only one who's saying

1 they're not valid, so I want to give some
2 explanation as to why he's saying they're not
3 valid, as opposed to --

4 THE COURT: I don't care why he's saying
5 they're valid or invalid. I'll wait to see what
6 the facts are. So I'll sustain the objection.

7 MR. ROSE: That's fine.

8 BY MR. ROSE:

9 Q. Did Simon Bernstein make any special
10 arrangements, other than -- strike that.

11 Did Simon or Shirley make any special
12 arrangements, other than the testamentary documents that
13 are admitted into evidence, for special benefits for
14 Eliot Bernstein and his family?

15 A. No, they did not.

16 Q. Any special education trusts, other than
17 the -- these five documents? And I believe there was
18 some shares of stock that were put in trust for all ten
19 grandchildren, right?

20 A. There was no special arrangements made other
21 than the estate planning documents.

22 Q. After Simon died, did Eliot claim to you that
23 Simon was supposed to have made some special
24 arrangements for him?

25 MR. BERNSTEIN: Object to the relevancy again.

1 THE COURT: Overruled.

2 THE WITNESS: Yes, he did.

3 BY MR. ROSE:

4 Q. Did he ever give you an indication how much
5 money he thought he was going to inherit when his
6 father died, or his children would inherit when his
7 father died?

8 A. Through his subsequent attorney, yes, he did.

9 Q. And how much money did he indicate he thought
10 there should be?

11 A. I heard a number from one of his attorneys of
12 40- to a \$100 million.

13 Q. Are you aware of any assets that Simon
14 Bernstein had other than what he disclosed to you at the
15 two times that we've looked at in 2007 and again in
16 February of 2012?

17 A. No, I am not.

18 MR. ROSE: No further questions, Your Honor.

19 THE COURT: All right. Thanks.

20 Is there any cross?

21 MR. BERNSTEIN: Yes.

22 MR. MORRISSEY: Judge, I have questions as
23 well.

24 THE COURT: Okay. Well, then, let me have the
25 direct finished. That way, all the

1 cross-examination can take place without
2 interruption. So everybody make sure you're
3 fitting within the Plaintiff's side of the room's
4 time limitations. We'll strictly obey those.

5 CROSS (ROBERT SPALLINA)

6 BY MR. MORRISSEY:

7 Q. Good afternoon, Mr. Spallina. My name's John
8 Morrissey. I represent four of the adult grandchildren
9 of Simon Bernstein.

10 And since we're here today about validity, I'm
11 just going to go over, and try to be very brief,
12 concerning the execution of these documents and your
13 knowledge about the execution.

14 Exhibit 1, which has been entered as the will
15 of Shirley Bernstein, I'd ask you to direct your
16 attention to that document. And I'm looking here at
17 page 7. I ask that you turn to page 7 of Exhibit 1.

18 Were you a witness of this document, this will
19 that was executed by Shirley Bernstein on May 20th of
20 2008?

21 A. Yes, I was.

22 Q. And was Diana Banks the other witness?

23 A. Yes, she was.

24 Q. And did you and Diana witness Mrs. Bernstein's
25 execution of this document?

1 A. Yes, we did.

2 Q. You were present during her execution?

3 A. Yes, we were.

4 Q. And was she present during your execution of
5 this document as a witness?

6 A. Yes, she was.

7 Q. And was she, Shirley Bernstein, present during
8 Diana Banks' execution of this document?

9 A. Yes, she was.

10 Q. Okay. And I'm again focused on this
11 Exhibit No. 1, this will of Shirley Bernstein dated
12 May 20th of 2008.

13 Is it your opinion that at the time Shirley
14 Bernstein executed this document she understood
15 generally the nature and extent of her property?

16 A. Yes, she did.

17 Q. Okay. And at the time Shirley Bernstein
18 executed Exhibit 1, did she have a general understanding
19 of those who would be the natural objects of her bounty?

20 A. Yes, she did.

21 Q. Okay. And at the time she -- Shirley
22 Bernstein executed Exhibit 1, did she have a general
23 understanding of the practical effect of this will?

24 A. I believe she did.

25 Q. Okay. And in your opinion, was Shirley

1 Bernstein unduly influenced by any beneficiary of
2 Exhibit 1 in connection with its execution?

3 A. Not to my knowledge.

4 Q. Okay. And do you have any knowledge of any
5 beneficiary or anyone actively procuring Exhibit 1?

6 A. No, I do not.

7 Q. Okay. Moving on to Exhibit 2, which is
8 Shirley Bernstein's trust executed on the same date,
9 that is May 20th of 2008, I'll direct your attention to
10 page 27 of Exhibit No. 2. And it appears that Shirley
11 Bernstein executed that document on May 20th of 2008.
12 And the witnesses were yourself and Traci -- I can't
13 read her last name.

14 A. Traci Kratish.

15 Q. Okay. Did Shirley Bernstein execute
16 Exhibit No. 2 in the presence of both you and Traci
17 Kratish?

18 A. Yes, she did.

19 Q. Okay. And did you execute Exhibit No. 2 in
20 the presence of Shirley Bernstein and Traci Kratish?

21 A. Yes, I did.

22 Q. Okay. And did Traci Kratish execute
23 Exhibit No. 2 in your presence and Shirley Bernstein's
24 presence?

25 A. Yes, she did.

1 Q. Okay. And at the time Shirley Bernstein
2 executed Exhibit No. 2, which is her 2008 trust, is it
3 your opinion that she had a general understanding of the
4 nature and extent of her property?

5 A. Yes, she did.

6 Q. Okay. And at the time that Shirley Bernstein
7 executed Exhibit No. 2, is it your opinion that she
8 understood generally the relationship of those who
9 would -- were the natural objects of her bounty?

10 A. Yes.

11 Q. Okay. And at the time Shirley Bernstein
12 executed Exhibit No. 2, is it your opinion that she
13 generally understood the practical effect of this
14 document?

15 A. I believe she did.

16 Q. Okay. And did you have any belief that
17 Shirley Bernstein was unduly influenced in connection
18 with -- by any beneficiary in connection with her
19 execution of Exhibit No. 2?

20 A. Not to my knowledge.

21 Q. Okay. And do you know or have any information
22 about any beneficiary or anyone else actively procuring
23 Exhibit No. 2?

24 A. I do not.

25 Q. Okay. And with respect -- now we'll move on

1 to Exhibit No. 3, which is the first amendment of
2 Shirley Bernstein's trust, executed on November 18th of
3 2008. And I'll direct your attention on that Exhibit 3
4 to Page No. 2. And on Page No. 2 --

5 Well, let me ask this question. Did Shirley
6 Bernstein execute Exhibit No. 3 in the presence of both
7 you and Rachel Walker?

8 A. Yes, she did.

9 Q. Okay. And did you execute Exhibit No. 3 in
10 the presence of Shirley Bernstein and Rachel Walker?

11 A. Yes, I did.

12 Q. And did Rachel Walker execute this document,
13 Exhibit No. 3, in the presence of Shirley Bernstein and
14 yourself?

15 A. Yes, she did.

16 Q. Okay. And at the time Exhibit No. 3 was
17 executed, is it your opinion that Ms. Bernstein
18 understood generally the nature and extent of her
19 property?

20 A. Yes, I believe so.

21 Q. And is it your opinion that at the time
22 Shirley Bernstein executed Exhibit No. 3, she generally
23 understood the relationship of those who would be the
24 natural objects of her bounty?

25 A. Yes, I believe so.

1 Q. Okay. And at the time Shirley Bernstein
2 executed Exhibit No. 3, is it your opinion that she
3 generally understood the practical effect of this trust
4 amendment?

5 A. Yes, I believe so.

6 Q. Okay. And do you have any knowledge or
7 information about any beneficiary or any other person
8 unduly influencing Shirley Bernstein to execute
9 Exhibit No. 3?

10 A. I do not.

11 Q. Okay. And do you have any knowledge or
12 information about any person, beneficiary or otherwise,
13 actively procuring Exhibit No. 3?

14 A. I do not.

15 Q. Okay. Moving on to Exhibit No. 4 then, which
16 is the will of Simon Bernstein, and that is a will that
17 Mr. Bernstein executed on July -- yes, July 25 of 2012.
18 And let me direct your attention to page 7 of that will,
19 Exhibit No. 4.

20 And did Simon Bernstein execute this document
21 in the presence of you and Kimberly Moran on July 25,
22 2012?

23 A. Yes, he did.

24 Q. And did you execute this document,
25 Exhibit No. 4, as a witness in the presence of Simon

1 Bernstein and Kimberly Moran on that date?

2 A. Yes, I did.

3 Q. And did Kimberly Moran execute Exhibit No. 4
4 as a witness in the presence of Simon Bernstein and
5 yourself?

6 A. Yes, she did.

7 Q. Okay. And on this date -- or at the time of
8 execution on this date of July 25, 2012, did Simon
9 Bernstein understand in a general way the nature and
10 extent of his property?

11 A. Yes, he did.

12 Q. Okay. At the time that Exhibit No. 4 was
13 executed, did Simon Bernstein generally understand the
14 relationship of those who would be the natural objects
15 of his bounty?

16 A. Yes, he did.

17 Q. And at the time Exhibit No. 4 was executed,
18 did -- in your opinion, did Simon Bernstein understand
19 the practical effect of this will?

20 A. Yes, he did.

21 Q. Okay. And do you have any knowledge or
22 information about any person, whether beneficiary or
23 otherwise, actively procuring this Exhibit No. 4?

24 A. No, I do not.

25 Q. Do you have any information about any person,

1 beneficiary or otherwise, unduly influencing Simon
2 Bernstein to execute Exhibit No. 4?

3 A. I do not.

4 Q. Okay. And moving on to the last document
5 then, Exhibit No. 5, which is the Simon Bernstein
6 Amended and Restated Trust Agreement, and I'll direct
7 your attention to page 24 of that Exhibit No. 5.

8 On July 25, 2012, did Simon Bernstein execute
9 this trust agreement in the presence of you and Kimberly
10 Moran?

11 A. Yes, he did.

12 Q. And did you execute this trust, Exhibit No. 5,
13 as a witness in front of Simon Bernstein and Kimberly
14 Moran?

15 A. I did.

16 Q. And did Kimberly Moran execute Exhibit No. 5
17 as a witness in front of Simon Bernstein and yourself?

18 A. She did.

19 Q. Okay. And at the time Simon Bernstein
20 executed Exhibit No. 5, in your opinion, did he
21 generally understand the nature and extent of his
22 property?

23 A. He did.

24 Q. And at the time Exhibit No. 5 was executed,
25 did Simon Bernstein, in your opinion, generally

1 understand the relationship of those who would be the
2 natural objects of his bounty?

3 A. He did.

4 Q. And did Simon Bernstein, when Exhibit No. 5
5 was executed, understand generally the practical effect
6 of this trust agreement?

7 A. Yes, he did.

8 Q. And at the time Exhibit No. 5 was executed, do
9 you have any knowledge about any person, whether
10 beneficiary or otherwise, unduly influencing
11 Mr. Bernstein, Simon Bernstein, to execute this
12 Exhibit No. 5?

13 A. Nothing that I'm aware of.

14 Q. Okay. And do you have any knowledge or
15 information about any person, whether beneficiary or
16 otherwise, actively procuring Exhibit No. 5?

17 A. I do not.

18 MR. MORRISSEY: I have no further questions,
19 Judge.

20 THE COURT: All right. Thanks.

21 Now, is there any cross? You're not required
22 to ask any questions, but you just need to let me
23 know if you're going to.

24 MR. BERNSTEIN: Oh, are you asking me? I had
25 no idea.

1 THE COURT: I'm not asking you. I'm just
2 telling you, if you have questions for the witness,
3 this is your opportunity to ask them; if you don't
4 have any questions, you don't have to ask any. But
5 if you're going to, you have to start now.

6 CROSS (ROBERT SPALLINA)

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.

20 Q. Are you under a consent order with the SEC?

21 MR. ROSE: Objection. Relevance.

22 THE COURT: Sustained.

23 BY MR. BERNSTEIN:

24 Q. Did you sign a consent order for insider
25 trading --

1 A. Yes, I did.

2 Q. -- with the SEC?

3 You did. Can you give us the circumstances of
4 your consent order?

5 MR. ROSE: Objection. Relevance.

6 THE COURT: That won't be relevant. Please
7 move on to the next question.

8 MR. BERNSTEIN: Okay.

9 BY MR. BERNSTEIN:

10 Q. Were you -- did you plead to a felony crime?

11 MR. ROSE: Objection. Relevance.

12 THE COURT: Overruled.

13 MR. BERNSTEIN: Well, it's relevant as to --

14 THE COURT: I didn't ask for argument.

15 MR. BERNSTEIN: Well, what did you say?

16 THE COURT: I didn't ask for argument. I
17 sustained the objection -- no, I sustained the last
18 objection. This one I'm overruling.

19 You can answer.

20 MR. BERNSTEIN: I can't ask him if he's a
21 felon?

22 THE COURT: You're asking the wrong guy.

23 MR. BERNSTEIN: Okay. Are --

24 THE COURT: The witness is -- you asked the
25 question.

1 BY MR. BERNSTEIN:

2 Q. Are you a convicted felony?

3 THE COURT: Let's back up a second.

4 MR. BERNSTEIN: Yes, sir.

5 THE COURT: When you're asking for a ruling,
6 and I make one, then we're going to have the
7 witness answer.

8 MR. BERNSTEIN: Okay.

9 THE COURT: I made my ruling. I'm letting the
10 witness answer your earlier question, unless you're
11 withdrawing it. Are you withdrawing your earlier
12 question?

13 MR. BERNSTEIN: No.

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.

24 THE COURT: Sustained. Next question.

25 MR. BERNSTEIN: Does that mean he doesn't have

1 to answer that?

2 THE COURT: How many times have you been in
3 court?

4 MR. BERNSTEIN: Just a few where I've had to
5 do this.

6 THE COURT: You know how this works.

7 MR. BERNSTEIN: I really don't.

8 THE COURT: All right. If I sustain an
9 objection, that's means he does not answer the
10 question.

11 MR. BERNSTEIN: Okay. And overruled?

12 THE COURT: If I overrule an objection, that
13 means the witness does answer the question.

14 MR. BERNSTEIN: Okay.

15 THE COURT: And I've asked you to ask your
16 next question.

17 MR. BERNSTEIN: Okay.

18 BY MR. BERNSTEIN:

19 Q. Is that your picture on the Florida Law
20 Review, SEC case settled against Florida attorneys?

21 MR. ROSE: Objection. Relevance.

22 THE COURT: Sustained.

23 Do you have any questions on the issues that I
24 have to decide in this case?

25 MR. BERNSTEIN: Well, his testimony is based

1 on his truthfulness.

2 THE COURT: My question is, do you have any
3 questions you want to ask about the issues relevant
4 to this case?

5 MR. BERNSTEIN: Yes. This is relevant to this
6 case.

7 THE COURT: I disagree.

8 MR. BERNSTEIN: Oh, okay.

9 THE COURT: I thought I made that very clear
10 in my ruling. You probably want to move on to a
11 relevant issue.

12 MR. BERNSTEIN: Okay.

13 BY MR. BERNSTEIN:

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.

20 Q. Well, you just said you went to the Palm Beach
21 County Sheriff and admitted altering a document and put
22 it in the mail.

23 THE COURT: Let me stop you there. If you
24 want to ask the witness questions, you're permitted
25 to do that. If you would like to argue with the

1 witness, that's not -- do you have any questions
2 you want to ask?

3 MR. BERNSTEIN: Yes.

4 BY MR. BERNSTEIN:

5 Q. So you sent a fraudulent document to Eli
6 Bernstein's minor children's counsel.

7 Can you tell us what that document did to
8 affect the dispositive Shirley trust document?

9 A. It has no effect.

10 Q. What was its intended effect of altering the
11 document?

12 A. To carry out your father's wishes in the
13 agreement that he had made with the five of you for a
14 layperson that would be reading the documents.

15 Q. You were carrying out his wishes by
16 fraudulently altering a document?

17 MR. ROSE: Objection.

18 THE COURT: Sustained.

19 That's argumentative. I don't want you to
20 argue with the witness. That's an argument.

21 MR. BERNSTEIN: Okay.

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.

1 Q. Who are the beneficiaries of Shirley's trust?

2 A. It depends on -- under the trust instrument,
3 in the absence of Si exercising his power of
4 appointment, it would be yourself and your two sisters,
5 Lisa and Jill.

6 Q. Oh. So the only beneficiaries in Shirley's
7 trust are me, Lisa and Jill.

8 Is that directly or through a family trust?

9 A. Your father had established -- your parents
10 had established family trusts for the three of you to
11 receive assets from the trust.

12 Q. Okay. So in that document that you sent to
13 Christine Yates, did you include Ted and Pam's lineal
14 descendants under the amendment that you fraudulently
15 drafted and sent to her?

16 MR. ROSE: Objection. Argumentative.

17 THE COURT: Sustained.

18 BY MR. BERNSTEIN:

19 Q. Did in any way the document that you
20 fraudulently altered and sent to Yates change the
21 beneficiaries from Eliot, Lisa and Jill and their lineal
22 descendants to anybody else?

23 THE COURT: May I ask a question?

24 MR. BERNSTEIN: Yes, sir.

25 THE COURT: This document that you're

1 referring to, is anybody asking me to probate that
2 document?

3 MR. BERNSTEIN: Well, it's part of the estate
4 plan. It's part --

5 THE COURT: Is anybody seeking relief, either
6 you or the other side, under that document?

7 MR. BERNSTEIN: Yeah. They're seeking to
8 change the beneficiaries of my mom's trust through
9 that document and others.

10 THE COURT: You're misperceiving my question.

11 MR. BERNSTEIN: Oh, okay. Sorry.

12 THE COURT: That document, which
13 is -- nobody's put it in evidence; I don't know
14 what it is, but it's -- that thing that you're
15 asking the witness about, is somebody seeking
16 relief based upon that document?

17 MR. ROSE: Absolutely not. The opposite.

18 THE COURT: All right. Are you seeking relief
19 based upon that document?

20 MR. BERNSTEIN: Yeah. Oh, absolutely.

21 THE COURT: All right. Are you claiming that
22 that document is subject to probate?

23 MR. BERNSTEIN: Yeah.

24 THE COURT: Is the lady who's giving you
25 advice your attorney?

1 MR. BERNSTEIN: No.

2 THE COURT: Ma'am, are you admitted to the bar
3 in Florida? Remember what I told you earlier.
4 I've let you sit there as a courtesy. Generally, I
5 don't let wives or friends or anybody else sit at
6 the table where the parties are because it confuses
7 me. But you're giving that guy advice and you're
8 also not listening to me, which I find odd, because
9 I'm going to have you move you back to the gallery
10 now. Please have a seat in the gallery. Please
11 have a seat in the gallery. Please have a seat in
12 the gallery. Soon. When courtesy is not returned,
13 courtesy is withdrawn. Please have a seat in the
14 gallery. Thank you.

15 Do you have any other questions of the
16 witness?

17 MR. BERNSTEIN: Can I submit this as evidence
18 to the Court?

19 THE COURT: Is that the document you've been
20 asking the witness about?

21 MR. BERNSTEIN: Yeah.

22 THE COURT: All right. Any objection to it
23 being received as an exhibit?

24 MR. ROSE: I don't have any objection to it
25 being received as an exhibit. But as Your Honor

1 noted, we aren't seeking to probate it, and we're
2 not suggesting it's valid in the first place.

3 THE COURT: All right. Well, let me see what
4 that document is, so then I'll see if I can make
5 some sense out of it.

6 You can't -- Gary's always afraid that if
7 somebody's not a member of the bar, they might do
8 something bad to me. Officers of the court aren't
9 allowed to do things bad to the judge. Other folks
10 don't know that. And so Gary watches out carefully
11 for my well-being.

12 MR. BERNSTEIN: Gotcha.

13 THE COURT: Okay. So this is a document
14 that's titled "First Amendment to Shirley Bernstein
15 Trust Agreement."

16 MR. BERNSTEIN: Correct.

17 THE COURT: And it's in the book that I've
18 been given earlier by the plaintiff as Tab 6.
19 You're seeking to put it into evidence as
20 Defendant's 1?

21 MR. BERNSTEIN: Okay.

22 THE COURT: Right?

23 MR. BERNSTEIN: Sure. Yes, sir.

24 THE COURT: You're offering it as an exhibit?

25 MR. BERNSTEIN: No, Evidence 1.

1 THE COURT: The objection to it is that it's
2 not relevant?

3 MR. ROSE: Not relevant. Right, relevance.
4 And it's also not something we're seeking to be
5 probated or treated as authentic and genuine.

6 THE COURT: Well, the other side is seeking to
7 use the terms of this document instead of the terms
8 of the amendment that's in evidence, right?

9 MR. ROSE: I don't believe that's what he's
10 doing.

11 THE COURT: I'm not sure what he's doing, but
12 in an abundance of caution, I'm going to receive it
13 for what relevance it might have. I don't perceive
14 any yet, but we'll see what happens.

15 So this is Defendant 1.

16 (Defendant's Exhibit No. 1 was received into
17 evidence.)

18 THE COURT: Any other questions of the
19 witness?

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.

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.

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.

24 Judge Colon has a rule in his court to have
25 those documents notarized, even though that's not the

1 requirement under the Florida Probate Code.

2 Q. So when you didn't follow the rule, you
3 frauded [sic] and forged the document?

4 MR. ROSE: Objection. Argumentative.

5 THE COURT: Sustained.

6 THE WITNESS: I had nothing to do with that.

7 THE COURT: You've got to stop a second.

8 MR. BERNSTEIN: Yes, sir.

9 THE COURT: If you continue to argue with the
10 witness, then I'll assume you don't have any more
11 questions. I sustained that last objection to
12 argumentative.

13 MR. BERNSTEIN: I'm a little confused --

14 THE COURT: I'm sorry about your confusion,
15 but there are ways you could have dealt with that
16 before this trial. If you are confused during the
17 trial, you better get unconfused as quickly as you
18 can because bad things will happen. And I don't
19 want bad things to happen. I want to get the facts
20 so that I can accurately decide the case on its
21 merits.

22 Stop arguing, ask questions, let the witness
23 answer, and listen to any rulings that I make on
24 the objections. That's the last time I'll repeat
25 that advice to you. Thank you.

1 BY MR. BERNSTEIN:

2 Q. What law firm submitted those documents to the
3 court?

4 A. Tescher & Spallina, P.A.

5 Q. Are you a partner in that firm?

6 A. I was.

7 Q. So your firm that you were a partner with sent
8 in documents that were fraudulent to the court?

9 MR. ROSE: Objection. Cumulative.

10 THE COURT: Sustained.

11 BY MR. BERNSTEIN:

12 Q. Did Tescher & Spallina law firm submit
13 Kimberly Moran's forged and fraudulent document waivers
14 to the court?

15 MR. ROSE: Objection. Cumulative.

16 THE COURT: He already said he did.

17 MR. BERNSTEIN: What is that?

18 THE COURT: Cumulative means you've already
19 had that answer given.

20 MR. BERNSTEIN: No, I didn't have that.

21 THE COURT: He's already said that he did.

22 MR. BERNSTEIN: I'm asking if they deposited
23 them with the court.

24 THE COURT: And he said they didn't.

25 MR. BERNSTEIN: Well, I asked him, and he

1 said --

2 THE COURT: I won't argue with you. Do you
3 want to go on to the next item or not?

4 MR. BERNSTEIN: Oh, okay, I do.

5 THE COURT: Okay. Next question, please.

6 BY MR. BERNSTEIN:

7 Q. Did your office -- did you submit documents to
8 close the estate of Shirley with Simon as the personal
9 representative at a time Simon was dead?

10 A. We did.

11 Q. You did? Excuse me? I didn't hear an answer.

12 A. I said yes.

13 Q. So Shirley's estate was closed by a dead
14 personal representative.

15 Can you give me the time that the estate was
16 closed by Simon while he was dead?

17 MR. ROSE: Objection. Argumentative.

18 THE COURT: Overruled.

19 You can answer.

20 THE WITNESS: I believe it was October,
21 November 2012.

22 BY MR. BERNSTEIN:

23 Q. Do you want to check your records on that?

24 A. I believe it was after his death. I know he
25 died September 13, 2012. And we had received late from

1 one of your sisters the signed waiver. So it was
2 probably in November, somewhere around there.

3 Q. You stated that Simon -- that Kimberly did
4 five waivers for the siblings that she sent back in
5 fraudulently to the court through your law firm.

6 Did she also do a fraudulent forged signature
7 of a waiver for Simon?

8 A. I'm not sure. I guess if you're saying she
9 did --

10 Q. Well, the court has on file a waiver of
11 Simon's that she's admitted to.

12 A. We filed all of the waivers originally with
13 the court all signed by the appropriate parties, and the
14 court kicked those back. And she forged and notarized
15 new documents and sent them to the court. She felt she
16 had made a mistake.

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?

9 THE COURT: What is it that you want the
10 witness to answer? There was several questions.

11 MR. BERNSTEIN: Oh, compounded a little bit?

12 THE COURT: Yes.

13 MR. BERNSTEIN: Sorry.

14 THE COURT: So you even --

15 MR. BERNSTEIN: I'll kick that back.

16 THE COURT: So you even know the lingo of the
17 objections.

18 MR. BERNSTEIN: I'll kick that back to one at
19 a time, because it's an important point.

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.

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
25 telling you this so that you can focus more tightly

1 on the questions you're asking and the facts you're
2 developing so they'll help me make an accurate
3 decision on those things that I'm going to decide
4 today. You can keep asking questions that don't go
5 anywhere, but I would hope that you'll adjust your
6 approach so that you'll help me make an accurate
7 decision.

8 MR. BERNSTEIN: Okay.

9 BY MR. BERNSTEIN:

10 Q. And on validity, let's just get right to that
11 real quick. You've testified to a lot of documents here
12 today, correct, of the estate documents you drafted,
13 correct?

14 A. Yes, I did.

15 Q. Did you gain any pecuniary interest, did you
16 gain any titles in those documents?

17 A. Pecuniary interest? No. I was named by your
18 father as personal representative and trustee of his
19 trust.

20 Q. And so you executed -- you drafted the
21 documents, you signed them as a witness, and you gained
22 interest in the documents, correct?

23 A. No, I did not.

24 Q. You didn't gain interest as a trustee --

25 MR. ROSE: Objection.

1 BY MR. BERNSTEIN:

2 Q. -- or a personal representative of those
3 documents?

4 MR. ROSE: Objection. Cumulative. Asked and
5 answered.

6 THE COURT: Overruled.

7 THE WITNESS: I was named as his personal
8 representative and trustee, along with my partner.

9 BY MR. BERNSTEIN:

10 Q. Did you witness the document?

11 A. I did.

12 Q. Did you draft the document?

13 A. I did.

14 Q. Okay. You mentioned there was Kimberly Moran
15 there at the signing of these documents, correct?

16 A. She was.

17 Q. Okay. Can you point her out, because I'm
18 going to need her to testify as to the validity?

19 A. I do not see her in the courtroom.

20 Q. Okay. You mentioned a Traci Kratish. Can you
21 point her out in the courtroom today to validate the
22 documents?

23 A. I don't see Traci in the room either.

24 Q. So she was another witness that is not here
25 present to validate the documents today? Well, it's

1 awful -- okay.

2 Is Kimberly Moran here who notarized the
3 documents.

4 MR. ROSE: Objection. Cumulative. Asked that
5 a minute ago.

6 MR. BERNSTEIN: I didn't -- did I? Was it
7 Moran --

8 THE COURT: No, I thought it was some other
9 name.

10 MR. BERNSTEIN: So did I.

11 THE COURT: Is Kimberly here?

12 THE WITNESS: She's not.

13 THE COURT: Okay. Next question.

14 BY MR. BERNSTEIN:

15 Q. Okay. Being a former estate planning
16 attorney. To validate a document, wouldn't you have the
17 parties who witnessed and notarized and signed present?

18 MR. ROSE: Objection. Relevance.

19 Misstates --

20 THE COURT: Sustained.

21 BY MR. BERNSTEIN:

22 Q. Is it necessary to validate documents with the
23 necessary notaries and witnesses present?

24 MR. ROSE: Objection. Calls for a legal
25 conclusion.

1 THE COURT: Well, I'm the one that's going
2 make that decision. I don't care what the witness
3 says about the law.

4 MR. BERNSTEIN: I gotcha. Okay.

5 THE COURT: So this would be a good time for
6 us to take a pause. We're not making headway.

7 You ever here of cavitation when it comes to
8 boat propellers?

9 MR. BERNSTEIN: No.

10 THE COURT: Okay. I don't know a lot about
11 the physics of it, but a boat goes forward based on
12 a propeller spinning in the water. And it happens
13 sometimes in racing boats, maybe other boats too,
14 that you get the propeller going so fast or you do
15 something so much with the propeller that it
16 cavitates, which means that it's not actually
17 pushing in the water. It's making a lot of noise.
18 It's spinning like crazy. It's furiously working,
19 but it's not propelling the boat forward. I want
20 to suggest to you that you've hit a point of
21 cavitation. So this would be a good time for us to
22 take our lunch break so that when we get back we'll
23 go forward with this ship that is our trial.

24 MR. BERNSTEIN: How long?

25 THE COURT: It'll be until 1:30.

1 MR. BERNSTEIN: Okay.

2 THE COURT: That'll give everybody a time to
3 revive, if necessary, and we'll reconstitute
4 ourselves at 1:30. Thanks.

5 (A break was taken.)

6 (Proceedings continued in Volume 2.)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

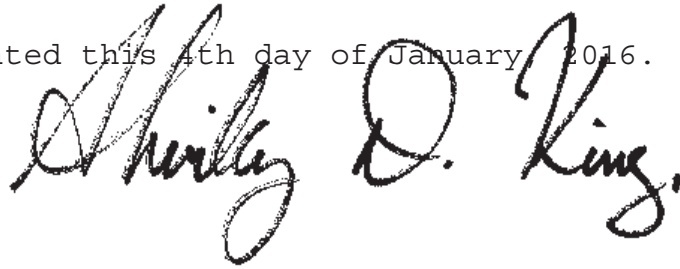
C E R T I F I C A T E

STATE OF FLORIDA

COUNTY OF PALM BEACH

I, Shirley D. King, Registered Professional Reporter, State of Florida at large, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

Dated this 4th day of January 2016.



Shirley D. King, RPR, FPR

Job #1358198-VOL 1

<hr/> <p style="text-align: center;">\$</p> <hr/> <p>\$1.2 49:25 \$100 81:12 \$100,000 48:7 \$18 23:11 46:12 \$2 54:6 \$200,000 32:2,9</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p>0 55:13 07 23:12 08 24:3,5</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 15:23 34:3,6, 10,15,16 39:10 54:12 61:14,20 62:2 82:14,17 83:11,18,22 84:2,5 101:20, 25 102:15,16 1,150,000 49:2 1,550,000 49:12 10 13:9,10,22 14:3,4 22:3 58:9 75:16 100 48:14 100,000 48:18 11 26:12,21 27:1,2,5,11 11/14/07 14:13 11/14/2007 15:3 11/16 15:6 12 22:9,12 24:5 12/19 23:23 12/19/07 23:22, 24 13 23:5 45:18, 22 46:2,3,19 53:22 59:1 73:25 106:25 14 60:24 61:3, 7,8 14th 22:4 23:12 15 17:21 63:18 64:5,10,11</p>	<p>71:5 16 65:22,24 66:17,21,22 71:6 16th 12:15 17 62:6 73:3, 13,21,22 18 23:13 25:16, 17 47:16 74:3, 4,8,9 18th 40:15 86:2 19 12:25 25:17 26:14 1st 59:1</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 35:9 36:11 39:11 51:6 55:14 61:12, 14,21 62:2,3 84:7,10,16,19, 23 85:2,7,12, 19,23 86:4 20 24:9 2000 17:21 18:17 20:4,14 21:8,24 30:11 2002 37:19 2007 11:25 12:15 22:4 25:25 46:11 47:16 49:23 51:18 53:1 73:2 81:15 2008 8:25 9:1, 2,5,6,21,25 10:4,5 24:9,11 25:25 26:15 33:3,14 34:1 35:12 37:1,17, 20 38:24 40:15,16 41:5 49:22,23 61:12 64:21 82:20 83:12 84:9,11 85:2 86:3 110:17,18 2010 42:22 43:17 58:25 2012 9:17,18 45:15,21</p>	<p>46:13,18 51:15,21 53:1 57:17 59:1,2 62:7 63:23 64:17 67:18,24 73:25 74:16 81:16 87:17,22 88:8 89:8 106:21,25 108:3,21 110:20 20th 82:19 83:12 84:9,11 24 89:7 24th 63:23 65:16 25 20:15 21:17, 19 67:18 87:17,21 88:8 89:8 250 55:14 25th 67:24 26th 15:5 73:7 27 36:8 84:10</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 38:20 39:1,6, 7,11 51:7 61:14,22 62:2 86:1,3,6,9,13, 16,22 87:2,9, 13 31 24:3 33 23:6 33:22 365,000 52:13</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4 67:19,20,22 68:2 70:3,8,9, 15 71:9,10 87:15,19,25 88:3,12,17,23 89:2 40 17:16 18:3 40- 81:12 40A 15:22 17:7, 12 40A-F 17:13</p>	<p>40B 16:11 40C 17:1</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5 20:17,18 23:6 51:20 71:22 72:6,11,12 89:5,7,12,16, 20,24 90:4,8, 12,16 500,000 47:24 48:1 55:16</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6 76:25 77:1,5 101:18 60 58:11 600 48:13,14 600,000 55:18</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>7 19:11,20,25 20:1 73:15 82:17 87:18 75 54:14 750,000 49:10</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>800,000 51:9 8th 42:23</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9 12:11,12,20 13:1 90 58:11 9th 32:11,17 107:17,23 108:3,8,21 109:3,12 110:9,10</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>absence 98:3</p>
--	--	--	--

absolutely 99:17,20	affidavit 70:21	60:24 84:10	assume 51:8 104:10
abundance 102:12	affirmed 10:24	appoint 20:23 30:2,13 77:15	assuming 28:9
access 43:25	afraid 101:6	appointment 20:21 21:1,4, 15 29:19 31:12,15 33:6, 12,20 55:4 65:7 98:4	attached 62:13
accommodate 37:10	afternoon 82:7	approach 11:2 12:11 15:21 67:19 111:6	attack 78:16
accompany 40:25	aggressive 7:19	approaches 11:3	attend 59:5
account 23:2 57:4	agree 9:24 10:5	approval 59:24	attention 82:16 84:9 86:3 87:18 89:7
accounting 60:21 62:14 103:13	agreement 9:18 29:10,22 35:11 38:2 61:13,22, 24 64:16 65:8 71:24 89:6,9 90:6 97:13 101:15	approved 53:16	attorney 12:2 24:16 27:8 45:1,4 51:14 65:23 67:15,25 71:6 81:8 91:12,13,15 96:10 99:25 109:15
accountings 107:22	agreements 35:20	approximately 45:13	attorney-client 38:9
accurate 19:19 76:22 111:2,6	Alan 5:6	April 26:14 29:1 32:11,17 37:2 107:17,23 108:3,8,21 109:3,12,17 110:9,10	attorneys 81:11 94:20
accurately 104:20	Alexandra 8:15	area 37:4	August 17:21
acknowledge 96:16	alive 35:7 43:25 44:5,8 52:10 63:10 75:3 110:11	argue 96:25 97:20 104:9 106:2	authentic 8:22 9:16 26:18 102:5
acknowledged 96:18	allegedly 107:18	arguing 104:22	authorization 63:11
acting 73:1	allowed 101:9	argument 92:14, 16 97:20	authorized 45:3
action 8:24	altered 78:12 95:23 97:23 98:20	argumentative 97:19 98:16 104:4,12 106:17	avoid 29:15,18
actively 84:5 85:22 87:13 88:23 90:16	altering 46:7 96:21 97:10,16	arranged 40:5	aware 39:24 40:24 50:10,18 55:20 56:5 72:25 75:8 79:6 81:13 90:13 107:17
actual 35:15	amend 38:1	arrangements 80:10,12,20,24	
add 23:10	amended 8:24 9:18 38:4,5 64:15,23 71:23 75:1 89:6	arrows 19:17	<hr/> B <hr/>
addition 41:5 65:6	amendment 9:2, 4,5,7 39:18 40:2,14,17 61:23 86:1 87:4 98:14 101:14 102:8 110:18	assert 70:17	back 8:1 15:4 40:13 42:2 47:11 49:22 60:21,22 79:15 93:3 100:9 103:20,23 107:4,14,21 108:15,18 110:6
address 5:23	amount 20:7 55:11 56:6	asset 25:10 42:7 50:4 74:19	bad 101:8,9 104:18,19
addressing 60:25	ancillary 16:23	assets 18:9,11 29:16,17 30:2 31:13 36:4 43:11 48:20 49:18 50:1 54:22 55:2,5 64:24 78:23 81:13 98:11	balance 21:18 33:23
adjust 11:8 111:5	Andrews 53:17	assistant 40:11 66:14 102:24	
administration 44:4,8 46:18 74:18	answering 76:7		
admission 11:11	appearance 8:11		
admitted 24:8 80:13 96:21 100:2 107:11	appears 18:12 20:12 23:3 25:17 26:20 27:15 36:8		
adult 8:14 82:8			
advance 15:9,13			
advice 56:23 57:7 99:25 100:7 104:25			
affect 97:8			

Banks 82:22 Banks' 83:8 bar 100:2 101:7 based 25:14 60:2 91:11 94:25 99:16,19 basically 31:3 78:1 Bates 13:20 16:17 Baxley 66:8,11, 12 67:8 Beach 69:25 74:19 95:15 96:2,5,20 bear 16:17 65:25 68:6 bears 15:22 24:9 70:15 begin 78:16 beginning 5:11 begins 53:22 behalf 5:6 6:1 8:13 belabor 21:15 belief 37:20 69:24 77:13 85:16 belong 19:18 beneficiaries 18:4 20:8 33:12,16 46:25 57:14 75:15 77:11 97:24 98:1,6,21 99:8 beneficiary 28:10 33:4 42:24 43:6,20, 21 44:17,20 55:9 56:22 57:21 62:16 84:1,5 85:18, 22 87:7,12 88:22 89:1 90:10,15 benefit 54:16 benefits 80:13 Bentley 50:8,9, 10,11,20,21 Bernstein 5:3, 7,15,18,22,25	6:6,8,11,14, 17,20,24 7:3, 7,10,13,16,17 8:15,16 9:1,2, 17 10:4,7,9, 11,14 11:15, 20,24 12:8,17, 18 13:5 14:19, 22 16:2,8,13, 21 20:15 23:16 24:9,12,22 25:1,15 27:13 28:18 29:10 30:23 31:9 36:11,13 41:15 43:2 45:10 46:18 49:4,6,8 52:8 56:8 60:25 61:18, 21,22,23,25 62:24 63:12,19 64:1 65:25 68:15,17,21,25 69:5,20 70:7, 16 71:23 73:4 74:13 75:8 77:3,8 78:16, 25 79:4,9,12 80:9,14,25 81:14,21 82:9, 15,19 83:7,11, 14,17,22 84:1, 11,15,20 85:1, 6,11,17 86:6, 10,13,17,22 87:1,8,16,17, 20 88:1,4,9, 13,18 89:2,5, 8,13,17,19,25 90:4,11,24 91:7,23 92:8, 9,13,15,20,23 93:1,4,8,13, 16,19,25 94:4, 7,11,14,17,18, 25 95:5,8,12, 13,16,21 96:8, 15 97:3,4,21, 22 98:18,24 99:3,7,11,20, 23 100:1,17,21 101:12,14,16, 21,23,25 102:20,21	103:2,6,8,10 104:8,13 105:1,11,17, 20,22,25 106:4,6,22 108:11,13,15, 18,20 109:22, 25 110:4,5 111:8,9 Bernstein's 17:5 22:14 61:12 82:24 84:8,23 86:2 91:12,13 96:10 97:6 Bill 31:22 51:13 bit 108:11 blank 71:2 block 67:1 70:23 blogging 78:17 book 11:5,6,14 101:17 bottom 14:10 53:21 55:13 bought 50:19 56:4 bounty 83:19 85:9 86:24 88:15 90:2 box 67:3 70:25 break 58:8,19 briefly 41:8 bringing 40:23 brokerage 23:2 brother 45:7 78:23 brought 11:4 40:7 bunch 47:14 business 25:5, 20,21,24 26:1, 3 27:16 31:21	22,25 63:1,5, 14 65:13 69:16 called 40:3,5 45:3,15 52:7 56:16 75:25 91:8 calls 62:23 Candice 5:19 24:12,22 care 8:6 16:24 27:9 55:6 80:4 carefully 101:10 carry 77:7 97:12 carrying 97:15 case 5:3 10:15 24:8 50:17 93:22 94:20,24 95:4,6 104:20 cash 47:11 causing 63:7 caution 102:12 CD 47:9 certificate 74:3,12 chain 69:5 change 21:11,25 30:14 40:4 45:11 55:8 56:23 57:20,24 97:23 98:20 99:8 changed 78:12 changing 54:21 56:14,17 charged 96:1 chart 19:14 32:5 Chaves 12:6 check 70:25 106:23 checked 67:3,4 child 19:17 children 6:2,8, 25 7:8,10 10:9 18:16,17 19:6, 7,16 20:5,11, 12 21:6 30:16, 18 32:14 40:20,22,25
---	---	---	--

41:2 44:7 45:7 46:24 55:6 57:13 58:2,5 59:5,20,23 60:8 77:9,25 81:6 96:11 107:21 108:6 109:3 110:7, 11,12 children's 27:7 97:6 Christine 95:24 96:10 98:13 chronological 14:8,9 circumstances 77:6 91:17 92:3 claim 10:1 47:10 80:22 claiming 10:4 99:21 clarify 69:6 clear 95:9 clerk 68:12 clerk's 68:6, 10,11 70:1 client 15:4 25:9 26:15 29:15 35:2,5 39:15 69:13,15 clients 12:16, 18 13:15,17 53:5,10 close 46:24 60:19 73:3 106:8 107:24 closed 46:20,21 106:13,16 closer 48:14 Code 104:1 codicils 17:4 collateralized 50:1 Colon 103:24 column 51:3 committed 96:18 communication 58:2 company 23:7 41:12 48:10	51:11,16 76:1, 3 company's 13:19 complaint 8:17, 24 75:19 compounded 108:11 Concepts 51:12 concerned 42:7 conditions 20:23 condo 23:4 51:2,6 78:24 conduct 7:20 conference 37:4 58:4 59:3,6,19 60:6 62:9,11, 25 63:1 65:13 conferences 72:18 confidential 29:17 conform 69:17 conformed 34:8, 19 68:14 69:16 73:5 confused 17:25 104:13,16 confuses 100:6 confusion 104:14 connection 84:2 85:17,18 consent 62:16 91:20,24 92:4 consistent 24:10 30:7 contact 60:6 contents 75:12 continuance 7:6,24 continue 57:1 58:21 104:9 control 39:15, 16 controlled 52:2,9 convenience 40:8 conversation 6:21	convicted 93:2 103:1,5,11 copies 15:16 35:13,15 76:16 copy 16:4 26:18 34:5,8,19 45:2 57:9 68:6,12, 14 69:16,17 73:4 76:22 correct 20:16 21:2,7,10 27:9,14 28:11, 14 29:13 31:7, 25 32:4,8,12 33:5,7,24 34:21 35:4 36:8 40:10 43:4,9,17 44:18 47:15, 19,22 48:8,16, 25 49:3,11 51:17 52:14 53:14,18 54:8 57:18,24 62:7 65:1 66:7 70:22 71:3,17, 21 73:9 75:6, 13 77:4 91:9 101:16 103:8 109:4 111:12, 13,22 counsel 5:17 6:2,24 10:12 69:19 78:8 97:6 count 8:23 9:15 County 69:25 95:15 96:2,5, 21 couple 25:7 72:21 79:21 court 5:3,8,12, 16,20,24 6:5, 7,10,13,15,18, 21 7:1,5,9,12, 15,17 8:9,12, 18 9:4,6,24 10:3,8,10,13, 16 11:3,6,9, 12,13 12:22,24 13:24 14:2 17:9,11,19,22, 24 19:22,24	24:15,23 26:23,25 29:18 34:12,14,24 35:6 39:3,5 41:18 42:1 45:24 46:1 49:5,7 53:15 56:9 58:7,15, 20 61:4,6,17, 19 62:1 64:7,9 66:18,20 68:9, 16,19,23 69:2, 8,22,25 70:5 72:8,10 73:15, 17,20 74:5,7 77:5 79:2,6, 10,14,18,24 80:4 81:1,19, 24 90:20 91:1, 22 92:6,12,14, 16,22,24 93:3, 5,9,14,18,24 94:2,3,6,8,12, 15,22 95:2,7, 9,18 96:7,13, 23 97:18 98:17,23,25 99:5,10,12,18, 21,24 100:2, 18,19,22 101:3,8,13,17, 22,24 102:1,6, 11,18 103:4, 14,15,17,19, 20,24 104:5,7, 9,14 105:3,8, 10,14,16,18, 21,23,24 106:2,5,18 107:5,10,13, 14,15 108:9, 12,14,16 109:21,23 110:3,15 courteous 7:18 courtesy 24:18 100:4,12,13 courthouse 34:25 78:3 courts 78:22 96:17 crash 53:4
---	--	---	--

created 26:19 32:15 35:17, 19,23 41:11,17 60:3 77:12,22	16 30:1 33:18 43:22 50:16 54:16 57:5 64:24 74:3,12 75:7 106:24 110:7	Diana 82:22,24 83:8	divided 64:24
crime 92:10	debacle 47:10	die 30:14 47:1	docket 8:3
cross 81:20 82:5 90:21 91:6	Deborah 32:7	died 28:5 31:11,14 33:3 42:20 50:8 58:24 69:18 74:16 80:22 81:6,7 106:25	document 12:13 21:13 22:16 24:7 26:19 28:25 29:12 31:14 34:8,23 35:10,13,18 38:6,17,21,23 39:22,24 40:6 63:4 68:13 69:6,25 77:1, 2,12,14,20 78:10,18 82:16,18,25 83:5,8,14 84:11 85:14 86:12 87:20,24 89:4 95:23 96:9,21 97:5, 7,8,11,16,23 98:12,19,25 99:2,6,9,12, 16,19,22 100:19 101:4, 13 102:7 104:3 105:13 108:5 110:9
cross-examination 82:1	December 42:21 58:24	direct 7:19 11:16 58:1 81:25 82:15 84:9 86:3 87:18 89:6	documents 8:22, 25 9:11,13,14, 19,23 13:8 15:15,16,19 16:22,23 17:2, 20,22 18:7,8, 9,18 19:1 20:4,13,14 21:8 22:1 25:3 26:5,6,8,15,17 27:12,21 29:4 30:8,15 31:12, 16,24 32:10, 19,22,23 33:13,17 34:1 36:15 37:1,13 40:4,9,16,19 41:6,20 44:1, 2,21 45:2,4,5, 11,16 55:2,3 56:15,18 57:6, 24 60:3 61:15 63:3,11,16 64:17 65:16,21 66:9 71:16,18 72:16 73:8
cumulative 105:9,15,18 109:20 110:14	decide 8:9,20, 21 45:10 94:24 104:20 110:16, 17,19 111:3	direction 38:12 41:17	
current 46:9	decided 57:7	directed 16:2	
custody 69:5	decision 44:12 57:23 111:3,7	disagree 10:7 95:7	
cut 20:12 77:25	deduction 43:24 51:8	discharge 62:14,15,16	
<hr/> D <hr/>	defamation 79:4	disclose 16:20	
Dad 60:16	default 33:12, 16	disclosed 46:12 81:14	
Daily 74:19	Defendant 102:15	discuss 22:22 25:19 39:14,17 46:6 48:22 54:22 60:18	
date 14:12 15:1 17:19,22 23:21 24:9 40:14 63:22 67:17 84:8 88:1,7,8	defendant's 101:20 102:16	discussed 42:8 57:16 59:18 65:13 107:20	
dated 12:15 15:4 26:14 62:6 73:7 83:11	defendants 8:14	discussion 22:5,22 32:18 42:10 54:11 55:19 59:22 63:14 95:14	
dates 24:1	denied 7:6,24	discussions 44:25 54:1 74:14	
daughter 54:24 55:25	depending 55:11,12	disinherited 55:2	
day 6:16 8:3,4 52:20 58:12 65:16 67:24 71:25 73:7 109:4 110:17	depends 98:2	disposition 19:2	
days 15:6,7 27:11	deposited 105:22	dispositions 21:25	
dead 106:9,13, 16	depression 53:4	dispositive 57:6 65:19 97:8	
deal 43:10	descendants 30:3 98:14,22	distributions 29:25	
dealership 50:13	describe 18:2 28:18 41:8 102:23		
dealings 67:11	designated 28:23 33:13		
dealt 104:15	designation 55:9 57:21		
Dear 64:14	designations 27:8		
death 18:10,15 20:9,18 29:7,	determine 9:15 79:22		
	developing 111:2		
	device 38:7		

75:14 76:10, 15,17,19,21 77:10,17,23,24 78:11 79:23 80:12,17,21 82:12 97:14 103:16,19,25 105:2,8 106:7 107:15 108:25 110:1,20 111:11,12,16, 21,22 dollar 23:3 35:22 36:2 dollars 25:18 Don 13:12 draft 32:22,23 63:15 65:16 drafted 30:8 33:13 98:15 111:12,20 drafting 39:13 drafts 26:6,7,9 27:6 37:2 63:20 64:15 drag 41:2 Drive 53:12 duly 10:24 durable 16:24 27:8 65:23 67:14,24 71:5, 6 duties 63:6	effort 43:10 Eli 97:5 Eliot 5:15 7:16 11:14 18:12 20:14 21:17 33:21 45:7 52:1 56:4,5 60:12,25 62:7, 18,24 63:12 78:16,20 80:14,22 96:10 98:21 Eliot's 78:7 email 60:25 62:6 emergency 78:22 empty 50:5 Enclosed 27:6 enclosing 63:20 73:4 end 8:4 33:22 110:16 enforceable 8:23 9:16 37:15 71:20 110:19,21 enforcing 7:19 entered 82:14 entity 41:11,16 52:4,7,9 envelope 15:24 equal 20:22 21:21 equally 19:6 Eric 8:15 essentially 28:19 establish 41:22 established 98:9,10 estate 12:2 13:7 15:12,14 16:22 18:2,13 20:6,11 25:3 27:20 28:10,23 30:14 33:4 41:5,24 43:18, 19 44:5,8,13 46:7,24,25 48:19 49:15,18 50:7 52:12	55:23 56:18,19 57:8,16 58:6 59:21 60:19 63:3 64:22 69:19 74:23 76:17 77:23,24 80:21 99:3 103:2,6 106:8, 13,15 107:24 111:12 estimate 43:13 event 29:19 30:13 51:16 eventually 29:6 33:25 36:4 evidence 12:21 13:2,23 14:5, 15 17:8,14 19:21,25 20:2 22:3 26:22 27:1,3 34:11, 14,17 39:2,5,8 45:23 46:1,4 61:3,6,9,14 62:2,4 64:6,9, 12 66:17,23 70:3,10 71:5 72:7,10,13 73:21,23 74:4, 7,10 80:13 99:13 100:17 101:19,25 102:8,17 EXAMINATION 11:16 examined 10:24 exception 31:17,18 excluded 33:18 44:22 Excuse 24:12 34:7 106:11 execute 33:25 40:6 84:15,19, 22 86:6,9,12 87:8,20,24 88:3 89:2,8, 12,16 90:11 executed 35:12 40:9 65:21 67:23 68:1 76:22 82:19 83:14,18,22	84:8,11 85:2, 7,12 86:2,17, 22 87:2,17 88:13,17 89:20,24 90:5, 8 111:20 execution 36:15 82:12,13,25 83:2,4,8 84:2 85:19 88:8 exercise 33:11 55:3 exercised 21:5, 16 33:21 65:7 exercising 98:3 exhibit 12:11, 12,20 13:1,9, 10,22,25 14:4 15:22 16:11 17:7,13,16 18:3 19:20 20:1 22:3,9,12 26:12,21 27:2, 5 34:3,6,10,16 35:9 36:11 38:20 39:1,7 45:17,18,22 46:3 53:22 60:24 61:3,8, 12 62:3 63:18 64:5,11 65:22, 24 66:17,22 67:19,20,22 68:2 70:3,9, 13,15 71:5,9, 10,22 72:6,12 73:3,22 74:3,9 76:25 77:1,5 78:2 82:14,17 83:11,18,22 84:2,5,7,10, 16,19,23 85:2, 7,12,19,23 86:1,3,6,9,13, 16,22 87:2,9, 13,15,19,25 88:3,12,17,23 89:2,5,7,12, 16,20,24 90:4, 8,12,16 100:23,25 101:24 102:16
<hr/> <p style="text-align: center;">E</p> <hr/>			
earlier 93:10, 11 100:3 101:18 earliest 14:11 early 42:16 45:15 46:18 easier 23:1 education 80:16 effect 39:18 60:16 83:23 85:13 87:3 88:19 90:5 97:9,10 effectively 21:4 38:17			

exhibits 11:5	FDIC 47:21	FMV 51:3	Gary's 101:6
exist 40:16	February 46:13	focus 110:25	gave 46:14
existed 30:11	51:15 56:11,20	focused 83:10	50:12
52:17	59:1 72:17	110:23,24	general 41:11
existence 41:16	81:16	folks 101:9	83:18,22 85:3
existing 13:7	Federal 27:12	follow 7:20	88:9
15:19	Fedex 64:3	26:16 104:2	generally 18:2
exists 52:20	felon 92:21	forged 103:22	59:18 83:15
expected 42:11	felony 92:10	104:3 105:13	85:8,13 86:18,
expert 91:9	93:2,15 103:1,	107:6,14	22 87:3 88:13
explain 27:20	5	form 36:2 52:17	89:21,25 90:5
77:5,21	felt 55:23,25	formalities	100:4
explanation	107:15	37:14,24 38:24	gentleman 51:13
26:16 80:2	figure 41:19	67:15	genuine 77:2
Express 27:12	55:5	formally 51:13	102:5
extensive 41:23	file 11:12	Forman 12:7	gift 32:2,9
extent 20:20	12:14 15:6,8,	formed 48:23	39:19
21:4 61:13	20 69:22 78:2,	forward 8:2	girlfriend
83:15 85:4	22 107:10	Found 30:15	50:12,24 55:24
86:18 88:10	filed 7:8 34:24	fourth 24:4	56:21
89:21	35:6 43:15	fraud 96:18	give 18:5 21:9,
	47:10 74:18	110:2	11,23 25:23
	103:14,15,18	frauded 104:3	27:25 30:12
	107:12	fraudulent 97:5	31:12 40:4
<hr/>	files 13:20	103:1,16	57:7 64:21
F	16:4,15 35:5	105:8,13 107:6	69:15 72:24
<hr/>	filing 7:7,23	fraudulently	80:1 81:4
face-to-face	final 29:3	95:23 96:9	91:17 92:3
72:21	64:18	97:16,23	106:15
Facebook 79:19	finally 7:22	98:14,20 107:5	giving 45:4
fact 9:8 28:15	finances 46:9	freeze 78:23	56:18 99:24
39:18 44:21	find 100:8	friends 100:5	100:7
54:4 55:1	fine 22:21 80:7	front 89:13,17	good 5:5 19:12
75:15 78:10	finished 81:25	full 107:17,23	42:14 56:2
facts 80:6	firm 12:3,5,9	108:21	58:7 82:7
104:19 111:1	13:5 16:17	fully 72:25	Gotcha 101:12
failed 61:11	26:14 36:21	funded 36:3	grammar 65:19
Fair 51:4	69:18 75:22	funds 77:15	grandchildren
fairly 29:14	91:19 103:16	future 26:2	8:15 19:18
familiar 22:18	105:2,5,7,12		55:6 56:19
47:22	107:5		57:8 59:22
family 19:12	fit 8:5		60:10 65:1,9
27:7 30:3	fitting 82:3		75:16 77:16
32:5,13 41:15	Fleisher 12:7		80:19 82:8
52:8 57:5 63:5	flip 15:3 23:18		granted 65:7
80:14 98:8,10	31:1 65:24		great 5:12
fashion 77:21	Florida 37:14,		43:10 56:20
father 63:5	24 41:10,13		58:15
81:6,7 98:9	94:19,20 100:3		Greenwald 15:25
111:18	104:1		16:7,12,19
father's 97:12			17:3
favor 21:16			
65:8			
		<hr/>	
		G	
		<hr/>	
		gain 111:15,16,	
		24	
		gained 111:21	
		gallery 24:20	
		100:9,10,11,	
		12,14	
		Gary 101:10	

<p>Greg 5:9 gross 53:16 guardian 29:19 guess 30:10 32:1 47:10 54:11,23 55:23 75:3 76:25 107:8 guilty 93:20 Gutter 12:6 guy 92:22 100:7 guy's 79:19</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>half 8:4 47:17 51:7 53:20 hand 11:10 13:9 15:21 16:11 26:12 34:3 35:9 38:20 45:17 60:24 63:18 65:22 71:22 76:25 handle 25:5 handwriting 22:11,19 handwritten 34:20 happen 6:19 104:18,19 happened 45:14 50:9 60:2 75:20 103:21 happy 55:1 60:17 heading 29:23 health 16:24 27:9 42:12,14 hear 9:22 106:11 heard 81:11 hearing 79:13 heart 42:15 held 64:25 high 53:5 hired 45:1 history 72:15 hit 47:10 hoc 6:25</p>	<p>holds 52:12 holidays 25:7 home 51:25 52:5 64:3 Honor 5:5 11:2, 4 12:21 13:23 17:8,23 19:10, 21 26:22 39:2 45:23 49:4 61:11 70:4 72:7 78:25 81:18 100:25 hope 111:5 hour 23:17 house 23:3 40:6 51:6 52:8,12 53:12 56:4 housekeeping 61:10 huge 11:6 husband 20:19, 23</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>idea 56:20 90:25 identical 28:19 31:3,16 identification 67:2 71:2 identify 12:12 13:10 17:2 26:13 important 60:17 65:5 71:18 108:19 110:2 importantly 109:11 incapacity 29:20 include 35:5 55:10 56:21 57:21 98:13 included 17:3 38:6 43:15 includes 23:13 including 16:23 income 29:24 increasing 55:11</p>	<p>indication 21:23 25:23 72:24 81:4 individually 5:23,25 10:7 influenced 84:1 85:17 influencing 87:8 89:1 90:10 information 85:21 87:7,12 88:22,25 90:15 inherent 28:5 81:5,6 initial 31:4 Initially 75:14 inject 24:18 insider 91:24 93:22 instrument 98:2 insurance 23:5, 13 25:20 51:12 53:25 54:2,7,9 55:9 56:22 57:13 intake 12:14 15:4 intended 30:8 77:11 97:10 intent 65:12 77:7,25 interest 48:20 51:19 52:15 111:15,17,22, 24 internal 54:23 internet 78:17 interruption 82:2 interviewed 96:4 invalid 9:25 10:6 80:5 inventory 43:15 inventorying 43:11 invested 47:13 investing 47:17 investment 47:8,12</p>	<p>investments 41:15 47:21 involved 25:20 44:24 48:10 51:14 93:22 involvement 36:21 IRA 49:10 issue 95:11 109:23 issues 42:15,16 78:15 94:23 95:3 item 106:3 Iviewit 76:3</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>January 24:3 Jill 18:12 45:8 98:5,7,21 John 82:7 joined 8:17 joint 23:1 57:4 JP 50:1 judge 8:14 81:22 90:19 101:9 103:24 July 65:21 67:18,24 72:17 87:17,21 88:8 89:8</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>kick 108:15,18 kicked 107:14 kids 108:25 Kim 67:11 71:15 Kimberly 36:18 40:7 66:5 70:17 87:21 88:1,3 89:9, 13,16 102:22 103:22 105:13 107:3 kind 42:17 55:4 58:1 75:18 knew 25:12 42:17 57:10 67:10,11 76:8</p>
--	--	---	--

knowledge 42:13 82:13 84:3,4 85:20 87:6,11 88:21 90:9,14	life 23:4,13 43:8 51:11 54:6,9 55:9 56:22	love 6:15 lovely 5:18 lunch 40:5	maximum 47:20, 24 means 94:9,13 105:18
Kratish 36:14, 23 84:14,17, 20,22	lifetime 30:24 76:23		mechanism 29:21 31:8
<hr/> L <hr/>	light 78:15,19	<hr/> M <hr/>	meet 11:23 23:15 25:8 40:1 45:16 54:22 56:14 58:25
lady 99:24	limitations 82:4	made 32:2 39:19 45:1 47:7 57:23 65:15 66:20 68:12 80:20,23 93:9 95:9 97:13 107:16	meeting 13:11, 12,17 14:18 15:9,14,17 22:4 23:19,21 24:1,2,3,4 25:6,12 32:21, 25 40:6 45:20 46:6,13 54:22 55:4 56:20 57:19,20 75:10 77:8 107:20
laid 65:20	limited 41:10, 12,13	mail 95:24 96:9,22	meetings 13:13 14:17 23:16 24:25 25:25 72:22 74:15
language 21:13	Lindsay 66:8, 11,12 67:7	main 37:3	member 101:7
lapse 57:11	lineal 30:3 98:13,21	make 6:25 8:11 13:7 17:25 18:8 19:1 32:23 35:25 37:13,15 40:8 56:1 71:15 77:10 80:9,11 82:2 93:6 101:4 104:23 111:2,6	memo 65:20
lapsed 57:11	lingo 108:16	making 68:17	memory 24:10
laser 110:24	Lisa 18:13 45:8 98:5,7,21	mandatory 29:24	mentally 55:20 72:25
late 106:25	list 50:3	March 24:5 25:6,25	mentioned 59:3 62:21
law 12:3,5,9 13:5 16:17 37:14,24 69:18 94:19 103:16 105:2,12 107:5	listed 97:24	marital 30:2 43:23	merits 104:21
lawful 20:22	listen 104:23	Maritza 50:22 54:19,20 55:7 56:21 57:21	met 14:21 25:16
lawsuit 31:9	listening 100:8	marked 45:17	Michael 8:16
lawyer 16:7 44:25 75:22 76:5	lists 19:15 23:1,6	market 51:4 53:4	middle 65:2,5
layman 77:9,10	live 42:11	marriage 30:15, 16,17,18	million 23:3,5, 6,11,13 25:16, 17 46:12 47:16 49:13,20,21, 24,25 51:2,6, 7,20 53:13,16 54:6,12,13,14, 16,17 81:12
laymen's 27:19, 23	lived 56:4	married 30:23	mind 110:21
layperson 77:21 97:14	lives 52:1	Matt 38:5,8	mine 109:17 110:22
learn 50:11	living 16:24 27:9 64:25 77:24	matter 33:2 38:10 61:10	minor 6:2 7:8 96:11 97:6
learned 44:21 75:11	L LLP 41:15 48:21,23 50:2 51:7	matters 63:7 95:16	minors 7:11
leave 73:10	loan 49:25 51:8 54:17	Matthew 32:3,6, 10 38:12,18 39:19	
leaving 60:9	loans 49:18,20, 21,22,24		
legalese 27:20	Logan 32:3,6 38:5 39:20		
lengthy 41:23	long 23:15 25:2 78:18		
letter 16:12,19 17:3 26:14 27:19 32:17 54:24,25 63:19 64:1 73:3 75:21 76:4 77:18	long-time 102:24		
letting 24:17 93:9	longer 42:11		
liability 41:12	looked 72:15 81:15		
LIC 48:6,10 51:11	losses 53:6		
	lost 47:13,16		
	lot 41:24 44:12 53:5 54:23 110:21 111:11		

minute 18:5	moving 29:23	25:25 40:15	October 106:20
minutes 58:9, 11,16,17	84:7 87:15	49:23 86:2	odd 100:8
miscellaneous 23:4	89:4	106:21 107:2	offering 101:24
misdemeanor 93:20	<hr/> N <hr/>	number 15:23	office 36:19
misperceiving 99:10	name's 82:7	55:12 72:18	37:5,7,8
mistake 39:13	named 32:2	73:15 81:11	59:13,16,17
77:10 107:16	36:17 44:20	numbers 13:20	66:6,12 68:10,
mix 57:5	51:13 57:13	<hr/> O <hr/>	11 70:1 71:12,
Molly 8:16	66:8 111:17	obey 82:4	13 95:15
mom's 99:8	names 19:15,17	object 10:17	102:25 106:7
money 22:6 23:2	narrowest 41:21	35:7 49:4 56:8	Officers 101:8
44:13,14 47:14	natural 83:19	68:15 75:14	offices 37:4,6,
48:15 56:6	85:9 86:24	78:25 80:25	11 40:23 67:12
81:5,9	88:14 90:2	objected 79:8	offset 49:17
monies 47:11	nature 83:15	objecting 68:21,24	offshore 47:9
month 27:11	85:4 86:18	objection	oldest 31:24
months 25:7	88:9 89:21	12:22,24 13:24	open 12:14 15:8
46:19	necessarily 47:25	14:2 17:9,11	opened 15:7
Moran 36:18	needed 25:12	19:22,24 26:23	74:19
66:5 67:11	60:20 61:1	34:12 39:3	opening 43:12
70:17 71:15	negative 79:19	45:24 49:5	operating 47:2,
87:21 88:1,3	net 22:5,6,15,	60:9 61:4,17,	3 108:24
89:10,14,16	23 25:15 51:25	19 64:7 66:18,	operative 9:12
102:22	52:25 53:5,10	20 68:16,23	61:15
Moran's 105:13	nobody's 99:13	69:4,8,9 70:5,	opinion 10:12
Morgan 50:1	non-survivor 31:25	7 72:8 73:18	60:5 83:13,25
morning 5:5	Nos 17:13	74:5 75:18	85:3,7,12
58:8	notarization 103:2	79:10 80:6	86:17,21 87:2
Morrissey 8:11,	notarized 36:17	91:21 92:5,11,	88:18 89:20,25
13 81:22 82:6,	66:8 71:4	17,18 93:23	opportunity 91:3
8 90:18	103:12,19,23,	94:9,12,21	opposed 80:3
mortgage 23:4	25 107:14	95:17 96:6,12	opposite 99:17
52:12,22	notary 37:8	97:17 98:16	optimistic 26:2
mother's 45:2	66:25 70:24	100:22,24	order 14:8,9
55:2 63:3	noted 101:1	102:1 103:3	19:11 53:15
78:24 107:24	notes 13:11,12,	104:4,11	91:20,24 92:4
move 12:20	16,19 14:7,11,	105:9,15	original 11:11
13:22 17:7	15,16 22:2,25	106:17 109:19	34:22 35:1,6
19:20 26:21	23:11,18 24:2	110:3,14	69:22,24
34:10 39:1	25:14 32:25	111:25	103:18
42:4 45:22	45:19,20 51:19	objections 104:24 108:17	originally 107:12
61:3,11,13	54:6	objects 83:19	originals 35:17,19 69:12
64:5 66:16	notice 74:18	85:9 86:24	72:4 73:11
70:3 72:6	November 9:5	88:14 90:2	outlived 28:15
73:13,14 74:4	12:15 15:5	obtained 68:12	outstanding 49:19
85:25 92:7	22:4 23:12	occupation 12:1	overrule 94:12
95:10 100:9		Ocean 53:12	

overruled 49:7 56:9 81:1 92:12 94:11 95:18 96:13 103:4 106:18	passed 31:5 46:19 73:25 75:1 110:12	20:1 27:1,2 34:15,16 39:6, 7 46:2,3 58:10 59:1 61:7,8, 20,21,22 62:2, 3 64:10,11 66:21,22 70:8, 9 72:11,12 73:21,22 74:8, 9 82:3	11,20 55:4 65:7,23 67:14, 24 71:6 77:15 98:3
overruling 92:18	past 60:3,4	plan 18:3,7,9, 14 25:10 46:7 64:22 65:19 99:4	powers 16:24 27:8 77:12
overstate 53:10	pause 58:8	planning 12:2 13:7 15:12,14 16:22 25:3,6 27:21 30:14 41:5,24 57:17 76:17 77:18, 23,24 80:21	practical 83:23 85:13 87:3 88:19 90:5
owned 48:23 52:1,4	paying 57:10	play 40:22 44:4,7	practice 13:16 71:15
owns 52:8	pecuniary 111:15,17	pled 92:10 93:15	practicing 91:16
<hr/> P <hr/>	perceive 102:13	pled 93:20	prepare 26:4,6, 7 63:15 77:23
P.A. 105:4	percent 20:15 21:17,19 33:22	plus-four 55:17	prepared 9:22 19:14 32:13 41:4 64:15 77:6,7,17
Palm 69:25 74:19 95:15 96:1,5,20	percentages 18:4	point 38:1 42:3 44:19 45:10 52:24 56:3 57:12,23 63:4 67:8 75:7,21 78:7 108:19	preparing 27:22
Pam 18:12 20:12 21:12 33:18 44:19,25 45:4 54:25 77:25	period 49:23	policy 54:15,18 56:22 57:8,9, 12	presence 70:18 84:16,20,23,24 86:6,10,13 87:21,25 88:4 89:9 108:4
Pam's 98:13	permission 59:25	Ponzi 47:13,18	present 36:13 59:8,10 68:1 83:2,4,7
paragraph 29:23 31:2 39:10,11 65:1,2,6	permitted 96:24	portion 58:12 79:16	pretty 36:2
paraphrasing 60:15	person 40:1 71:4 77:22 87:7,12 88:22, 25 90:9,15	portions 62:14	previously 38:6 103:13
parents 19:18 98:9	personal 18:22 19:5 20:4,10 28:6,7,22 29:7 40:10 42:25 43:14 48:20 63:6 69:19 74:22 106:8,14 111:18	possessed 6:4	price 53:16
part 29:17 42:8 46:13 65:4 99:3,4	personally 14:25 36:22 37:12 67:1,3 70:24 71:1,14	possession 108:6,22 109:1,2,16	primarily 79:22
participate 8:7 10:18	perspective 24:6	possibility 46:7	primary 29:12
parties 10:14 35:16 100:6 107:13,25 108:23	petition 62:14, 15 78:22	posting 79:19	principal 20:19
partner 5:9 13:12 22:24 31:22 41:11 105:5,7	phone 56:16 62:21,23	poured 28:2,4	prior 14:22 15:14 16:7 25:5 29:16 39:21 110:6
partner's 14:15	physically 59:12	power 20:21 21:1,4,9,15 30:1,4,13 31:12,15 33:6,	privilege 38:9 39:15
partnership 41:10,12,14	picture 94:19		pro 5:15 6:25
party 24:15	place 21:24 82:1 101:2		probate 24:8 29:15 43:13,16 46:18 99:1,22 101:1 104:1
pass 18:11,14 20:20 28:8 42:18 55:3 57:4,13	plaintiff 5:6 8:1,19 10:20 101:18		probated 102:5
	plaintiff's 8:8,17 12:12, 25 13:1 14:3,4 17:12,13 19:25		problems 42:12
			procedure 47:2, 3 108:24

procedures 72:1		38:4 45:13	released 63:5
proceed 58:20		71:10 74:17	releases 46:24
proceeding 7:4		75:20 76:1	47:1 60:21
24:19			103:12
procuring 84:5	qualify 46:25	receipt 62:16	relevance 42:3
85:22 87:13	question 6:5,7,	receivable 47:5	49:6 56:8
88:23 90:16	10,22,23 7:1,9	48:1,6	79:1,18 91:21
produced 13:20	8:19 38:11	receive 12:25	92:5,11 93:23
16:5 67:2 71:2	68:19 69:10	17:12 62:18	94:21 95:17
product 30:18	79:7,11,15	66:21 70:8	96:6,12 102:3,
47:8	86:5 92:7,25	98:11 102:12	13 103:3
properly 33:21	93:10,12,14,	109:11,13	109:19,21,23
37:23 40:9	18,24 94:10,	received 13:1	110:14
71:16,19	13,16 95:2	14:3,4 17:13	relevancy 79:12
property 18:22	98:23 99:10	20:1 27:2	80:25
19:5 20:5,10	103:7 106:5	34:16 39:7	relevant 39:23
28:6,7 42:25	questioning	46:3 48:5	42:1 48:22
43:14 83:15	79:1,2,7	54:24 61:8	92:6,13 95:3,
85:4 86:19	questions 5:22	62:3,19,20	5,11 102:2,3
88:10 89:22	7:22 81:18,22	64:11 66:22	109:22 110:1
protection 42:8	90:18,22 91:2,	70:9 72:12	relief 99:5,16,
provide 15:13	4 94:23 95:3	73:22 74:9	18
18:9 29:24	96:24 97:1	76:4 100:23,25	rely 37:8
57:3 76:14,18	100:15 102:18	102:16 106:25	remain 29:17
91:8	104:11,22	109:14	remained 29:3
provided 15:17,	108:10 111:1,4	recess 58:16	remaining 30:2
18 16:14 31:13	quick 111:11	recognize 22:11	58:11
45:6 76:21	quickly 104:17	35:10 38:21	Remember 100:3
78:7 103:14		45:18 67:20	remove 38:5
providing 55:10		record 11:18	39:19
59:21		13:10 26:13	removed 38:8,
provision 29:3		28:20 29:18	12,18
public 42:20		42:21 79:16	repeat 104:24
published 74:19	Rachel 40:11	records 106:23	replacement
pulled 55:24	86:7,10,12	recover 47:25	31:5
purported 47:8	Range 50:13,19	redirect 30:4	reporter 79:15,
purpose 13:4	read 7:7,23 9:9	referring 55:15	17
54:21 78:5	23:1 27:5	62:24 63:1	represent 68:9
purposes 14:7	53:23,24 54:25	99:1	82:8
43:12	77:23 79:15,16	reflect 14:11	representative
put 9:9 10:19	84:13	23:19	28:22 29:7
19:14 20:7	reading 26:17	reflected 18:3	63:6 69:19
23:25 24:6	27:19 48:8	77:19	106:9,14
35:22 36:4	65:1 77:10	regard 71:8	111:18
43:10 48:13,	97:14	reinstated	representatives
17,18 51:23	ready 5:4 58:20	57:12	74:23
52:16 58:3	real 53:8	relation 56:13	represented 6:2
63:6 71:5	111:11	14:22 41:23	7:13 10:11
80:18 96:21	realize 50:20	42:17 85:8	16:8
99:13 101:19	realized 48:3	86:23 88:14	request 7:5
putting 78:10	reallocate 30:4	90:1 102:23	45:2
	Realty 52:8		
	recall 20:13		
	22:17 32:20		

requested 45:15	45:22 46:5	send 35:4 44:1	25 37:10 38:1,
required 36:1	49:9 56:10	108:25 109:10	13,17 39:14,
37:14,24 90:21	58:14,22,23	sending 16:20	17,24 40:1,3,
requirement	61:3,10 62:5	sense 41:21	23 41:24
104:1	64:5,13 66:16,	101:5	42:15,18,20
residuary 20:6,	24 68:9 69:11	sentence 20:20	43:2 44:2
11,15 28:12	70:3,11 72:6,	21:3 29:25	46:17 58:24
43:2	14 73:13,16,24	separate 62:23	61:12,20,21,23
respect 78:22	74:4,11 79:21,	64:25	75:9 76:22
85:25 103:6	25 80:7,8	September 73:25	77:2 78:13
respond 60:12	81:3,18 91:21	106:25	80:11 82:15,19
response 12:23	92:5,11 93:23	serve 28:24	83:7,11,13,17,
14:1 17:10	94:21 95:17	40:11	21,25 84:8,10,
19:23 26:24	96:6,12 97:17	service 62:15	15,20,23 85:1,
34:13 39:4	98:16 99:17	session 58:9	6,11,17 86:2,
45:25 61:5	100:24 102:3,9	set 8:3,23	5,10,13,22
64:8 66:19	103:3 104:4	32:21 33:12,16	87:1,8 91:12
70:6 72:9	105:9,15	37:1 41:10	95:23 97:8
73:19 74:6	106:17 109:19	52:4 58:1	101:14 103:2,6
rest 63:7	110:14 111:25	72:16	106:8
restated 9:18	Rover 50:13,19	settled 94:20	Shirley's 18:25
64:16,23 71:23	Rubin 12:6	seven-fifty	22:6 28:22
89:6	Ruffin 12:6	54:13,14	30:1 34:7
retain 12:8	rule 103:24	Seventeen 73:16	35:11 40:17,20
retaining 13:5,	104:2 109:24	share 26:9	43:13 44:20
14	rules 7:20	40:19 49:2	48:24 50:4
returned 100:12	ruling 93:5,9	63:11	51:1,7 56:19
reverse 14:8,9	95:10	shares 20:21	58:6 60:10,19
review 13:6	rulings 104:23	21:21 23:6	65:8 68:11
74:20 94:20		51:14 80:18	76:16 77:10,14
revocable 27:7	S	sharp 55:20	97:24 98:1,6
28:2 29:16		72:25	106:13 110:17
75:4	sale 53:16	sheet 12:14	short 27:25
revoked 9:13,23	save 52:7	52:16 53:8	shorter 31:2
robert 10:21,23	scale 55:11	Sheriff 96:2,5,	shorthand 28:20
11:19 82:5	schedule 25:10	21	51:4
91:6	scheme 47:13,18	Sheriff's 95:15	shotgun 110:24
role 40:23	Scott 75:22	Shirley 8:25	show 17:1 22:9
44:4,7	76:4	9:1,2,14	36:2
room 59:14	seat 100:10,11,	11:20,23 12:8,	showed 32:25
room's 82:3	13	16,18 13:4,14	shows 18:19
Rose 5:5,6,9	seated 24:20	14:19,21 16:8,	49:20
8:10,21 9:5,8	SEC 91:20 92:2	12 17:17 18:10	Si 13:13 18:10
10:2,20 11:2,	94:20	19:15 21:22	28:19,22 37:11
4,7,10,14,17	secretary 66:13	23:16 24:9	40:3 42:14
12:20 13:3,22	seeking 99:5,7,	25:1 26:10	43:13,23 45:3
14:6 17:7,15	15,18 101:1,19	27:13 28:1,9,	46:25 47:7
18:1 19:10,20	102:4,6	15,18 30:22	54:21 58:25
20:3 24:24	seeks 9:15	31:2,11,23	60:20 64:14
26:21 27:4	self-proving	32:1,18 33:3,	73:2 98:3
34:10,18 39:1,	70:21	17,25 35:22	Si's 34:5
9 41:21 42:5,6		36:4,11,13,22,	48:19,24 50:16
			66:12 67:23

71:13 76:17	21:22 22:5,14	73:16 93:4,16	spend 44:12
siblings 21:17	23:2,16 24:25	98:24 101:23	split 19:6 20:5
63:15 103:13	25:15 26:9	104:8	spoke 45:3
107:4	27:13 28:1,9,	sisters 33:23	spouse 30:13
sic 104:3	20,23 29:9	45:8 98:4	44:17
sicker 42:18	30:22 31:4,12,	107:1	spouses 30:4
side 5:14 8:6,8	14,21 32:18	sit 24:17	St 53:17
49:16 58:11	33:6,17,25	100:4,5	stack 14:10
82:3 99:6	35:7 37:1,17,	sits 34:23	stamp 13:20
102:6	19 40:1,20,23	sitting 24:17	16:17 68:6
sign 37:1 38:17	41:24 42:7,23	37:3	stand 58:13
61:1 67:14	43:25 44:2,5,	situation 44:16	standard 13:16
69:13 91:24	8,11,12 45:10	skipped 65:4	29:14 47:2,3
108:25 109:16	46:6 47:4	slander 79:4	108:24
signature 22:20	50:6,12 51:12	slighted 56:1	Stanford 47:8,9
35:14 36:8,11	52:2,9 53:20	small 54:17	Stansbury 31:22
65:25 66:3	54:1 55:19,22	sold 53:13	51:13
70:15,23 107:6	56:13 57:15	78:24	star 48:17
signature's	59:10,12,14,20	sole 28:10	start 14:11
108:4	60:8 63:10,16,	42:24 43:5,20,	29:9 91:5
signatures	19 64:1 65:25	21 44:17 75:4	started 72:16
34:20 35:16	67:10 68:1	somebody's	starting 57:20
103:22,23	69:18,20 70:16	101:7	starts 29:25
signed 26:5	71:23 72:19,24	son 31:24 32:7	state 11:18
27:12,22 29:4	73:4,25 74:12,	51:12	95:22 107:24
32:19 36:25	15 77:15 78:13	sophisticated	stated 12:24
37:13,23 38:23	80:9,11,22,23	25:10	14:2 17:11
39:24 62:17	81:13 82:9	sort 27:19	19:24 70:7
63:4 65:17	87:16,20,25	30:10 44:11	107:3
70:17,24	88:4,8,13,18	46:14 48:18	statement 22:15
71:10,16,19,25	89:1,5,8,13,	64:20	68:17,22,25
72:3 73:8	17,19,25 90:4,	sound 24:10	69:2,9 109:2,
74:15 77:14	11 91:12	74:1	16 110:13
78:13 96:9	106:8,9,16	Spallina 10:21,	stating 108:5
107:1,13,18,19	107:3,7,18,24	23 11:19,21	status 46:17
108:1,3,21,23	108:3 109:1,2,	15:22 54:4	75:25
109:4 111:21	15 110:10	82:5,7 91:6,8	stay 7:3
signer 31:25	Simon's 9:24	95:14 105:4,12	Stephen 15:25
significant	18:24 22:5,23	Spallina's	16:7
56:6	27:15 29:7,22	61:15	stock 53:4
significantly	31:5 37:5,6,8	speaks 19:5	80:18
52:25	43:20 51:16	special 30:1	stood 46:14
signing 35:15	65:12 75:1	32:9 65:7	stop 6:13 7:12
39:21	107:11 108:22	80:9,11,13,16,	19:8 41:18
similar 30:10	110:7,9,19	20,23	96:23 104:7,22
37:1,2	simple 28:2	specific 32:2	story 52:25
Simon 8:16 9:17	simpler 77:21	38:6 39:19	stress 63:7
10:4 11:20,23	SIPC 47:5,10,20	specifically	strictly 82:4
12:8,16,18	48:4,15	39:14,17 57:15	strike 44:10
13:4 14:19,21	sir 5:15 6:14	speed 50:3	63:25 71:9
16:2,8,12,20,	7:15 8:11 9:8		
21 17:17 19:15	16:16 24:22		
	42:5 58:14		

80:10	sway 60:4	terms 9:16	56:3 58:8,10,
structure 21:24	sworn 10:24	20:22 27:19,24	14,17 67:8
struggling	69:3 109:2,16	77:13 102:7	72:1,19,24
55:22	system 70:1	Tescher 12:6	75:11 76:8
subject 20:22		15:22 23:10	82:4 83:13,17,
65:20 99:22	T	74:22,25	21 85:1,6,11
submit 100:17		105:4,12	86:16,21 87:1
105:12 106:7	Tab 19:11	Tescher's 13:12	88:7,12,17
submitted	101:18	22:25 51:19	89:19,24 90:8
103:16 105:2	table 5:17,21	54:6	96:17 104:24
subsequent 81:8	100:6	testamentary	106:9,15
successor 5:7	talk 6:15	8:22 9:10	108:19
28:23 29:6,20	15:10,11 29:9	29:12 37:24	times 7:21
31:4,9,19,20,	32:21,22 33:1	38:24 39:23	25:24 81:15
22,24 43:5	40:2 56:14	41:5,20 44:2	94:2 96:4
74:25 75:9	57:20,22 58:5	45:11 63:11	title 29:16
78:23	59:20	67:15 77:2	titled 101:14
Sue 18:12	talked 52:16	80:12	titles 111:16
sued 5:25 6:3,	54:4 55:10	testified 10:25	today 8:9,17,20
9,11	56:17	61:16 102:22	9:20 34:23
suffered 53:6	talking 20:24	111:11	36:1 51:24
suggested 57:3	78:11 79:3	testimony 9:22	76:6,8 82:10
suggesting	talks 19:4	91:9 94:25	91:8,15 109:3,
101:2	20:17	theoretically	24 111:4,12
summary 26:17	tangible 18:22	21:11 29:11	today's 14:7
46:14 63:24	19:5 20:10	thing 64:20	told 51:18
64:21	28:7 42:24	78:21 99:14	60:5,20 100:3
superseded 9:23	43:14	things 41:8	top 20:18 28:18
supporting 56:5	tax 43:22 49:15	42:8 43:11	47:5
supposed 24:17	taxes 43:18,19,	49:12 53:4	totaled 49:12,
75:15 80:23	21	60:2 78:17	13
supposedly 6:1	technically	79:21 101:9	totals 23:5
47:11	39:15	104:18,19	Traci 36:14,22
surrogate 27:9	Ted 5:6 18:12	110:23 111:3	84:12,14,16,
survive 65:9	28:23 29:6	thinking 56:18	20,22
survived 28:9	31:5,8,24 32:6	thought 49:1	traded 50:12,18
42:23	33:18 43:25	50:19 53:20	trading 91:25
surviving 44:17	44:2,4 45:7	55:8 59:23	93:22
survivor 18:10,	51:12 66:12,14	60:2,11 81:5,9	transmittal
11,14 20:9	75:8,10 98:13	95:9	77:18
21:8,16 28:8	Ted's 32:7	tightly 110:25	transmitting
30:12 33:18	77:25	til 109:17	26:15
sustain 69:3	telephone 72:18	110:12	travel 37:11
80:6 94:8	telling 91:2	time 8:5,18	treated 102:5
110:3	110:25	10:17 12:1	tree 19:13 32:5
sustained 69:9	ten 57:8 58:16	13:14 19:12	trial 5:10 6:22
91:22 92:17	59:22 60:10	22:7 25:11,20	8:2,4 104:16,
93:24 94:22	77:15 80:18	26:2 32:15	17
96:7 97:18	tendency 53:10	36:14,25 40:20	trials 7:20
98:17 104:5,11	term 43:8	41:1 44:13,19	Tripp 75:22
105:10 110:15		46:15 49:1,19,	76:4
		23 52:7 53:6	

true 21:13 26:18 71:16 76:24 110:13	Typically 30:12	values 53:7,8	wished 25:3
trust 6:3 9:1, 3,18,21,25 10:5 20:19,22 27:7 28:2,13 29:10,16,18,22 30:2,3 31:13, 23 33:3 35:11, 19,23,25 36:5 37:2,19,20 38:2,24 40:17, 18 43:3 48:24 51:1 57:13 61:12,22,24 64:16,23 65:8 69:12 71:23 73:11 74:15 75:1,4,9,12 78:24 80:18 84:8 85:2 86:2 87:3 89:6,9,12 90:6 95:23 97:8,24 98:1, 2,7,8,11 99:8 101:15 110:18, 20 111:19	<hr/> U <hr/>	verbal 12:23 14:1	wishes 97:12,15
trustee 5:7 6:3,12 29:20 31:9,19,20,22 43:5 75:4,9 78:24 111:18, 24	ultimately 57:6 65:20	vice 6:25	withdraw 38:11, 15
trustees 75:1	Um-hum 33:8 51:10	View 75:25	withdrawing 93:11
trusts 16:24 20:7 27:7 29:24 32:13,15 64:25 80:16 98:10	unable 28:24	virtually 31:3	withdrawn 100:13
truthfulness 95:1	uncommon 25:8 53:3	visit 41:1	withdrew 91:19
turn 14:14 19:9,11 24:13 34:19 35:21,22 68:4,5 70:12 82:17	unconfused 104:17	volition 73:1	witnesses 36:10 70:16 84:12
turning 8:1	underline 67:2, 3	<hr/> W <hr/>	wives 100:5
typewritten 68:13 69:16	underlying 63:3	wait 80:5	word 53:22
typical 18:13 32:24	underneath 50:4 51:23	waiting 46:22, 23	words 27:6
	understand 24:21 77:11 88:9,13,18 89:21 90:1,5	waiver 61:1 62:13,15 103:12 107:1, 7,10,18,19,23 108:21 109:14	work 7:18 22:2 36:19 91:12
	understanding 83:18,23 85:3	waivers 46:23 47:1 60:21 62:20 105:13 107:4,12,21,25 108:2,5,7,23 109:3,5,7,17 110:7,10	worked 66:12
	understood 83:14 85:8,13 86:18,23 87:3	Walker 40:11 86:7,10,12	working 12:2 110:23
	unduly 84:1 85:17 87:8 89:1 90:10	wanted 10:10 13:6 17:24 21:23,25 31:21,23 32:23 37:10 55:24 56:1 57:7,22 59:20,22 60:1	works 94:6
	unequal 20:22	waste 8:6 10:16	world 53:3
	unlike 68:10 69:12	wasting 44:13	worth 22:5,6, 15,23 25:15 51:18,19,21,25 52:25 53:5,11
	untimely 7:25	watches 101:10	write 21:14
	unusual 44:16	ways 57:4 104:15	wrong 92:22
	<hr/> V <hr/>	wealth 60:10	wrote 23:10 49:15
	vague 77:9	Weiss 5:10	
	Vaguely 76:2	well-being 101:11	<hr/> Y <hr/>
	valid 8:22 9:11,15 10:1,5 35:25 37:15,21 71:19 77:2 79:23 80:1,3,5 101:2 110:18, 20	When's 96:17	Yates 76:11 95:24 96:10 98:13,20
	validated 9:20	wife 5:18 32:7	year 43:17 56:6
	validity 41:19 79:1,12 82:10 109:25 111:10	wife's 59:21	years 47:17 55:12,14,16,17
		wills 16:23,25 17:5,6 27:6,9 28:4 30:11	

1 IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
2 IN AND FOR PALM BEACH COUNTY, FLORIDA
3 CASE No. 502014CP003698XXXXNB

4 TED BERNSTEIN,

5 Plaintiff,

6 -vs-

7 DONALD R. TESCHER, ELIOT IVAN BERNSTEIN,
8 LISA SUE FRIEDSTEIN, JILL MARLA IANTONI, et al.,

9 Defendants.

10 TRIAL BEFORE THE HONORABLE
11 JOHN L. PHILLIPS
12 VOLUME 2 PAGES 117 - 260

13 Tuesday, December 15, 2015
14 North County Courthouse
15 Palm Beach Gardens, Florida 33410
16 9:43 a.m. - 4:48 p.m.

17 Reported By:
18 Shirley D. King, RPR, FPR
19 Notary Public, State of Florida
20 West Palm Beach Office Job #1358198- VOL 2
21
22
23
24
25

1 APPEARANCES:

2 On behalf of the Plaintiff:

3 ALAN ROSE, ESQUIRE
4 GREGORY WEISS, ESQUIRE
5 MRACHEK FITZGERALD ROSE KONOPKA
6 THOMAS & WEISS, P.A.
7 505 South Flagler Drive, Suite 600
8 West Palm Beach, Florida 33401
9 Phone: 561.655.2250
10 E-mail: Arose@mrachek-law.com

11 On behalf of the Defendant:

12 ELIOT IVAN BERNSTEIN, PRO SE, ESQUIRE
13 2753 NW 34th Street
14 Boca Raton, Florida 33434
15 Phone: 561.245.8588
16 E-mail: Iviewit@iviewit.tv

17 On behalf of Molly Simon, Alexandra, Eric & Michael
18 Bernstein:

19 JOHN P. MORRISSEY, ESQUIRE
20 LAW OFFICE OF JOHN P. MORRISSEY, P.A.
21 330 Clematis Street
22 Suite 213
23 West Palm Beach, Florida
24 Phone: 561.833.0866
25 E-mail: John@jmorrisseylaw.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- - -
I N D E X
- - -

WITNESS:	DIRECT	CROSS	REDIRECT	RECROSS
BY MR. BERNSTEIN:		120		
BY MR. ROSE:			188	
BY MR. BERNSTEIN:	194			
TED BERNSTEIN				
BY MR. BERNSTEIN:	206			
BY MR. ROSE:		213		
BY MR. BERNSTEIN:			217	

- - -
E X H I B I T S
- - -

NUMBER	DESCRIPTION	PAGE
DEFENDANT'S EX. 2	LETTER	161
DEFENDANT'S EX. 3	PETITION FOR DISCHARGE	198
NUMBER	DESCRIPTION	PAGE
PLAINTIFF'S EX. 6	FIRST AMENDMENT TO SHIRLEY BERNSTEIN'S TRUST	187

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

- - -

(Proceedings continued from Volume 1.)

THE COURT: We're ready to resume. Our witness is still under oath.

Is there any further cross-examination?

MR. BERNSTEIN: Yes.

THE COURT: Okay.

CROSS (ROBERT SPALLINA) (Cont'd)

BY MR. BERNSTEIN:

Q. Mr. Spallina, just to clarify --

MR. ROSE: Your Honor, can he just stand at the podium?

THE COURT: Okay. Well, use the podium. Your microphone will help explain your questions. But you can walk up there. If you need to show the witness a document or something, that's fine.

MR. BERNSTEIN: Okay.

BY MR. BERNSTEIN:

Q. Did you -- are you a member of the Florida Bar?

A. Yes, I am.

Q. Currently?

A. Yes, I am.

Q. Okay. You said before you surrendered your

1 license.

2 A. I said I withdrew from my firm. It wasn't
3 that I was not practicing.

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.

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

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

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 --

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

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.

6 MR. BERNSTEIN: Okay. I'd like to go through
7 some of the documents with him real quick. But I
8 don't have my wife to hand me the documents, so
9 it's going to take me incredibly long. These are
10 just copies I have. Can I approach him?

11 THE COURT: All approaches are okay.

12 MR. BERNSTEIN: Okay.

13 BY MR. BERNSTEIN:

14 Q. Are these the documents that you drafted,
15 Shirley's will and Shirley's trust agreement?

16 MR. ROSE: Your Honor, could I see what he's
17 handing the witness before he hands it to them?

18 THE COURT: Say again.

19 MR. ROSE: I don't know what he's handing the
20 witness.

21 THE COURT: All right. You'll need to show
22 the other side the documents that you're handing to
23 the witness so that they're looking at the same
24 thing you're talking about.

25 MR. ROSE: These are not accurate. These are

1 multiple things stapled together. I'd object to
2 the exhibit -- or the use of it.

3 THE COURT: Ma'am, if you come back up past
4 that bar one more time, you'll be in contempt of
5 court. I don't want you to be in contempt of
6 court. Do you understand my instruction?

7 MRS. BERNSTEIN: Yes.

8 THE COURT: Thank you.

9 MR. ROSE: I don't know if that's filed with
10 the court and I don't know that these are genuine.
11 And the second document has attached to it --

12 THE COURT: Well, you don't need to tell me
13 what the papers are. The thing that the person
14 who's asking the questions has to do is show you
15 the documents that he's going to show the witness.

16 MR. ROSE: Okay.

17 THE COURT: Then I intend to move forward. I
18 expect he'll show the witness the documents and
19 then he'll probably ask a question.

20 Am I right?

21 MR. BERNSTEIN: Do you want to see those?

22 THE COURT: Nope.

23 So then if there's an objection to the
24 documents coming in, if at some time they're
25 proffered as an exhibit, then I'll take the

1 objection.

2 Have you seen the documents that are in his
3 hand that are going to be shown to the witness?

4 MR. ROSE: Oh, yes, sir. I'm sorry.

5 THE COURT: Okay. That's fine.

6 Proceed.

7 BY MR. BERNSTEIN:

8 Q. Okay. Can you look at the initials on the
9 pages of that document and describe them -- describe
10 what they look like?

11 A. The initials?

12 Q. Yes.

13 A. On each page, there's an SB --

14 Q. Okay.

15 A. -- for your mother's initials.

16 Q. And it's clearly SB?

17 A. Is it clearly SB?

18 Q. Yeah. Looks like SB?

19 A. Yes, it's clearly SB.

20 Q. Okay. And on this will signed on the same
21 date by my mother in your presence, is that my mom's
22 initials? And does it look like an SB? Do they even
23 look similar?

24 A. Well, your mother was asked to sign these
25 documents.

1 Q. Okay.

2 A. When we execute a will, unlike the bottom of
3 the trust agreement where we initial the trust pages, on
4 the bottom of the will, she's supposed to sign her
5 signature. And which she has done at the bottom of each
6 page, is sign her signature consistent with the
7 signature page that she signed.

8 Q. So what you're saying is, she signed this
9 document, that she initialed this document?

10 A. Right. We only ask that for purposes of the
11 trust that they initial each page. For purposes of the
12 will, that they sign each page.

13 So this is the signature that she has -- this
14 is her signature on the bottom of this document.

15 Q. Well, there's no line saying that's her
16 signature, correct? There would be --

17 A. But that was our practice.

18 Q. Okay.

19 A. That was our practice, to have --

20 Q. Okay. You testified to my dad's state of mind
21 that he was fine.

22 Si was usual when you saw him from May through
23 his death; is that correct?

24 A. Are you speaking about 2012?

25 Q. Yes.

1 A. Correct.

2 Q. Are you aware of any medical problems my
3 father was having at that time?

4 A. No, I'm not.

5 Q. Are you aware of any stress he was under?

6 A. No, I was not.

7 Q. Mr. Rose had you read into or -- read into the
8 record a letter that I wrote with my waiver, saying,
9 anything -- I haven't seen the dispositive documents,
10 but I'll do anything, 'cause my dad is under stress, to
11 relieve him of his stress.

12 Do you know what stress I was referring to?

13 A. I don't.

14 Q. Were you in the May meeting with my father,
15 May 10, 2012?

16 A. I was -- are you talking about on the
17 telephone call?

18 Q. Correct.

19 A. I wasn't together with him.

20 Q. Okay. Were you together with anybody on that
21 call?

22 A. No. I was on -- in my -- my office phone.

23 Q. Okay. And at that meeting, did Si state that
24 he was having this meeting to end disputes among certain
25 parties and himself?

1 A. I don't recall.

2 Q. Were there any disputes you were aware of?

3 A. The only thing that he ever brought to my
4 attention was the letter that Pam had sent him.

5 Q. And what did Pam's letter state, basically?

6 A. I can't remember it. I mean, it was the
7 letter that he showed me in February of 2012. But the
8 general gist of that letter was that she was unhappy
9 about not being part of their estates.

10 Q. Just her or her and her children?

11 A. She may have spoke to her children.

12 Q. Was there anybody else who was left out of the
13 wills and trusts?

14 A. That was causing him stress?

15 Q. No. Just anybody at this point that was left
16 out, other than Pam.

17 A. Yes. Ted.

18 Q. And are you aware of anything Ted and Pam were
19 doing to force upon Si changes?

20 A. Not to my knowledge, other than the letter
21 that Pam had sent to him just expressing her
22 dissatisfaction.

23 Q. You said you talked to her attorney?

24 A. I talked to her attorney.

25 Q. And you told her attorney, while Si was

1 living, that she had been cut out of the estates and
2 trusts with her brother Ted?

3 A. I don't recall the conversation with the
4 attorney, but, ultimately, Si gave me authorization to
5 send documents to the attorney. So we may have had a
6 conversation about it.

7 Q. So you're stating that Si told you to -- he
8 authorized you to tell his daughter that she had been
9 cut out of the estates and trusts?

10 A. He authorized me to send documents to the
11 attorney.

12 Q. Did you send those documents to the attorney?

13 A. I believe we did, yes.

14 Q. Okay. Was Ted and his lineal descendants
15 disinherited?

16 A. They were, under the original documents.

17 Q. Well, under Shirley's document that's
18 currently theirs, Ted considered predeceased for all
19 purposes of disposition according to the language in the
20 document you drafted?

21 A. To the extent that assets passed to him under
22 the trust.

23 Q. Well, the document says, for all purposes of
24 disposition, Ted Bernstein is considered predeceased,
25 correct?

1 A. You'll have to state the question again.

2 Q. Does the document you drafted say that Ted
3 Bernstein is both considered predeceased under the
4 beneficiary definition with his lineal descendants and
5 considered predeceased for all purposes of dispositions
6 of the trust?

7 MR. ROSE: Objection. Best evidence. The
8 document's in evidence.

9 THE COURT: Sustained.

10 MR. BERNSTEIN: I'll have him read it.

11 THE COURT: Well, I mean, I can read it. It's
12 in evidence. So when it comes time, just point me
13 to the part that you want me to read, and I'll read
14 it. But I don't need to have the witness read it
15 to me. That's of no benefit.

16 MR. ROSE: Your Honor, and for the record,
17 those issues are part of the other counts and
18 aren't being tried today.

19 MR. BERNSTEIN: Page 7, Your Honor, of the
20 Shirley trust.

21 THE COURT: What exhibit number is that?

22 MR. BERNSTEIN: You want me to enter it as my
23 exhibit?

24 THE WITNESS: Plaintiff's Exhibit 2, Your
25 Honor.

1 THE COURT: All right. Let me go to page 7 of
2 Plaintiff's 2.

3 MR. BERNSTEIN: Can I enter this one into the
4 record?

5 THE COURT: Is it the same as the one I
6 already have?

7 MR. BERNSTEIN: According to Alan, it's not.

8 THE COURT: According to who?

9 MR. BERNSTEIN: Mr. Rose.

10 THE COURT: All right. Well, if it comes time
11 for you to put any exhibits in on your case, if
12 that's not a duplicate of an exhibit that's already
13 in, you're welcome to put it into evidence. But
14 this is not the time when you put evidence in.
15 This is the time when you're cross-examining the
16 plaintiff's witness.

17 MR. BERNSTEIN: Okay.

18 THE COURT: So on Page 7 of Plaintiff's 2, you
19 can go on with your questioning.

20 BY MR. BERNSTEIN:

21 Q. Are you there and are we on the same page?

22 Yes?

23 A. Yes, I am.

24 Q. Okay. In the definition of -- under E1, do
25 you see where it starts "notwithstanding the foregoing"?

1 A. Yes.

2 Q. Okay. Can you read that?

3 A. "Notwithstanding the foregoing, as I have
4 adequately provided for them during my lifetime, for
5 purposes of the dispositions made under this trust to my
6 children, Ted S. Bernstein and Pamela B. Simon and their
7 respective lineal descendants shall be deemed to have
8 predeceased the survivor of my spouse and me, provided,
9 however, if my children Eliot Bernstein, Jill Iantoni
10 and" --

11 Q. Okay, that's -- you can stop there.

12 Would you consider making distributions a
13 disposition under the trust?

14 A. It would it depend on other factors.

15 Q. What factors?

16 MR. ROSE: Objection. Relevancy.

17 THE COURT: Sustained.

18 BY MR. BERNSTEIN:

19 Q. Is a validity hearing a disposition of the
20 trust?

21 MR. ROSE: Objection. Calls for a legal
22 conclusion.

23 THE COURT: Sustained.

24 MR. BERNSTEIN: Well, he drafted the document,
25 so I'm trying to get what his meaning was when he

1 put it in. And it's relevant to the hearing today.

2 THE COURT: I ruled it's not relevant.

3 MR. BERNSTEIN: Oh, you did rule that?

4 THE COURT: Do you have another question of
5 the witness? Or we're moving on.

6 MR. BERNSTEIN: Okay.

7 BY MR. BERNSTEIN:

8 Q. So for purposes of disposition, Ted, Pam and
9 her lineal descendants are considered predeceased,
10 correct?

11 MR. ROSE: Objection. Relevancy, cumulative
12 and best evidence.

13 THE COURT: Sustained.

14 The document says what it says.

15 MR. BERNSTEIN: Okay.

16 THE COURT: When you ask a witness if it says
17 what it says, I don't pay any attention to his
18 answer, because I'm reading what it says.

19 MR. BERNSTEIN: Okay.

20 BY MR. BERNSTEIN:

21 Q. Did you produce a fraudulent copy of the
22 Shirley trust agreement?

23 A. No, I did not.

24 Q. So when you sent to Christine Yates this trust
25 agreement with the attached amendment that you've

1 already admitted you fraudulently altered, was that
2 producing a not valid copy of the trust that was
3 distributed to a party?

4 A. We've already talked about the amendment was
5 not a valid amendment.

6 Q. No, I'm asking, did you create a not valid
7 trust of my mother's and distribute it to Christine
8 Yates, my children's attorney?

9 MR. ROSE: Objection. Cumulative. He's
10 covered this.

11 MR. BERNSTEIN: Well, it has to go to the
12 validity, Your Honor, because --

13 THE COURT: The question I'm figuring out is,
14 have we already covered this?

15 MR. BERNSTEIN: We touched on a piece of it.
16 The more important part --

17 THE COURT: Okay. Then I'll let you reask
18 your question to cover something that we've not
19 already covered.

20 MR. BERNSTEIN: Okay. And we covered that
21 the --

22 THE COURT: You don't have to remind me.

23 MR. BERNSTEIN: Oh, okay.

24 THE COURT: Listen, see, this -- look at this.
25 I take notes. I write stuff down. Now, a lot of

1 times, if you see me not writing and I'm doodling,
2 that means you're not scoring any points.

3 MR. BERNSTEIN: You've got to show me --

4 THE COURT: The point is, I should be writing
5 notes. So that means you're not doing any good.

6 MR. BERNSTEIN: Gotcha.

7 THE COURT: So, please, the reason I write it
8 is so we don't have to repeat things.

9 BY MR. BERNSTEIN:

10 Q. Okay. You've already stated that you created
11 a fraudulent amendment.

12 Did you attach it to a Shirley trust document?

13 A. No. We included the amendment with the
14 documents that we transmitted to her.

15 Q. So it was included as part of the Shirley
16 trust document as an amendment, correct?

17 A. It was included as an amendment.

18 Q. To the Shirley trust document.

19 Thereby, you created a fraudulent copy, a not
20 valid copy of the Shirley trust, correct?

21 MR. ROSE: Objection. Argumentative.

22 Cumulative.

23 THE COURT: Overruled.

24 You can answer. Did that create a fraudulent
25 version of the trust?

1 THE WITNESS: It could have, yes, Your Honor.

2 BY MR. BERNSTEIN:

3 Q. Can you explain why it couldn't have?

4 A. Because Si ultimately exercised his power of
5 appointment, which was broader than the definitional
6 provision in the document.

7 Q. That's not my question. I'll just say it was
8 asked and not answered.

9 Okay. So there are not validly -- not valid
10 Shirley trust agreements in circulation, correct?

11 A. That's not true.

12 Q. Well, the Shirley trust agreement you said
13 sent to Christine Yates you've just stated was invalidly
14 produced.

15 A. To Christine Yates.

16 Q. Yeah, okay. So I said "in circulation."

17 Is Christine Yates out of circulation?

18 A. I don't know what Christine Yates did with the
19 documents.

20 Q. Well, I got a copy, so they're even more in
21 circulation.

22 So my point being, you sent from your law firm
23 fraudulent -- a non-valid copy of the document --

24 A. Which document?

25 Q. -- the Shirley trust and her amendment to

1 Christine Yates, right?

2 MR. ROSE: Objection. Cumulative.

3 THE COURT: Sustained.

4 MR. BERNSTEIN: Okay. We'll move on from
5 that.

6 BY MR. BERNSTEIN:

7 Q. Would you know about when you did that
8 fraudulent alteration of the document?

9 A. January 2013.

10 Q. And you were a fiduciary -- or you were
11 counsel to the alleged fiduciary, Ted Bernstein, of the
12 Shirley Bernstein trust, correct?

13 A. Yes, we were.

14 Q. And you were counsel to Ted Bernstein as the
15 alleged personal representative of Shirley's estate?

16 A. Yes, we were.

17 Q. And as Ted's counsel in the Shirley trust, can
18 you describe what the not valid trust agreement that was
19 sent to Ms. Yates did to alter the beneficiaries of the
20 document?

21 MR. ROSE: Objection. Cumulative.

22 THE COURT: Overruled.

23 What alterations did that make to the
24 beneficiaries?

25 THE WITNESS: It didn't make any alterations

1 to the beneficiaries. The document's not a valid
2 document and so it couldn't have made any changes
3 to the estate planning.

4 BY MR. BERNSTEIN:

5 Q. Okay. But what did it intend to do?

6 MR. BERNSTEIN: Sorry. Excuse me, Your Honor.

7 What did you say?

8 THE COURT: Next question.

9 BY MR. BERNSTEIN:

10 Q. Okay. What did it intend to do?

11 A. I answered that question earlier.

12 THE COURT: I can't let the witness object to
13 questions. That won't work.

14 THE WITNESS: I'm sorry, Your Honor. Earlier
15 you asked me the question, and I responded to you
16 that it was to carry out your father's intent and
17 the agreement that you all had made prior to his
18 death, on that telephone call, and to have a
19 document that would provide, perhaps, clarity to a
20 vague misinterpretation of your mother's document.

21 BY MR. BERNSTEIN:

22 Q. So instead of going to the court, you just
23 frauded a document to an attorney, who's representing
24 minor children in this case -- produce a fraudulent copy
25 of the trust document, making us have total trouble

1 understanding what's real and not, especially with your
2 firm's history of fraudulent and forged documents
3 submitted to the court in this case.

4 THE COURT: Okay. Thanks. You're just
5 ranting. Ranting is not allowed.

6 MR. BERNSTEIN: Sorry.

7 THE COURT: If you'd like to ask a question,
8 I'll let you do that. If I have to call you on
9 this too many more times, I'm going to assume that
10 you're done questioning the witness.

11 MR. BERNSTEIN: Okay.

12 BY MR. BERNSTEIN:

13 Q. When did you first meet my parents?

14 A. 2007.

15 Q. And how did you meet them?

16 A. I met them through someone that made a
17 referral to them to our office.

18 Q. You didn't know Ted Bernstein prior to meeting
19 Si?

20 A. I don't recall who we met first. I'm not
21 sure.

22 Q. What firm were you with at the time?

23 A. Tescher, Gutter, Chaves, Josepher, Rubin and
24 Ruffin and Forman.

25 Q. And how long were you with them?

1 A. Five-plus years.

2 Q. And where were you before that?

3 A. I was in school.

4 Q. Okay. Did you work at Sony Digital ever?

5 A. I did.

6 Q. You did. And when was that, before school or
7 after?

8 A. That was from 1994 to '96.

9 Q. So after school?

10 A. After college.

11 Q. Okay. So that was -- you just forgot about
12 that one in your history.

13 Is there any other parts of your biography I'm
14 missing?

15 MR. ROSE: Objection. Argumentative.

16 THE COURT: Sustained.

17 BY MR. BERNSTEIN:

18 Q. Can you repeat, since I'm -- there was a
19 little clarification error there. Your history, you
20 started --

21 THE COURT: That's not necessary to repeat the
22 history. Do you have a new question?

23 MR. BERNSTEIN: Well, I'm trying to get the
24 history.

25 THE COURT: I don't want him to repeat what

1 he's already said. That moves the case backwards.

2 I want to go forward. You're cavitating.

3 MR. BERNSTEIN: Okay.

4 BY MR. BERNSTEIN:

5 Q. Did the altered trust document sent to
6 Christine Yates attempt to convince Yates and others she
7 sent that document to that Ted and Pam's lineal
8 descendants were actually inside the document?

9 A. Say the question again.

10 Q. Well, we read the section where they're
11 considered predeceased, Ted and Pam and their lineal
12 descendants.

13 When you altered that amendment that you said
14 you were just doing Si's wishes postmortem by altering a
15 document, my question is, did you put language in there
16 that would have made Ted and Pam's lineal descendants
17 now beneficiaries of Shirley's trust?

18 MR. ROSE: Objection. I think it's
19 cumulative. We've covered this.

20 THE COURT: Sustained.

21 MR. BERNSTEIN: Okay.

22 BY MR. BERNSTEIN:

23 Q. Can the beneficiary of Shirley's trust be Ted,
24 Pam or their lineal descendants?

25 A. If the assets of her trust were to pass under

1 the trust, no --

2 Q. Okay.

3 A. -- under the trust.

4 Q. So in the trust language of the Shirley trust
5 document, Ted's lineal descendants and Pam's lineal
6 descendants can get no dispositions, distributions,
7 whatever you want to call it?

8 A. You have to ask the question in a different
9 way, because I answered the question. I said, if it
10 passes under the trust, that they would not inherent.
11 If.

12 Q. Okay. When Shirley died, was her trust
13 irrevocable at that point?

14 A. It was.

15 Q. Who were the beneficiaries?

16 A. Simon Bernstein.

17 Q. And who were the beneficiaries -- well, Simon
18 Bernstein wasn't a beneficiary. He was a trustee.

19 A. No, he became the beneficiary of her trust
20 when she died. He was the sole beneficiary of her trust
21 when she died.

22 Q. Okay. And then who would it go to when he
23 died?

24 MR. ROSE: Objection. Cumulative.

25 THE COURT: Sustained.

1 BY MR. BERNSTEIN:

2 Q. Okay. When Simon died, who would the benefits
3 of Shirley's trust go to?

4 MR. ROSE: Objection. Cumulative.

5 THE COURT: Are you asking him to tell you
6 what would happen if the mother died first, then
7 the father died second, and we have the trust
8 documents and the wills that are in place so far
9 that have been testified to at the trial?

10 MR. BERNSTEIN: Correct.

11 THE COURT: I already know all that stuff.

12 MR. BERNSTEIN: Well --

13 THE COURT: So what is the new question you
14 want to ask that's not cumulative?

15 MR. BERNSTEIN: Okay. Well, I'm trying to get
16 to a very significant point there.

17 THE COURT: Get there. Just go there and see
18 what happens.

19 MR. BERNSTEIN: I just have to learn to ask
20 these questions a little more like a lawyer.

21 THE COURT: Yes.

22 MR. BERNSTEIN: So I have to rethink how to
23 ask that.

24 BY MR. BERNSTEIN:

25 Q. Do you recall talking to Detective Ryan

1 Miller?

2 MR. ROSE: Objection. Relevance.

3 THE COURT: Sustained.

4 BY MR. BERNSTEIN:

5 Q. Can you tell me all the roles you had in these
6 estates and trusts, and your partner, Don Tescher?

7 A. We were the attorneys to your parents. Upon
8 your dad's death, we became counsel to his estate and
9 served as co-PRs and co-trustees under his documents.

10 Q. Any other roles?

11 A. Served as counsel for -- we served as counsel
12 for Ted as fiduciary under your mother's documents.

13 Q. And who served as your counsel as trustee
14 PR -- co-trustee, co-PR?

15 A. Mark Manceri.

16 Q. Mark Manceri submitted that he was your
17 attorney?

18 A. I believe so, yes.

19 Q. Did you take a retainer out with him?

20 MR. ROSE: Objection. Relevance.

21 THE WITNESS: I'm sorry.

22 THE COURT: What's the relevance of the
23 retainer question?

24 THE WITNESS: I'm sorry. I take that back.

25 Mark Manceri was not counsel to us with respect to

1 the estate, except on a very specific matter.

2 THE COURT: The question that was objected to
3 was, did you take out a retainer? What's the
4 relevance of that?

5 MR. BERNSTEIN: Well, I'm trying to figure out
6 if he was properly representing before the court
7 these documents, and to his credibility, meaning
8 his --

9 THE COURT: I'll sustain the objection.

10 MR. BERNSTEIN: Okay.

11 BY MR. BERNSTEIN:

12 Q. And a question about the court. How long
13 before you notified the court as a personal
14 representative fiduciary that you had produced a
15 fraudulent trust of Shirley's?

16 A. To whom? I don't know that we ever
17 represented the document to the court, and I don't know
18 that anyone ever came to the court and said that we did.

19 Q. Well, I did in a petition I filed and served
20 on you --

21 MR. ROSE: Objection.

22 BY MR. BERNSTEIN:

23 Q. -- of January -- excuse me -- petition that I
24 served on you exposing a fraud of what happened with
25 Christine Yates after you admitted that to the police.

1 MR. ROSE: Objection. Relevance.

2 THE COURT: Sustained.

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.

18 BY MR. BERNSTEIN:

19 Q. And you gave testimony to the total net worth
20 of Simon today, when you were asked by Mr. Rose; is that
21 correct?

22 A. Yes.

23 Q. How long did you serve as the co-trustee and
24 co-personal representative?

25 A. Of your father's estate? Since the date of

1 his death.

2 Q. And his trust?

3 A. Same.

4 Q. Okay. Did you produce an accounting to
5 support those claims you made today?

6 MR. ROSE: Objection. Relevancy.

7 THE COURT: Sustained.

8 MR. BERNSTEIN: Well, can I argue that or --

9 THE COURT: No.

10 MR. BERNSTEIN: Not even close. Does that
11 mean I have to ask it a different way?

12 THE COURT: Well, I can't answer questions.
13 I'm not allowed to give anybody legal advice.

14 MR. BERNSTEIN: Okay. That was procedural, I
15 thought. But okay.

16 THE COURT: Well, that's legal advice.
17 Procedure is a legal issue.

18 BY MR. BERNSTEIN:

19 Q. As a fiduciary of the estate of Simon and the
20 trust of Simon, did your law firm produce a accounting?

21 MR. ROSE: Objection. Relevance.

22 MR. BERNSTEIN: Well, it's relevant to, if
23 he's a fiduciary, his conduct. I mean, there's --

24 THE COURT: Here's the way I handle
25 objections --

1 MR. BERNSTEIN: Okay.

2 THE COURT: -- somebody asks a question, and
3 somebody in the courtroom says objection, and then
4 I have them state the legal objection and stop.
5 The other side doesn't say anything, unless I say,
6 Is there any argument one side or the other?
7 Because usually I can figure this stuff out without
8 having to waste time with arguments.

9 I didn't ask for any argument, right? Okay.
10 Sustained. Next question.

11 BY MR. BERNSTEIN:

12 Q. Mr. Rose asked you about Shirley's Bentley.

13 Are you aware -- you became aware of Shirley's
14 Bentley, correct?

15 A. Yes.

16 Q. When you became aware of Shirley's Bentley,
17 did you put in an amended inventory to account for it?

18 THE COURT: What's this going to help me
19 decide on the validity of the wills or trusts?

20 MR. BERNSTEIN: I'm just responding to the
21 statements that were brought up.

22 THE COURT: I wish you would have objected to
23 the relevancy then, but you didn't.

24 MR. BERNSTEIN: I did.

25 THE COURT: I don't think so.

1 MR. BERNSTEIN: No?

2 THE COURT: I'm a car guy, so I pay attention
3 if somebody's asking questions about Bentleys just
4 because it's interesting.

5 MR. BERNSTEIN: Well, it's so important, Your
6 Honor, because --

7 THE COURT: No, it's not. Right now what is
8 tied is, are the wills and trusts bound?

9 MR. BERNSTEIN: We have to question his
10 competency.

11 THE COURT: And so what's in the estate or
12 what's in the trust is not of any interest to me
13 right now. So if that Bentley should have been in
14 the estate or should not have been in the estate,
15 it should have been accounted for, not accounted
16 for, I'm not going to figure out today. But I want
17 to get all the evidence I possibly can to see
18 whether these wills and trusts that are in front of
19 me are valid or not valid. And I'm hoping that
20 you'll ask some questions that'll help me figure
21 that out.

22 MR. BERNSTEIN: Are those originals that you
23 have?

24 THE COURT: See, I'm not the witness. I'm the
25 judge. So I'm not sworn in and I have no knowledge

1 of the facts of this case, other than what the
2 witnesses tell me.

3 MR. BERNSTEIN: I'm winding down. I'll check
4 my list.

5 THE COURT: All right.

6 BY MR. BERNSTEIN:

7 Q. Are you familiar with a document the Bernstein
8 Family Realty LLC agreement?

9 A. Yes, I am.

10 Q. Did you draft that document?

11 A. Yes, I did.

12 Q. Was it part of Simon's estate planning?

13 A. It was part of his estate planning -- well,
14 yes --

15 Q. And what was --

16 A. -- in a roundabout way.

17 Q. What was it designed to do?

18 A. It was designed to hold title to the home that
19 you and your family live in.

20 Q. Oh, okay. And so it was -- who's the owners
21 of that?

22 A. The three kids -- your three kids, Josh,
23 Daniel -- your three kids' trusts that your father
24 created -- and Jake -- that he created in -- I believe
25 he created those trusts in 2006.

1 Q. And the prior testimony was, there were no
2 special documents under Simon's estate plan for my
3 family; is that correct?

4 A. Right. None that we prepared. Those were not
5 documents that we prepared.

6 Q. Okay. I think he asked you if you knew of
7 any.

8 So you knew of these, correct?

9 A. You're making me recall them. Yes.

10 Q. Oh, okay. Because you answered pretty
11 affirmatively no before, that you weren't aware of any
12 special --

13 THE COURT: Do you have any questions for the
14 witness?

15 MR. BERNSTEIN: Okay. I get it.

16 BY MR. BERNSTEIN:

17 Q. You referenced an insurance policy.

18 MR. BERNSTEIN: Can I -- well, I can't ask him
19 anything.

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.

10 BY MR. BERNSTEIN:

11 Q. Is Christine Yates, who you sent the
12 fraudulently altered Shirley trust document that's not
13 valid, a layman?

14 MR. ROSE: Objection. Argumentative.

15 MR. BERNSTEIN: Excuse me.

16 BY MR. BERNSTEIN:

17 Q. Is she an attorney at law?

18 THE COURT: Now you're asking a different
19 question.

20 MR. BERNSTEIN: Okay.

21 THE COURT: Thanks.

22 BY MR. BERNSTEIN:

23 Q. Is she a layman, as you described prior?

24 A. She's an attorney.

25 Q. Okay. So you were sending that document that

1 you said you altered to make a layman understand the
2 language in the trust better?

3 MR. ROSE: Objection. Cumulative.

4 THE COURT: Let me have you finish your
5 questioning.

6 BY MR. BERNSTEIN:

7 Q. But you sent it to Christine Yates, an
8 attorney, who's not a layman?

9 A. We did.

10 Q. Okay. So it could be that you sent that
11 document to an attorney to commit a fraud upon her
12 clients, my children, minor children, correct?

13 A. The intent was not to commit a fraud.

14 Q. Okay.

15 A. Again, the intent was to carry out your dad's
16 wishes.

17 Q. By fraudulently altering documents?

18 MR. ROSE: Objection. Argumentative.

19 THE COURT: Sustained.

20 If you ask one more argumentative question, I
21 will stop you from asking the other things, because
22 I'll figure that you're done. Is that clear?

23 MR. BERNSTEIN: Yes.

24 THE COURT: I'm done warning you. I think
25 that's just too much to have to keep saying over

1 and over again.

2 BY MR. BERNSTEIN:

3 Q. When Shirley died, were her wishes upheld?

4 A. Your dad was the sole survivor of her
5 estate -- he was the sole beneficiary of her estate and
6 her trust.

7 Q. So her wishes of her trusts when Simon died
8 were to make who the beneficiaries?

9 MR. ROSE: Objection. Cumulative.

10 THE COURT: Sustained.

11 BY MR. BERNSTEIN:

12 Q. Who did Shirley make -- are you familiar with
13 the Eliot Bernstein Family Trust?

14 A. I am.

15 Q. And is that trust under the Shirley trust?

16 A. No, it's not.

17 Q. It's a separate trust?

18 A. It is.

19 Q. Is it mentioned in the Shirley trust?

20 A. It may be.

21 Q. As what?

22 A. As a receptacle for Shirley's estate.

23 Q. Her trust?

24 A. A potential receptacle for Shirley's trust.

25 Q. So there were three, the Eliot Bernstein

1 Family Trust, Lisa Friedstein and Jill Iantoni Family
2 Trust, that are mentioned as receptacles. I would
3 assume that's the word, beneficiary --

4 MR. ROSE: Objection.

5 BY MR. BERNSTEIN:

6 Q. -- of the Shirley trust, correct?

7 MR. ROSE: Objection. Cumulative.

8 THE COURT: Sustained.

9 BY MR. BERNSTEIN:

10 Q. Okay. On Simon's medical state eight weeks
11 before he died, when these documents of the Simon trust
12 are alleged by you to have been signed, are you aware of
13 any conditions of Simon's at that time medically?

14 A. I was not.

15 Q. Were you aware of any medicines he was on?

16 A. I was not.

17 Q. Were you aware he was seeing a psychiatrist?

18 A. I was not.

19 Q. Were you aware that he was going for a brain
20 scan?

21 A. I was not.

22 Q. Were you aware that he was brought in to
23 multiple doctors during that time for brain problems;
24 that they ended up doing a brain biopsy at Delray
25 Medical right around that time that he's said to sign

1 these documents?

2 A. He did not make us aware of any medical issues
3 that he had.

4 Q. Okay. Did you ask him at the time you were
5 signing those amended documents if he was under any
6 medical stress?

7 A. No, I did not.

8 Q. Okay.

9 A. He --

10 MR. BERNSTEIN: Can I ask him to read that?

11 BY MR. BERNSTEIN:

12 Q. Can you look at that document and --

13 MR. BERNSTEIN: Judge, would you like a look
14 at this?

15 THE COURT: I don't look at anything that's
16 not an exhibit.

17 MR. BERNSTEIN: I'm exhibiting it to him.

18 THE COURT: Okay. Well, that's fine, but I
19 want you to go ahead and ask your question. I
20 don't look at things that aren't exhibits in
21 evidence --

22 MR. BERNSTEIN: Okay.

23 THE COURT: -- unless I have to mark them.
24 But no, I don't have a curiosity to look at pieces
25 of paper.

1 MR. BERNSTEIN: Should I exhibit it as
2 evidence -- can I exhibit it as --

3 THE COURT: If it comes into evidence, I'll
4 look at it.

5 MR. BERNSTEIN: Okay. Can I submit it as
6 evidence?

7 THE COURT: Well, have you asked any questions
8 to establish what it is?

9 BY MR. BERNSTEIN:

10 Q. Is this a letter from your law firm -- prior
11 law firm?

12 A. I did not prepare this letter --

13 Q. Okay.

14 A. -- but it appears to be, yes.

15 Q. Prepared by?

16 A. Donald Tescher.

17 MR. BERNSTEIN: Okay. Now can I submit it?

18 THE COURT: So you're offering it as an
19 exhibit --

20 MR. BERNSTEIN: Please.

21 THE COURT: -- as Defendant's 2.

22 Is there any objection?

23 MR. ROSE: No objection.

24 THE COURT: All right. I'll take a look at
25 it. And that'll be in evidence as Defendant's 2.

1 Thank you.

2 (Defendant's Exhibit No. 2 was received into
3 evidence.)

4 BY MR. BERNSTEIN:

5 Q. Can you just read into the record
6 paragraph 2 --

7 THE COURT: Well, I'm reading it. The
8 document is in the record.

9 MR. BERNSTEIN: Oh, okay.

10 THE COURT: I'm reading paragraph 2 even as we
11 speak, so I don't need the witness to read it for
12 me. But if you want to ask him a question, you can
13 go ahead with that.

14 BY MR. BERNSTEIN:

15 Q. Okay. That letter states that Si's power of
16 appointment for Simon could not be used in favor of Pam,
17 Ted and their respective children; is that correct?

18 A. Yes. Don appears to have written that.

19 Q. Did you get a copy of this letter?

20 A. I don't recall getting a copy of it, but
21 doesn't mean that I didn't.

22 Q. But you are partners in that firm?

23 A. Yes, we were partners in that firm.

24 Q. Now, that -- this document --

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

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.

25 THE COURT: Well, since it's in evidence,

1 we'll leave it there and see what happens next.

2 Do you have any other questions of the
3 witness?

4 MR. BERNSTEIN: Yeah.

5 BY MR. BERNSTEIN:

6 Q. It says that the document that you
7 fraudulently altered creating the invalid copy of the
8 Shirley trust had some kind of paragraph 2 that was
9 missing from the original document --

10 MR. ROSE: Objection. Argumentative.

11 BY MR. BERNSTEIN:

12 Q. -- from my understanding.

13 THE COURT: You may finish your question. And
14 make sure it's a question and not an argument.
15 Because you know what happens if this is an
16 argument.

17 MR. BERNSTEIN: I'm not arguing. I'm just
18 asking --

19 THE COURT: I want you to ask your question.

20 BY MR. BERNSTEIN:

21 Q. It says here that there was a blank spot that
22 you -- a Paragraph No. 2 which modified the definitional
23 language by deleting words.

24 According to this document, the power of
25 appointment by Simon could not alter the Shirley trust

1 agreement, correct?

2 A. Don seems to be suggesting that in the second
3 paragraph. I don't necessarily believe that that's the
4 case.

5 Q. Did you review this document with Don?

6 MR. ROSE: Objection. Cumulative.

7 THE COURT: The question is, Did you go over
8 this document with Don?

9 MR. BERNSTEIN: Correct.

10 THE COURT: Overruled.

11 You can answer.

12 THE WITNESS: No.

13 BY MR. BERNSTEIN:

14 Q. So he's -- Don, in this letter, is describing
15 your actions, correct?

16 A. Yes.

17 Q. Okay. Did you write a letter to anybody
18 describing your actions?

19 A. I did not.

20 Q. You did not.

21 And what have you done to correct the damages
22 caused by that to my family?

23 MR. ROSE: Objection. Relevance.

24 THE COURT: Sustained.

25 MR. BERNSTEIN: Okay.

1 BY MR. BERNSTEIN:

2 Q. And are you aware of an autopsy that was done
3 on my father the day -- or ordered the day he died?

4 MR. ROSE: Objection. Relevance.

5 THE COURT: Sustained.

6 BY MR. BERNSTEIN:

7 Q. Are you aware -- well, are you aware of a
8 heavy metal poison test that was done by the Palm Beach
9 County coroner?

10 MR. ROSE: Objection. Relevance.

11 THE COURT: Sustained.

12 MR. BERNSTEIN: Well, it's --

13 THE COURT: Next question.

14 MR. BERNSTEIN: I'm trying to figure that out.

15 Your Honor, is -- I can't ask you that question.

16 BY MR. BERNSTEIN:

17 Q. Competency. Based on everything you know
18 about Simon, when he signed those documents, he was
19 competent?

20 A. To my knowledge, he was of sound mind and
21 body.

22 Q. Now, are you a medical expert?

23 A. I'm not.

24 Q. Are you aware of any other fraudulent activity
25 that took place in anything in the estate and trusts of

1 Simon Bernstein by yourself or your employees?

2 A. Are you referring back to the closing of your
3 mother's estate?

4 Q. I'm referring to any other --

5 A. -- we've talked about.

6 Q. So can you list those and then just say that's
7 all that you're aware of?

8 MR. ROSE: Objection. Cumulative.

9 THE COURT: Sustained.

10 BY MR. BERNSTEIN:

11 Q. Other than the fraud that you've admitted to
12 in the documents of Shirley, the Moran forged and
13 fraudulent waivers, the April 9th waiver that you and Si
14 signed stating he had all the waivers when he couldn't
15 have, are there any other frauds that you're aware of
16 that took place with these estate and trust documents?

17 A. Not to my knowledge.

18 Q. When you were first interviewed by the Palm
19 Beach County Sheriff with Kimberly Moran, did you notify
20 them at that first interview that you had fraudulently
21 altered a document?

22 MR. ROSE: Objection. Relevance.

23 THE COURT: Sustained.

24 BY MR. BERNSTEIN:

25 Q. When did you notify the sheriff that you

1 fraudulently altered a document?

2 MR. ROSE: Objection. Relevance.

3 THE COURT: Sustained.

4 BY MR. BERNSTEIN:

5 Q. You have these exhibits. This will says
6 "conformed copy" on Exhibit 1 of their exhibits; is that
7 correct?

8 A. Yes, it does.

9 Q. Does a conformed copy have to have the clerk
10 of the court's signature on it?

11 A. Conformed copy would not be sent to the clerk
12 of the courts.

13 Q. Conformed copy -- okay.

14 Is that your signature on the document? This
15 is Exhibit 2, Shirley trust agreement, of the
16 plaintiff's exhibit book, 2, page 27.

17 A. Yes, it appears to be.

18 Q. It appears to be?

19 A. Yes.

20 Q. All right. And is that Traci Kratish's
21 signature?

22 A. She was there. I can't speak to her
23 signature.

24 Q. Did you witness her sign it?

25 A. I did.

1 Q. Okay. Is that my mom's signature on page 28?

2 A. Yes, it is.

3 Q. On this first amendment to Shirley's trust --

4 MR. BERNSTEIN: Exhibit 3, Your Honor, page 1
5 of 3, I guess. It's the first page in that
6 exhibit.

7 BY MR. BERNSTEIN:

8 Q. Is that document -- do you recall that
9 document?

10 A. Yes.

11 Q. Okay. And you recall the day it's signed and
12 notarized, allegedly?

13 A. November 18th, 2008.

14 Q. On the front page of that document, what day
15 is the document dated?

16 A. It's not dated.

17 Q. Is that typical and customary in your office?

18 A. Sometimes clients forget to put the date at
19 the top.

20 Q. You forget?

21 A. I said, sometimes clients forget to put the
22 date at the top.

23 Q. Well, did you check the document before making
24 it a part of a will and trust?

25 A. It was notarized as a self-proving document.

1 Q. Are you aware that Kimberly Moran's
2 notarization of the Simon trust has been found by the
3 Governor Rick Scott's notary public division to be
4 deficient?

5 MR. ROSE: Objection. Hearsay.

6 THE COURT: Sustained.

7 BY MR. BERNSTEIN:

8 Q. Are you aware of Kimberly Moran of your office
9 being contacted by the governor's office in relation to
10 these wills and trusts?

11 MR. ROSE: Objection. Hearsay.

12 THE COURT: Sustained.

13 What do I care if he's aware of that or not?
14 How does that help me decide the validity of these
15 documents?

16 MR. BERNSTEIN: Well, the governor's already
17 made a claim that --

18 THE COURT: But you're asking the witness if
19 he's aware of. Are you aware the sky is blue right
20 now? It doesn't matter to me if he's aware of it
21 or not. Are you aware Rick Scott has started an
22 investigation of a moon landing? It doesn't matter
23 to me if he knows that or not. You asked him are
24 you aware of somebody from Rick Scott's office
25 doing something. It doesn't matter to me if he's

1 aware of that or not. I've got to figure out the
2 validity of these documents, so I need to know
3 facts about that, please. Any other questions of
4 the witness on that?

5 MR. BERNSTEIN: Yes.

6 BY MR. BERNSTEIN:

7 Q. Is that my father's signature?

8 A. I'm not an expert on your father's signature.
9 But if it's on his will, at the bottom of his will, that
10 must have been a copy that was obtained from the clerk
11 of the courts, because that will was filed, and we would
12 have conformed copies in our file, which would not have
13 his signature at the bottom. Apparently, it is.

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

1 make a copy of it.

2 Q. Certified?

3 A. I'm not sure if he said it was certified or
4 not.

5 Q. Is that your signature on my father's will?

6 MR. BERNSTEIN: This is Exhibit 4, Your Honor,
7 Page 7.

8 THE WITNESS: Yes, it is.

9 BY MR. BERNSTEIN:

10 Q. Okay. Is that my father's signature?

11 A. Appears to be.

12 Q. Whose signature is that?

13 A. That's my signature.

14 Q. Oh, okay. So the only two witnesses you see
15 on this document are you and Kimberly Moran; is that
16 correct?

17 A. On that page.

18 Q. And both you and Kimberly Moran have had
19 misconduct in these cases?

20 MR. ROSE: Objection. Relevance.

21 THE COURT: Overruled. But it's cumulative.

22 MR. ROSE: It's cumulative.

23 THE COURT: How many times do I need to know
24 this?

25 MR. BERNSTEIN: What does that mean exactly,

1 cumulative? I don't get that. I'm sorry.

2 THE COURT: Let's say you hit me over the head
3 with a two-by-four. That's one time. If you do it
4 twice, that's cumulative. Cumulative's not
5 allowed.

6 MR. BERNSTEIN: That's an objection, is that
7 I've asked it --

8 THE COURT: Yes.

9 MR. BERNSTEIN: -- and it was answered? Is
10 that what it's kind of saying?

11 THE COURT: Yes, asked and answered. That's
12 another way of saying it.

13 MR. BERNSTEIN: Now I got it.

14 THE COURT: Asked and answered is a similar
15 way to say it.

16 MR. BERNSTEIN: Okay. Sorry.

17 BY MR. BERNSTEIN:

18 Q. Is that my father's signature, to the best of
19 your knowledge?

20 A. Appears to be, yes.

21 Q. And is that your signature?

22 A. Yes, it is.

23 Q. And here, did Kimberly Moran properly notarize
24 this document?

25 A. Kimberly did not notarize the document.

1 Q. Or Lindsay Baxley, did she check one -- either
2 the person was personally known or produced
3 identification?

4 A. No. This is what Mr. Rose had gone over
5 earlier.

6 Q. No, those, I believe, are in other documents
7 we'll get to.

8 So this notarization, as far as you can tell,
9 is incomplete?

10 MR. ROSE: Objection. Are we on Exhibit 2?

11 MR. BERNSTEIN: No.

12 THE COURT: We're on Exhibit 4, as far as I
13 recall.

14 MR. BERNSTEIN: He does not miss a thing.

15 Your Honor, page 8.

16 THE WITNESS: This is Si's documents.

17 MR. ROSE: Got it.

18 BY MR. BERNSTEIN:

19 Q. Okay. So on Simon's trust, weeks before he
20 dies, the notarization's improper?

21 A. This was the same document we spoke about
22 before. Yes, she did not circle "known to me,"
23 although...

24 Q. So she didn't know you or Simon?

25 A. No, she knew all of us. She just neglected to

1 circle "known to me."

2 Q. And that's one of the three functions of a
3 notary, to the best of your knowledge, to determine the
4 person is in the presence that day by some form of I
5 either know you or you gave me a license; is that
6 correct?

7 A. Yes.

8 Q. So your firm -- have you done anything since
9 knowing this document's improperly notarized to correct
10 it with the courts?

11 MR. ROSE: Objection. It misstates facts. He
12 didn't say it was improperly notarized.

13 THE COURT: Just state the objection, please.

14 MR. ROSE: Well, calls for a legal conclusion.

15 THE COURT: Sustained.

16 MR. MORRISSEY: Another objection. It
17 misstates the law.

18 THE COURT: Sustained.

19 BY MR. BERNSTEIN:

20 Q. Is that Lindsay -- oh, you can't answer that.

21 So, to the best of your ability, regarding
22 your signature, Kimberly or Lindsay Baxley has failed to
23 state that you either were known to her or produced
24 identification?

25 MR. ROSE: Objection. Cumulative.

1 THE COURT: Sustained.

2 MR. BERNSTEIN: Okay. We'll go on to
3 document 5.

4 BY MR. BERNSTEIN:

5 Q. Is that my father's initials, to the best of
6 your knowledge?

7 A. Appears to be, yes.

8 Q. Do these initials look similar to you, this
9 one on page 2, next to this one on page 3, next to that
10 thing on page 4?

11 A. Initials typically don't look perfect page to
12 page, and they don't necessarily look similar page to
13 page. I have seen clients execute a lot of documents,
14 and by the time they get to, you know, the second and
15 third document, their signatures and their initials do
16 not necessarily look --

17 Q. Look at page 13, for example. I mean, this is
18 almost -- if we go through page by page, tell me if you
19 see any that are even similar. On page -- let's start
20 back at the beginning, if that'll help you.

21 That? Do those look similar to you as you're
22 flipping through those?

23 A. Yeah, they have a lot of the same -- similar
24 ending marks. Your father's ending mark was that line.
25 I mean, it's on every single solitary page.

1 Q. Okay. So your testimony today is those are my
2 father's initials?

3 A. That they were.

4 Q. Okay.

5 A. I was there when he was...

6 Q. And you've looked at all of these, page 19,
7 page 20? Those look similar to what you're saying -- or
8 why don't you just look at them. If you go through them
9 all, they all look different. But okay.

10 A. They all look different, and they all look
11 consistent at the same time.

12 Q. Okay. Is that -- on page 24, is that my
13 father's signature?

14 A. Appears to be.

15 Q. Is that your signature?

16 A. Yes, it is.

17 Q. Okay. Now, this is another trust document
18 that Lindsay Baxley did that's supposed to be notarized,
19 a will and trust, I believe, and the amended and
20 restated.

21 Can you tell that Simon Bernstein was present
22 or produced -- or present that day by the notarization?

23 A. She again failed to mark that he was
24 personally known, but she worked for him.

25 Q. So these dispositive documents are improperly

1 notarized?

2 MR. ROSE: Objection. Cumulative. Legal
3 conclusion.

4 THE COURT: Sustained.

5 BY MR. BERNSTEIN:

6 Q. Okay. And then let's go to the first
7 amendment to Shirley Bernstein's trust. Is this a
8 document prepared --

9 MR. BERNSTEIN: Your Honor, that would be 6.

10 THE COURT: All right.

11 BY MR. BERNSTEIN:

12 Q. Is that a document prepared by your law firm?

13 A. Yes, it is.

14 Q. And do you see where it's, "Now therefore by
15 executing this instrument I hereby amend the trust
16 agreement as following"? And what is it -- what are the
17 numbering sequences there?

18 A. It says, I hereby delete a paragraph of
19 article --

20 Q. What number is that?

21 A. Paragraph B -- it's number 1.

22 Q. Okay. And what's Number 2?

23 MR. ROSE: Objection. Best evidence. It's in
24 evidence. And it's cumulative.

25 THE COURT: Two is in evidence, as is

1 paragraph one and paragraph three. And I've
2 read --

3 MR. BERNSTEIN: Oh, no. But Number 1, Your
4 Honor, take a look real quick. Number 1; there's
5 no Number 2.

6 THE COURT: The objection came on your next
7 question, and that was dealing with paragraph 2,
8 which says it's already in evidence. And it is.

9 MR. BERNSTEIN: No, no, not paragraph 2. Look
10 at down below. Under the "now therefore," there's
11 a Number 1, and I was asking him what Number 2
12 reads.

13 THE COURT: I know you were.

14 MR. BERNSTEIN: And there is no Number 2.

15 THE COURT: You've asked me to look at
16 Exhibit No. 6, right? Plaintiff's Exhibit 6 has,
17 under the therefore clause, a one, a two and a
18 three. Are you asking me to look at a different
19 document?

20 MR. BERNSTEIN: Can I approach?

21 THE COURT: Sure. All right. So that's a
22 different Number 6 than I have. So let's see your
23 Number 6.

24 MR. BERNSTEIN: What do I do on that?

25 THE COURT: That's not my decision.

1 MR. BERNSTEIN: That's his book, not my book,
2 just so you know.

3 THE COURT: Well, that Tab 6 is different than
4 my Tab 6. So there you go.

5 MR. BERNSTEIN: Okay. Well, which -- what do
6 I go off there?

7 THE COURT: I have no --

8 MR. BERNSTEIN: Can I submit that into
9 evidence?

10 THE COURT: I have no preference.

11 MR. BERNSTEIN: Okay. I'd like to submit
12 this, because I'm not sure if the other one is in
13 evidence wrong.

14 THE COURT: All right. Any objection?

15 MR. ROSE: Could I just see the book? Would
16 you mind?

17 THE COURT: Here, I'll show you my book. You
18 can look at that book and see what's going on.

19 And this will be a good time for us to take a
20 short break, and let you all straighten it out. So
21 we'll be back in session in 15 minutes. And then
22 we'll go to the bitter end. Each of you has about
23 60 minutes remaining.

24 MR. BERNSTEIN: Your Honor, when you say
25 "60 minutes remaining," we haven't got through all

1 the witnesses yet.

2 THE COURT: Well, we will have by the end of
3 60 minutes on each side.

4 This trial is over at five o'clock. I told
5 you when we started each of you has half of the
6 time; please use it wisely; use it as you wish.
7 I've tried to encourage both sides to be efficient.
8 When your time is gone, that's the end of the trial
9 for you.

10 MR. BERNSTEIN: Well, the case manager --

11 THE COURT: When their trial is gone --

12 MR. BERNSTEIN: At the case management, they
13 said it would take a day. I argued and said to you
14 it would take days. I mean, they've got
15 10 witnesses. I need to have all the people who
16 witnessed these documents here.

17 THE COURT: Remember when I said a moment ago
18 we're in recess? I was serious. Thanks. We'll go
19 back in session 15 minutes from now.

20 (A break was taken.)

21 THE COURT: We're ready to resume. Are there
22 any further questions for the witness on cross?

23 MR. BERNSTEIN: Okay. We were just working
24 out that 1, 2, 3, Exhibit No. 6, so that we get the
25 record straight.

1 THE COURT: Okay.

2 MR. BERNSTEIN: Shall I get a copy of yours,
3 you get a copy of mine? Or how do you want to do
4 that?

5 MR. ROSE: Your Honor, I tried to work it out.

6 THE COURT: Listen, I don't have any
7 preference as to how we do anything. You all tell
8 me how you've worked it out, and if I agree with
9 it, I'll accept it.

10 MR. ROSE: The copy that's been marked for the
11 witness, the copy in my book and the copy in your
12 book are all identical. I don't know what's in his
13 book, and he wouldn't show me his book on the
14 break.

15 THE COURT: Okay.

16 MR. ROSE: But I'm fine. It's a three-page
17 document. And if he wants to put it in evidence,
18 even though it's not operative, I have no
19 objection.

20 THE COURT: Okay. So are you putting
21 something into evidence?

22 MR. BERNSTEIN: Yeah. The one that I --

23 THE COURT: Have you showed it to the other
24 side yet? You can't put secret documents into
25 evidence, only after they've been seen by everyone.

1 Let's at least show it to the other side so they
2 know the document that's being proffered as an
3 exhibit. If they still have no objection, I'll
4 receive it as Defendant's 3.

5 MR. ROSE: This is in evidence already as
6 Exhibit No. -- as Plaintiff's No. 3.

7 MR. BERNSTEIN: So what's 6? So now I don't
8 even have the right 6 document.

9 MR. ROSE: The 6 that the witness has is three
10 pages. It's the same 6 that's in your book and
11 it's in my book. It's three consecutive pages of
12 the production from Tescher & Spallina law firm.
13 It has the inoperative first amendment as page 1,
14 then it has the operative first amendment as
15 page 2, and the signature page as page 3. It's the
16 same document in everybody's book. That's all I
17 can tell you.

18 THE COURT: Okay.

19 MR. BERNSTEIN: Your Honor, in my book, 3 and
20 6 are the identical documents --

21 THE COURT: Okay.

22 MR. BERNSTEIN: -- so I would need --

23 THE COURT: Are there any other questions of
24 the witness?

25 MR. BERNSTEIN: Well, I was going to ask him

1 questions on this document.

2 THE COURT: All right. Well, then, let's go.

3 MR. BERNSTEIN: Okay. I need a -- I don't
4 have the 6 that everybody else is referring to. My
5 sinks is the same as --

6 THE COURT: There you go. Take whatever you
7 need.

8 MR. BERNSTEIN: Okay. Thank you. I think we
9 missed 6. It's just short on 6.

10 THE COURT: All right. Then here's my Tab 6.

11 MR. BERNSTEIN: Thank you, sir.

12 THE COURT: The idea is to keep moving.

13 MR. BERNSTEIN: Okay. I'll move on. I'm
14 almost done here.

15 BY MR. BERNSTEIN:

16 Q. Okay. So on Exhibit 3, can you list the
17 numbers there?

18 MR. ROSE: Objection. Best evidence.
19 Cumulative.

20 THE COURT: Sustained.

21 You need to refer to which page. That's a
22 multi-page document, and both pages have numbered
23 paragraphs on them.

24 MR. BERNSTEIN: Page 1 of 2.
25

1 BY MR. BERNSTEIN:

2 Q. The Roman Numeral -- or the numerals, can you
3 give the sequence of those numbers?

4 A. One and three. It's skipping two.

5 Q. And this is a document you allege to be part
6 of the Shirley trust that you're claiming is valid?

7 A. That's the amendment that Shirley executed in
8 November of 2008.

9 Q. And would there be a reason why your law firm
10 numbers one, three?

11 MR. ROSE: Objection. Cumulative.

12 THE COURT: Overruled.

13 You can answer.

14 THE WITNESS: Human error.

15 BY MR. BERNSTEIN:

16 Q. Okay. But it is an error in the document that
17 you're claiming is valid Shirley trust?

18 A. It's a numbering error.

19 Q. In the document, you're claiming this is a
20 valid amendment, correct?

21 A. Correct.

22 Q. Okay. And then in number 6 from the judge,
23 what's the numbering sequence?

24 A. One, two, three.

25 Q. Okay. So you added in a number two?

1 A. Yes.

2 Q. Okay. How did you go about doing that?

3 A. There was a paragraph two inserted between one
4 and three.

5 Q. Well, the paragraph that's inserted between
6 one and three wouldn't fit there.

7 So what did you do?

8 A. The document was opened up and a paragraph was
9 inserted.

10 Q. Okay. So you increased the spacing on the
11 document, correct, by adding a number three, correct?

12 A. Adding number two, yes.

13 Q. By adding number two, correct.

14 Okay. So you actually had to alter the
15 chronology as it was placed on the document? You didn't
16 just put a number two there in between one and three?
17 You actually went and expanded the document with words
18 that were inserted by you fraudulently, right?

19 MR. ROSE: Objection. Argumentative.

20 Cumulative.

21 THE COURT: Sustained.

22 MR. BERNSTEIN: Okay.

23 MR. ROSE: Your Honor, the witness does have
24 the exhibits in front of him. If Mr. Bernstein
25 could be at the podium.

1 MR. BERNSTEIN: I don't know if he has all the
2 exhibits.

3 THE COURT: Well, do you have the exhibit that
4 I gave you from the Court's?

5 MR. BERNSTEIN: Oh, jeez.

6 THE COURT: Because I'd like to have it back
7 so that that doesn't get lost.

8 MR. BERNSTEIN: Okay. You gave me the one
9 with one, two, three.

10 Can I get a copy of this from the clerk?

11 THE BAILIFF: There is no clerk.

12 THE COURT: Can I have the document back,
13 please? He's not a clerk.

14 MR. BERNSTEIN: Marshall, sheriff, officer,
15 sir. Sorry about that.

16 THE COURT: He does not make copies.

17 MR. BERNSTEIN: Okay.

18 THE COURT: Thanks. Any other questions of
19 the witness? Your time is rapidly disappearing.

20 MR. BERNSTEIN: Just going through that.

21 THE COURT: And I think you said earlier you
22 have no objection to Plaintiff's 6 being received
23 as an exhibit?

24 MR. ROSE: Correct.

25 THE COURT: Okay.

1 MR. ROSE: Thank you.

2 THE COURT: Then it's in evidence as
3 Plaintiff's 6. I'm making it Plaintiff's 6, rather
4 than Defendant's 3, because it's already marked and
5 it's been referred to by that number.

6 (Plaintiff's Exhibit No. 6 was received into
7 evidence.)

8 BY MR. BERNSTEIN:

9 Q. Are these your notes?

10 A. No, they're not. Those are Don's.

11 Q. Do you know the date on that note?

12 A. 3/12/08.

13 Q. Did you take any notes in the meeting?

14 A. Those are my notes there.

15 Q. These are? Oh, so this is a compilation of
16 Don's and your notes?

17 A. Those are my notes, yes.

18 Q. And those were taken on that day?

19 A. Correct.

20 Q. Whose notes are those?

21 A. I just saw those for the first time today. I
22 believe they're your father's notes.

23 Q. How would you know those are my father's
24 notes?

25 A. Mr. Rose introduced that document earlier.

1 Q. Document 12, did it come from your offices?

2 A. I don't know where it came from.

3 Q. Did you Bates stamp this document as part of
4 your documents?

5 A. I don't recall ever seeing that document.

6 Q. And it doesn't have your Bates stamp from your
7 production, right?

8 A. Correct.

9 Q. You were supposed to turn over all your
10 records, correct?

11 MR. ROSE: Objection. He's testified it
12 wasn't in his --

13 THE COURT: What's the objection to the
14 question?

15 MR. ROSE: Cumulative.

16 THE COURT: Sustained.

17 MR. BERNSTEIN: All right. Your Honor, I'm
18 done.

19 THE COURT: All right. Thank you.

20 Is there any redirect?

21 MR. ROSE: Brief, Your Honor.

22 REDIRECT (ROBERT SPALLINA)

23 BY MR. ROSE:

24 Q. Assuming the documents are valid, they'll have
25 to be a later trial to determine the effect of Simon's

1 exercise of his power of appointment?

2 A. Yes.

3 Q. It doesn't have any direct bearing on whether
4 these five documents are valid?

5 A. No.

6 Q. And I take it you don't necessarily agree with
7 Mr. Tescher's view as expressed in his letter of
8 January 14th, 2014?

9 A. Again, I'm seeing that here. Surprised to see
10 that.

11 Q. The original documents, the wills, you
12 retained at all times of Shirley and Simon in your firm?

13 A. Prior to their death, yes.

14 Q. And that's consistent practice for a trust and
15 estate lawyer, to keep it in your will vault or in your
16 safe deposit box?

17 A. Yes. I would say most attorneys do that just
18 because there's only one original of the will, and very
19 often documents can get lost if clients take documents
20 home. So, typically, they're kept in a safe deposit box
21 or a safe or something like that, and left with the
22 attorney.

23 Q. I want to make sure I understand and the Court
24 understands what happened with the waiver forms.

25 While Simon was alive, he signed a petition

1 for discharge; is that correct?

2 A. Correct. April of '08.

3 Q. And --

4 MR. BERNSTEIN: What exhibit? Excuse me.

5 What number are we looking at?

6 MR. ROSE: None -- well, actually, it's in my

7 book. If you want to follow along, it's Tab 28.

8 But it's not in evidence.

9 BY MR. ROSE:

10 Q. And Simon also then filed a waiver of
11 accounting himself?

12 A. Correct.

13 Q. And is it necessary for Simon, even though
14 he's the personal representative, to sign a waiver of
15 accounting because he's a beneficiary?

16 A. I mean, we do it as a matter of course.

17 Q. And the signature of Simon Bernstein on
18 April 9th, that's genuinely his signature?

19 A. Can I see?

20 Q. Exhibit 28 is a petition that was filed with
21 the court. I'm going to just show you the exhibits.

22 Exhibit A says "Petition for discharge full waiver."

23 Is this a document you would have prepared for
24 Simon Bernstein to sign?

25 A. Yeah, our firm would prepare that.

1 Q. Okay. And it's a three-page document.

2 Is that Simon Bernstein's signature --

3 A. Yes, it is.

4 Q. -- April 9th, 2012?

5 A. Yes, he signed the document.

6 Q. And he was alive when he signed the document?

7 A. Yes, he was.

8 Q. Okay. Then he had to sign a waiver of
9 accounting, which he signed on the same day?

10 A. Correct.

11 Q. And you have a document waiver of accounting
12 on the next page signed by Eliot Bernstein on May 15th?

13 A. Correct.

14 Q. And there's no doubt that's Eliot's signature
15 because he's the one who emailed you the document,
16 correct?

17 A. And sent us the original by mail.

18 Q. Right. And we already have an exhibit which
19 is his email that sent you his waiver form?

20 A. Correct.

21 Q. And the waiver forms of Ted, Pam, Lisa and
22 Jill are all valid, signed by them on the date that they
23 indicated they signed it?

24 A. To the best of my knowledge, yes.

25 Q. So then these got submitted to the court.

1 Is there anything wrong with submitting waiver
2 forms to the court signed by Simon while he's alive
3 after he had passed away?

4 A. Maybe we should have made a motion to, you
5 know, have a successor PR appointed and file the
6 documents through the successor PR.

7 Q. Were you trying to just save expenses because
8 there was nothing in the estate?

9 A. Correct.

10 Q. And if Judge Colin had not rejected -- or his
11 assistant had not rejected the documents, and the estate
12 was closed, it would have been closed based on
13 legitimate, properly signed documents of Simon and his
14 five children?

15 A. Correct.

16 Q. So then they get kicked back to your law firm,
17 and you could file a motion and undertake some expense,
18 instead --

19 MR. BERNSTEIN: Object. This has been asked
20 and answered.

21 THE COURT: Sustained.

22 BY MR. ROSE:

23 Q. Now, does the fact that -- well, strike that.

24 At the time that Simon signed his 2012 will
25 and 2012 trust, had there been ever anyone question a

1 signature or a notarization of any document that had
2 been prepared by your law firm?

3 A. No, there was not.

4 Q. You didn't see anything or observe anything or
5 any behavior of Simon Bernstein during the course of any
6 meeting you had with him that would call into question
7 his competence or his ability to properly execute a
8 testamentary document?

9 A. We did not.

10 MR. ROSE: Nothing further, Your Honor.

11 THE COURT: All right. Thanks.

12 Thank you, sir. You can step down.

13 MR. ROSE: At this time, we would rest our
14 case.

15 THE COURT: Okay. Thank you.

16 Any evidence from the defendant's side?

17 MR. BERNSTEIN: Well, I'd like -- can I call
18 back Spallina?

19 THE COURT: If you want to call him as a
20 witness on your behalf, sure.

21 MR. BERNSTEIN: Yeah, sure.

22 THE COURT: All right. Mr. Spallina, you're
23 still under oath, and you're being called as a
24 defense witness now.

25 DIRECT EXAMINATION

1 BY MR. BERNSTEIN:

2 Q. Mr. Spallina, when Simon died on
3 September 12th -- or September 13th -- sorry -- 2012,
4 and you were responsible as his attorney to appoint Ted
5 as the successor, correct, you were in charge of his
6 wills and trusts?

7 THE COURT: You just asked three questions in
8 a row.

9 MR. BERNSTEIN: Oh, sorry.

10 THE COURT: Which question would you like the
11 witness to answer?

12 BY MR. BERNSTEIN:

13 Q. Okay. When Simon died, was Shirley's estate
14 closed?

15 A. No, it was not.

16 Q. Okay. Did you appoint a successor to Simon
17 who was the personal representative of Shirley on the
18 day he died?

19 A. I don't understand the question.

20 Q. Well, on the day Simon died, there was a
21 successor to him in the will, correct?

22 A. That's correct. Ted.

23 Q. Okay. Did you appoint Ted?

24 A. I did not appoint Ted. Si did.

25 Q. Si appointed Ted?

1 A. Si appointed Ted as a successor trustee under
2 the document -- I mean, Shirley appointed Ted as the
3 successor trustee to Si under the document.

4 Q. So Simon didn't appoint Ted?

5 A. Simon did not appoint Ted.

6 Q. Okay.

7 A. He was the named successor under your mother's
8 document.

9 Q. Okay. So when Simon died -- just so I get all
10 this clear, when Simon died, your law firm knew Ted was
11 the successor, correct?

12 A. That's correct.

13 Q. According to your story. Okay.

14 A. Under Shirley's documents, you're talking
15 about.

16 Q. Under the alleged Shirley document.

17 Okay. But yet did Simon then -- after he
18 died, did he not close the estate of Shirley while he
19 was dead?

20 MR. ROSE: Objection. Argumentative. It's
21 cumulative.

22 THE COURT: Sustained.

23 MR. ROSE: And I believe this whole line of
24 questioning's been covered ad nauseam in the first
25 cross-examination.

1 THE COURT: Well, it's important not to ask
2 the same thing over and over again. You have
3 finite time to work with.

4 MR. BERNSTEIN: Okay.

5 BY MR. BERNSTEIN:

6 Q. The estate of Shirley was closed in January,
7 correct, of 2013?

8 A. I don't recall, but it sounds -- it has to be
9 sometime after November.

10 Q. Okay. So it was closed by Simon, who was dead
11 at that time, correct?

12 MR. ROSE: Objection. Relevance.

13 THE COURT: Sustained.

14 BY MR. BERNSTEIN:

15 Q. Did Ted Bernstein close the Estate of Shirley
16 Bernstein as the successor personal representative?

17 A. No.

18 Q. Who closed the Estate of Shirley Bernstein?

19 A. The documents were filed with the court based
20 on the original petition that your father signed.

21 Q. Did you close the estate?

22 MR. ROSE: Objection. Relevance.

23 THE COURT: What's the relevance?

24 MR. BERNSTEIN: Well, I'm trying to figure out
25 who closed my mom's estate.

1 THE COURT: What's the relevance I've got to
2 figure out?

3 MR. BERNSTEIN: Okay. The documents, they
4 were bringing up these waivers. There's relevance
5 to this.

6 THE COURT: Well, I'll sustain the objection.

7 MR. BERNSTEIN: Okay.

8 BY MR. BERNSTEIN:

9 Q. On this petition for discharge that Mr. Rose
10 brought up on his cross -- and I can't remember where I
11 just pulled that -- I'm going to take a look. That
12 would be 28.

13 MR. BERNSTEIN: Can I admit this into
14 evidence, Your Honor, since I believe Mr. Rose
15 stated it wasn't?

16 THE COURT: You're just picking up a piece of
17 paper and walking up to me and saying, can I admit
18 this into evidence?

19 MR. BERNSTEIN: Well, they didn't admit it.

20 THE COURT: Is there a foundation laid for its
21 admissibility?

22 MR. BERNSTEIN: Yes.

23 THE COURT: Do I know what it is so that I can
24 make a ruling?

25 MR. BERNSTEIN: Oh. It's a petition for

1 discharge.

2 THE COURT: Did anybody testify to that, or
3 are you just --

4 MR. BERNSTEIN: Yeah, he just did.

5 THE COURT: If you have a piece of paper you
6 want to have me consider as an exhibit, the other
7 side has to have seen it and the witness has to
8 have seen it so I'll know what it is.

9 MR. BERNSTEIN: Okay. They were just talking
10 about it.

11 MR. ROSE: Your Honor, just to speed things
12 along, we have no objection to this document coming
13 into evidence. It is part of our Exhibit 28. The
14 whole 28 could come in evidence. That's fine with
15 me. Then it would all be in evidence. Or however
16 you wish to do it.

17 THE COURT: I'm letting this party take charge
18 of his own case.

19 Are you asking that to be received as an
20 exhibit? There's no objection. So that'll be
21 Defendant's 3. Hand that up, and I'll mark it.

22 MR. BERNSTEIN: Thank you.

23 (Defendant's Exhibit No. 3 was received into
24 evidence.)

25

1 THE COURT: So are you done with it?

2 MR. BERNSTEIN: No. Can I use it still?

3 THE COURT: Anything that's supposed to be an
4 exhibit in evidence has to come back to me.

5 MR. BERNSTEIN: Gotcha.

6 BY MR. BERNSTEIN:

7 Q. Okay. On this document, it's a petition for a
8 discharge, a "full waiver," it says.

9 Was this document sent back to your firm as
10 not notarized by Judge Colin's office?

11 A. I'm not sure. I didn't get the documents
12 back.

13 Q. Is it notarized?

14 A. No, it's not.

15 Q. Did you sign as the notary?

16 MR. ROSE: Objection. Cumulative.

17 THE COURT: Overruled.

18 The question was, is it notarized? The answer
19 was no. Then you asked if -- somebody else, if
20 they'd sign, and then the witness if he signed as a
21 notary.

22 THE WITNESS: I signed it as the attorney for
23 the estate.

24 BY MR. BERNSTEIN:

25 Q. Okay. On April 9th with Simon Bernstein?

1 A. Yeah, it appears that way.

2 Q. Could it be another way?

3 A. It didn't -- this document did not require
4 that I witness Si's signature. So I believe that that
5 document was sent to Si, and he signed it, sent it back,
6 we signed it and filed it.

7 Q. So you sent it to Si, he signed it, then sent
8 it back, and you signed it all on April 9th?

9 A. It doesn't -- it's what day he signed it
10 that's relevant. He signed it on April 9th.

11 Q. And what day did you sign it?

12 A. I could have signed it April 11th.

13 Q. Well, where does it say April 11th?

14 A. My signature doesn't require a date. His
15 does.

16 Q. Why?

17 A. Just doesn't.

18 Q. Well, the date that the document says this
19 document's being signed on April 9th.

20 A. I did not sign that exhibit.

21 Q. Next question. On September 13, 2013, the
22 year after my father died, in Judge Martin Colin's
23 court, when he discovered this document, did he threaten
24 to read you your Miranda Rights, stating he had enough
25 evidence to read you Mirandas?

1 MR. ROSE: Objection. Relevance.

2 THE COURT: Sustained.

3 BY MR. BERNSTEIN:

4 Q. Did you deposit this document, this April 9th
5 full discharge, with the court?

6 A. Did I personally do it?

7 Q. Did your law firm?

8 A. No, the law firm did, yes.

9 Q. Okay. And on whose behalf?

10 MR. ROSE: Objection. Cumulative.

11 THE COURT: Sustained.

12 MR. ROSE: And relevance.

13 THE COURT: Sustained.

14 BY MR. BERNSTEIN:

15 Q. Simon was dead when this document was
16 deposited with the court, correct?

17 MR. ROSE: Objection. Cumulative. Relevance.

18 THE COURT: I've got that he is dead written
19 down here several times. It's clear in my mind.

20 You're not moving in a positive direction.

21 MR. BERNSTEIN: I understand that part.

22 THE COURT: All right. New question, please.

23 MR. BERNSTEIN: Okay.

24 BY MR. BERNSTEIN:

25 Q. Is this document sworn to and attested by my

1 father? Is it a sworn statement? Does it say "under
2 penalties of perjury"?

3 A. It does.

4 Q. Okay. So under penalties of perjury, on
5 April 9th, my father and you signed a document, it
6 appears, that states that Simon has fully administered
7 the estate.

8 Was that done?

9 A. Yes, it was.

10 Q. He had settled the estate, made dispositions
11 of all claims of Shirley's estate?

12 A. He was the only beneficiary of the estate.
13 The creditor period had passed.

14 Q. He was the only beneficiary of the will?

15 A. He was the only beneficiary of the will if
16 he -- that's if he survived your mother.

17 Q. Did you say earlier that the five children
18 were tangible personal property devisees or
19 beneficiaries under the will?

20 A. I did not. I said your father was the sole
21 beneficiary of your mother's estate by virtue of
22 surviving her.

23 Q. I thought you mentioned -- can I take a look
24 at the will?

25 Okay. On Simon's will, which is Exhibit 4

1 here --

2 A. This is your mother's will we're talking
3 about.

4 Q. Well, hold on. Well, you did state there were
5 mirror documents, correct, at one point? That's okay.
6 I'll proceed. That part seems to be in error.

7 Does the document say, "I, Shirley Bernstein,
8 of Palm Beach County, Florida hereby revoke all of my
9 prior wills and codicils and make this will my spouse's
10 assignment. My children are Ted, Pam -- Pamela Simon,
11 Eliot Bernstein, Jill Iantoni and Lisa Friedstein"?

12 MR. ROSE: Objection. Best evidence and
13 cumulative.

14 THE COURT: Sustained.

15 MR. BERNSTEIN: Okay.

16 BY MR. BERNSTEIN:

17 Q. Was there a separate written memorandum
18 prepared for this will?

19 A. No, there was not.

20 Q. And if Simon didn't survive, the property
21 would be going to the children, correct?

22 MR. ROSE: Objection.

23 THE WITNESS: Correct.

24 MR. ROSE: Best evidence and cumulative.

25 THE COURT: Sustained.

1 MR. BERNSTEIN: What was -- I missed that.

2 Can I not ask him that question I just asked?

3 THE COURT: I sustained the objection. You
4 can ask a new question of him.

5 MR. BERNSTEIN: Okay.

6 BY MR. BERNSTEIN:

7 Q. Is there any chance that the children could be
8 beneficiaries of anything under this will?

9 A. Not at the time of your mother's death. Your
10 father survived.

11 Q. So at the time of her death, you're saying
12 that -- if they both died together, would the
13 children --

14 MR. ROSE: Objection. Relevancy.

15 BY MR. BERNSTEIN:

16 Q. -- be beneficiaries?

17 THE COURT: Sustained.

18 MR. BERNSTEIN: Okay. I'm done with him.

19 MR. ROSE: No questions.

20 THE COURT: Okay. Thank you. You can step
21 down now.

22 Next witness, please.

23 MR. BERNSTEIN: My next witness, are you
24 saying?

25 THE COURT: If you have another witness, now's

1 the time to call him or her.

2 MR. BERNSTEIN: Okay. Ted Bernstein -- well,
3 one second.

4 Is Kimberly Moran, your witness, here? Is
5 Kimberly Moran, an exhibited witness, here,
6 Mr. Rose?

7 THE COURT: Listen, it's your case. I've
8 asked if you have any other witnesses. Do you have
9 any other witnesses?

10 MR. BERNSTEIN: No, I don't. I was going to
11 call some of their witnesses, but they're not here.

12 THE COURT: Okay. So you aren't going to call
13 anybody?

14 MR. BERNSTEIN: Yes, I'm going to call Ted
15 Bernstein.

16 THE COURT: Well, that's a witness, right?

17 MR. BERNSTEIN: Yeah, yeah. I just was
18 looking for the other ones on the witness list. I
19 didn't know if they were sitting outside.

20 Thereupon,

21 (TED BERNSTEIN)

22 having been first duly sworn or affirmed, was examined
23 and testified as follows:

24 THE WITNESS: I do.

25 DIRECT EXAMINATION

1 BY MR. BERNSTEIN:

2 Q. Ted --

3 THE COURT: You've got to ask the witness his
4 name. The record needs to reflect who's
5 testifying.

6 MR. ROSE: And could I just ask that he stay
7 at the podium?

8 THE COURT: Okay. You need to stay near the
9 microphone so that I can hear and the court
10 reporter can accurately hear you. And then if you
11 need to go up to the witness stand for some reason,
12 you're allowed to do that.

13 BY MR. BERNSTEIN:

14 Q. State your name for the record.

15 A. Ted Bernstein.

16 Q. Is that your full formal name?

17 A. That is.

18 Q. Do you go by Theodore Stuart Bernstein ever?

19 A. I do not.

20 Q. Okay. Is that your name on your birth
21 certificate?

22 A. Which one?

23 Q. Theodore Stuart Bernstein?

24 A. It is not.

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.

2 Q. Oh. Okay. So he was -- so Tescher and
3 Spallina were your counsel as trustee, but Alan Rose
4 became that day?

5 A. I'm not sure when, but I consulted him
6 immediately. You asked me when.

7 MR. ROSE: Can I caution the witness that it's
8 fine to say who he consulted with. I think the
9 advice was the attorney-client privilege I would
10 instruct him on.

11 THE COURT: All right. The attorney-client
12 privilege is available, and your client is on the
13 stand. Counsel's reminding him that it exists.

14 Are there any other questions? What is the
15 time period that you're asking about here?

16 MR. BERNSTEIN: Right after he discovered that
17 there had been a fraudulent, invalid will created.

18 THE COURT: Right. And you're asking him what
19 he did afterwards?

20 MR. BERNSTEIN: Right afterwards.

21 THE COURT: Okay. Have your mother and father
22 both passed away at the time you're asking him
23 that?

24 MR. BERNSTEIN: Correct.

25 THE COURT: So the validity of the documents

1 that I've got to figure out won't have anything to
2 do with the questions you're asking him now about
3 his actions at trustee, will they?

4 MR. BERNSTEIN: Yes.

5 THE COURT: Tell me how.

6 MR. BERNSTEIN: Okay. Because, Your Honor,
7 when he found out that there was fraud by his
8 attorneys that he retained, the question is, what
9 did they do with those documents? Did he come to
10 the court to correct --

11 THE COURT: The question you're asking him is
12 what did he do.

13 MR. BERNSTEIN: Yeah.

14 THE COURT: Well, that doesn't tell me
15 anything about what the attorneys did. So I'll
16 sustain my own objection. I want to keep you on
17 track here. You're running out of time, and I want
18 you to stay focused on what I've got to figure out.
19 You've got a lot more on your mind than I do. I
20 explained that to you earlier. Do you have any
21 other questions on the issues that I've got to
22 resolve at this point?

23 MR. BERNSTEIN: Yeah.

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.

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.

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.

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.

8 BY MR. BERNSTEIN:

9 Q. Well, would it matter to you one way or the
10 other how these documents are validated?

11 A. What would matter to me would be to follow the
12 documents that are deemed to be valid and follow the
13 court orders that suggest and deem that they are valid.
14 That would be what I would be charged to do.

15 Q. So you can sit here today and tell me that the
16 validity of these documents, even though your family
17 will lose 40 percent, has no effect on you?

18 A. It has no effect on me.

19 Q. Okay. And you don't find that to be adverse
20 to certain beneficiaries as the trustee?

21 MR. ROSE: Objection. Calls for a legal
22 conclusion.

23 THE COURT: Well, what difference does it make
24 to me? I mean, what he thinks about his role is
25 just not relevant to me.

1 MR. BERNSTEIN: Well, Your Honor --

2 THE COURT: So the next question, please.

3 That's not relevant.

4 BY MR. BERNSTEIN:

5 Q. So in no way have you tried to authenticate
6 these documents as the trustee?

7 THE COURT: He has already said that. That's
8 the third time you've asked it, at least. And I've
9 written it down. It's on my papers.

10 MR. BERNSTEIN: Okay. I'll let it go. I'll
11 let him go today.

12 THE COURT: Okay. You have no further
13 questions of the witness.

14 Is there any cross?

15 MR. ROSE: Briefly.

16 CROSS (TED BERNSTEIN)

17 BY MR. ROSE:

18 Q. You did a few things to authenticate the
19 documents, didn't you? You filed a lawsuit?

20 A. Yes.

21 Q. In fact, we're here today because you filed a
22 lawsuit to ask this judge to determine if these five
23 documents are valid, correct?

24 A. That's correct.

25 Q. And you fired Mr. Tescher and Spallina on the

1 spot?

2 A. Correct.

3 Q. Called the bar association?

4 A. The next business day.

5 Q. You consulted with counsel, and we retained
6 additional probate counsel over the weekend?

7 A. We did.

8 Q. So as far as authenticating the documents, you
9 personally believe these are genuine and valid
10 documents, right?

11 A. I do.

12 Q. And you, in fact, were in your office the day
13 your father signed them?

14 A. That's correct.

15 Q. And witnessed Mr. Spallina and the notary
16 coming to the office to sign the documents?

17 A. Yes, that's right.

18 Q. And you had been on a conference call with
19 your father, your brother and your three sisters where
20 your father told you exactly what he was going to do?

21 A. That is also correct.

22 Q. And the documents that we're looking at today
23 do exactly what your father told everybody, including
24 your brother, Eliot, he was going to do on the
25 conference call in May of 2012?

1 A. Yes, that is correct also.

2 Q. Now, I think you were asked a good question.

3 Do you care one way or the other how these
4 documents are decided by the Court?

5 A. Absolutely not.

6 Q. Did you care when your father or mother made a
7 document that did not specifically leave any money to
8 you?

9 A. I did not.

10 Q. Now, did you care for anybody other than
11 yourself?

12 A. I cared for the -- for the sake of my
13 children.

14 Q. And why did you care for the sake of your
15 children?

16 A. My parents had a very good relationship with
17 my children, and I did not want my children to
18 misinterpret what the intentions of their grandparents
19 were and would have been. And for that reason, I felt
20 that it would have been difficult for my children.

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

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.

13 Q. You need to get a ruling on whether these five
14 documents are valid in order for you to do your job as
15 the trustee, correct?

16 A. Yes, that is correct.

17 Q. Whichever way the Court rules, will you follow
18 the final judgment of the Court and exactly consistent
19 with what the documents say, and follow the advice of
20 your counsel in living up to the documents as the Court
21 construes them?

22 A. Always. A hundred percent.

23 MR. ROSE: Nothing further, sir.

24 THE COURT: All right. Thank you.

25 Is there any redirect?

1 REDIRECT (TED BERNSTEIN)

2 BY MR. BERNSTEIN:

3 Q. You just stated that you came to the court and
4 validated the documents in this hearing today; is that
5 correct?

6 MR. ROSE: Objection. It mis --

7 BY MR. BERNSTEIN:

8 Q. You filed a motion to validate the documents
9 today?

10 THE COURT: Wait. You've got to let me rule
11 on the objection.

12 MR. BERNSTEIN: Oh, sorry. I don't hear any
13 objection.

14 THE COURT: I'll sustain the objection.

15 BY MR. BERNSTEIN:

16 Q. Okay. Since -- did you file a motion that
17 we're here for today for validity?

18 A. Explain motion.

19 Q. A motion with the court for a validity hearing
20 that we're here at right now.

21 A. Do you mean the lawsuit?

22 Q. Well, yeah.

23 A. Yes, we did file a lawsuit, yes.

24 Q. Okay. Do you know when you filed that?

25 A. No. I don't know, Eliot. I don't know when I

1 filed it. I don't have it committed to memory.

2 Q. Do you have an idea?

3 MR. ROSE: Objection. I think the court file
4 will reflect when the case was filed.

5 THE COURT: Overruled.

6 The question was answered, I don't know. Next
7 question.

8 MR. BERNSTEIN: Okay.

9 BY MR. BERNSTEIN:

10 Q. Prior to filing this lawsuit, Mr. Rose said
11 you couldn't do anything because you didn't know if the
12 documents were valid.

13 My question is, did you do anything from the
14 time you found out the documents might not be valid and
15 needed a validity hearing to today at this validity
16 hearing?

17 MR. ROSE: Objection. Relevance.

18 THE COURT: What's the relevance?

19 MR. BERNSTEIN: Well, he knew about these
20 documents being fraudulent for X months.

21 THE COURT: What will that help me decide on
22 the validity of the five documents?

23 MR. BERNSTEIN: Why, Your Honor, they didn't
24 come to the court knowing that they needed a
25 validity hearing, and instead disposed and

1 disbursed of assets while they've known all this
2 time --

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.

8 BY MR. BERNSTEIN:

9 Q. Mr. Rose asked you if you found documents and
10 they all looked valid to you, and you responded yes.

11 Are you an expert?

12 A. I am not.

13 Q. Can you describe what you did to make that
14 analysis?

15 A. They looked like they were their signatures on
16 the documents. I had no reason whatsoever to think
17 those weren't the documents that were their planning
18 documents. I had no reason at all to think that.

19 Q. Even after your hired attorneys that were
20 representing you admitted fraud, you didn't think there
21 was any reason to validate the documents?

22 MR. ROSE: Objection. Argumentative.

23 THE COURT: Sustained.

24 BY MR. BERNSTEIN:

25 Q. Did you find any reason to validate these

1 documents forensically?

2 A. I think I answered that by saying that we
3 filed a lawsuit.

4 Q. No, I'm asking you to have a
5 forensic -- you're the trustee. And as a beneficiary --
6 to protect the beneficiaries, do you think you should
7 validate these documents with a handwriting expert due
8 to the fact that we have multiple instances of fraud by
9 your counsel who were acting on your behalf?

10 MR. ROSE: Objection. Cumulative and
11 argument.

12 THE COURT: The question is, does he think
13 something. I've already told you when you ask a
14 question do you think, I stop listening. It's not
15 relevant what the witness thinks.

16 So I'll sustain the objection.

17 BY MR. BERNSTEIN:

18 Q. As a trustee, would you find it to be your
19 fiduciary duty upon learning of document forgeries and
20 frauds by your counsel to have the dispositive documents
21 you're operating under validated by a professional
22 handwriting expert, forensic expert, et cetera?

23 MR. ROSE: Objection. Cumulative.

24 THE COURT: Sustained.

25

1 BY MR. BERNSTEIN:

2 Q. Do you think these documents should be
3 validated -- you're the trustee.

4 Do you think these documents should be
5 validated by a professional firm forensically?

6 MR. ROSE: Objection. Cumulative.

7 THE COURT: It's not relevant. You just asked
8 him if he thinks he should have had them validated.
9 I don't care what he thinks. In making my
10 decisions today, what he thinks he should have done
11 or not done isn't relevant. I'm looking for facts.
12 So I really wish you would address your questions
13 to facts.

14 BY MR. BERNSTEIN:

15 Q. So, to the best of your knowledge, have these
16 documents been forensically analyzed by any expert?

17 MR. ROSE: Objection. Cumulative.

18 THE COURT: No, they are not. I already know
19 that. I wrote it down. He's already said they've
20 not been.

21 MR. BERNSTEIN: Okay.

22 BY MR. BERNSTEIN:

23 Q. Ted, when your father signed, allegedly, his
24 2012 documents in July, were you aware of any medical
25 problems with your father?

1 A. I don't think so.

2 Q. Were you aware that I took him for a biopsy of
3 his brain?

4 A. I'm not aware of that, no.

5 Q. Were you aware of the headaches he was
6 suffering that caused him to go for a biopsy of his
7 brain?

8 A. I don't believe he had a biopsy of his brain.
9 But if he did, then I'm not aware of it.

10 Q. Oh, okay. Were you aware of headaches your
11 father was suffering?

12 A. I recall he was having some headaches.

13 Q. Were you aware that he was seeing a
14 psychiatrist?

15 A. Yes.

16 Q. Were you aware of the reasons he was seeing a
17 psychiatrist?

18 A. Absolutely not.

19 Q. Were you ever in the psychiatrist's office
20 with him?

21 A. Yes.

22 Q. For what reason?

23 A. I wanted to have a conversation with him.

24 Q. About?

25 A. About some personal issues that I wanted to

1 discuss with him.

2 Q. Personal issues such as?

3 MR. ROSE: Can I get clarification? Are you
4 talking about you wanted to -- he may have a
5 privilege.

6 You were discussing Simon's issues or your own
7 personal issues?

8 THE WITNESS: They were both intertwined
9 together.

10 MR. ROSE: I think it's subject to a
11 privilege.

12 THE COURT: All right. Well, you've been
13 warned by your attorney you've got a
14 psychologist-client privilege, so use it as you
15 will.

16 MR. BERNSTEIN: He's not a client of the
17 psychiatrist, I don't think.

18 THE COURT: I beg to differ with you.

19 MR. BERNSTEIN: Oh, he is?

20 THE COURT: Because the answer just clarified
21 that he was in part seeking to be a client. Did
22 you listen to his clarification of his answer?

23 MR. BERNSTEIN: No.

24 THE COURT: Well, I did very closely.

25 MR. BERNSTEIN: What was it?

1 THE COURT: Next question, please.

2 MR. BERNSTEIN: Okay. I'll just see it on the
3 transcript.

4 BY MR. BERNSTEIN:

5 Q. Were you aware of any medical conditions,
6 depression, anything like that your father was
7 experiencing prior to his death?

8 A. I never found our father to suffer from any
9 kind of depression or anything like that during his
10 lifetime.

11 Q. So after your mother died, he wasn't
12 depressed?

13 A. No.

14 MR. ROSE: Could I again ask Mr. Bernstein to
15 step to the podium and not be so close to my
16 client?

17 THE COURT: If you speak into the microphone,
18 it'll be even more easy to hear your questions.

19 Thank you.

20 BY MR. BERNSTEIN:

21 Q. So, according to you, your father's state of
22 mind was perfectly fine after his wife died of -- a
23 number of years --

24 A. I didn't say that.

25 Q. Okay. He wasn't depressed?

1 A. That's what I said.

2 Q. Were you aware of any medications he was on?

3 A. I was, yes.

4 Q. Such as?

5 A. From time to time, he would take something for
6 your heart when you would have angina pains. But that
7 he was doing for 30 years, for a good 30 years, that I
8 knew dad was taking, whatever that medicine is when you
9 have some chest pain.

10 Q. Did you have any problems with your father
11 prior to his death?

12 MR. ROSE: Objection. Relevance.

13 THE COURT: The question is, did you have any
14 problems with your dad before he died?

15 I'll sustain the objection.

16 BY MR. BERNSTEIN:

17 Q. Are you aware of any problems between you and
18 your father that were causing him stress?

19 MR. ROSE: Objection. Relevance.

20 THE COURT: Sustained.

21 BY MR. BERNSTEIN:

22 Q. Were you aware that your father was changing
23 his documents allegedly due to stress caused by certain
24 of his children?

25 A. No.

1 Q. Were you on a May 10th phone call?

2 A. Yes.

3 Q. In that phone call, did your father --

4 MR. ROSE: Objection. It's beyond the
5 scope -- well --

6 MR. BERNSTEIN: It has to do with the changes
7 of the documents and the state of mind.

8 THE COURT: Do you have a question you want to
9 ask? He's withdrawn whatever he was saying, so you
10 can finish your question.

11 BY MR. BERNSTEIN:

12 Q. Okay. So on May 10th, at that meeting, your
13 father stated that he was having trouble with certain of
14 his children, and this would solve those problems.

15 Are you aware of that?

16 A. No, I don't -- not from the way you're
17 characterizing that phone call.

18 Q. Well, how do you characterize that?

19 A. He wanted to have a conversation with his five
20 children about some changes he was making to his
21 documents.

22 Q. And you had never talked to him about the
23 changes, that your family was disinherited?

24 A. No.

25 Q. Prior to that call?

1 A. No.

2 Q. When did you learn that you were disinherited?

3 A. I think when I first saw documents with --
4 maybe after dad -- once dad passed away.

5 Q. Were you aware of the contact with your sister
6 Pam regarding her anger at your father for cutting both
7 of you out of the will?

8 A. I'm aware of that.

9 Q. So that was before your father passed?

10 A. Excuse me. Can you ask -- say the end of that
11 sentence again.

12 MR. BERNSTEIN: Can you read that back?

13 (A portion of the record was read by the
14 reporter.)

15 THE WITNESS: I'm sorry. You asked me a
16 question, and I had answered too quickly. What was
17 the end of the question prior to that?

18 (A portion of the record was read by the
19 reporter.)

20 THE WITNESS: I'm aware that she was angry
21 with him about how -- that he -- she was not in his
22 documents.

23 BY MR. BERNSTEIN:

24 Q. You didn't learn right there that you weren't
25 in the documents?

1 A. I can't remember if it was then or if it was
2 when dad died.

3 Q. Well, this is very important so can you think
4 back to that time.

5 While your father was alive, did I invite you
6 to a Passover holiday at my home?

7 MR. ROSE: Objection. Relevance.

8 THE WITNESS: I don't recall.

9 MR. BERNSTEIN: Okay.

10 THE COURT: What's the relevance?

11 MR. BERNSTEIN: Well, it's relevance to the
12 state of mind my dad was in while --

13 THE COURT: Well, you're asking did this guy
14 get invited to your home. You didn't ask about
15 your dad, so I'll sustain the objection.

16 BY MR. BERNSTEIN:

17 Q. Okay. Did you get invited to a Passover
18 dinner at my home that your father was attending?

19 A. I don't recall the circumstances of
20 what -- whatever it is you're referring to.

21 Q. Do you recall saying you wouldn't come to the
22 Passover dinner?

23 MR. ROSE: Objection. Relevance.

24 THE COURT: Sustained.

25

1 BY MR. BERNSTEIN:

2 Q. Do you recall writing me a email that stated
3 that your family was dead for all intensive [sic]
4 purposes?

5 MR. ROSE: Objection. Relevance.

6 THE COURT: What's the relevance to the
7 validity of these documents?

8 MR. BERNSTEIN: If Si was in the right state
9 of mind or if he was being, you know, forced at a
10 gun to make these changes by children who had --

11 THE COURT: Your question asked this witness
12 if he wrote you a letter that said his family was
13 dead for all intents and purposes. What's that got
14 to do with the validity of these documents?

15 MR. BERNSTEIN: Well, it establishes Simon's
16 state of mind.

17 THE COURT: Okay. I'll sustain the objection.

18 MR. BERNSTEIN: Okay. All right. Well, then,
19 I'm all done then.

20 THE COURT: All right.

21 Is there any cross?

22 MR. ROSE: I already crossed.

23 THE COURT: Oh, that's true. So you're all
24 set. You're done. Thank you.

25 Next witness, please.

1 MR. BERNSTEIN: Alan Rose.

2 MR. ROSE: I object. Improper.

3 THE COURT: You've got 11 minutes yet.

4 MR. BERNSTEIN: Well, he's a witness to the
5 chain of custody in these documents.

6 THE COURT: Well, you can call anybody you
7 want. I just wanted you to know how much time you
8 had left.

9 MR. BERNSTEIN: Oh, okay.

10 MR. ROSE: He wants to call me, and I object
11 to being called as a witness.

12 THE COURT: Okay.

13 MR. ROSE: I don't think that's proper.

14 THE COURT: I don't think that's proper to
15 call an attorney from the other side as your
16 witness. So I accept the objection. Anybody else?

17 MR. BERNSTEIN: Your Honor, I would agree with
18 that normally --

19 THE COURT: Well, thanks.

20 MR. BERNSTEIN: -- but there's a small
21 problem. The chain of custody we're trying to
22 follow in these documents for other reasons, other
23 criminal reasons, is Mr. Rose has pertinent
24 information to; meaning, he claims to have
25 discovered some of these documents and taken them

1 off the property.

2 THE COURT: I thought you said you wanted a
3 chain of custody?

4 MR. BERNSTEIN: Right. Meaning --

5 THE COURT: Well, the chain of custody to me
6 means the chain of custody after the time they were
7 executed.

8 MR. BERNSTEIN: Right.

9 THE COURT: All right. He wasn't around when
10 they were executed.

11 MR. BERNSTEIN: No, but he found documents
12 that are being inserted into this court case as
13 originals, second originals that he found
14 personally, and wrote a letter stating, I just
15 happened to find these documents in Simon's home --

16 THE COURT: Well, I'm going to sustain the
17 objection to you calling him as a surprise witness.
18 He's a representative of your own. Do you have any
19 other witnesses?

20 MR. BERNSTEIN: No. I'm good.

21 THE COURT: Okay. So you rest?

22 MR. BERNSTEIN: I rest.

23 THE COURT: Okay. Is there any rebuttal
24 evidence from the plaintiff's side?

25 MR. ROSE: No, sir.

1 THE COURT: Okay. So the evidence is closed.
2 We'll have time for brief closing arguments. And
3 I'll take those now. Let me hear first from the
4 plaintiff's side.

5 MR. ROSE: I'm sorry. Did you say it was time
6 for me to speak?

7 THE COURT: Yes. I'm taking closing arguments
8 now.

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.

22 So the uncontroverted evidence that you've
23 heard was from Robert Spallina, who is an attesting
24 witness to the documents and he was a draftsman of
25 the documents.

1 I don't believe it's directly relevant to your
2 inquiry, but you certainly heard evidence that what
3 Simon Bernstein intended and what he communicated
4 were his wishes; the exercise of a power of
5 appointment through a will, the changing of the
6 beneficiaries of his trust document by way of an
7 amended and restated 2012 document, to give his
8 money -- leave his wealth to his ten grandchildren.
9 The final documents as drafted and signed are
10 consistent with what.

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.

17 Now, the only question that's been raised as
18 to the self-proving affidavit is an issue with
19 notarization. And we have two cases to cite to the
20 Court on the notarization issue. One is from the
21 Florida Supreme Court called The House of Lyons,
22 and one is from a sister court in the State of
23 North Carolina.

24 THE COURT: Just a second.

25 Sir, would you just have a seat. You're

1 making me nervous.

2 MR. BERNSTEIN: Sure.

3 THE COURT: Thanks.

4 MR. BERNSTEIN: Just aching.

5 THE COURT: Well, I understand. But just have
6 a seat. That'll be better. Thanks.

7 And I'm sorry for the interruption.

8 MR. ROSE: No, that's all right.

9 If I may I approach with the two cases we
10 would rely on.

11 THE COURT: All right.

12 MR. ROSE: The House of Lyons. The second is
13 a case from Georgia. The House of Lyons case is
14 from the Florida Supreme Court. It deals in a
15 slightly different context, but it deals with
16 notarization. And so what you have here is, we've
17 put on evidence. The documents that are in
18 evidence, that these documents were signed
19 properly. The witnesses were in the presence of
20 each other, and the testator and the notary
21 notarized them.

22 Shirley's documents from 2008, there's no
23 question that all the boxes were checked. There is
24 a question that's been raised with regard to
25 Simon's 2012 will and his 2012 trust; that the

1 notary -- rather than the law firm employee
2 notarizing them, these were notarized by Simon's --
3 the testimony is by an employee of Simon's company,
4 not a legal expert. And if on the face of the two
5 documents -- and for the record, these would be
6 Exhibits 4, which is Simon's will, and Exhibit 5,
7 which is Simon's trust.

8 On Exhibit 4, there's no box to check. The
9 whole information is written out. And I don't
10 believe there's any requirement that someone
11 circled the word -- if you just read it as an
12 English sentence, the notary confirmed that it was
13 sworn to and ascribed before me the witness is
14 Robert L. Spallina, who is personally known to me
15 or who has produced no identification.

16 So I think the natural inference from that
17 sentence is that person was known to him, Kimberly
18 Moran, who was personally known to me, and Simon
19 Bernstein, who was personally known to me. So on
20 its face, I think it -- the only inference you
21 could draw from this is that the person knew them.

22 Now, we've established from testimony that she
23 in fact knew the three of them, and we've
24 established by way of Exhibit 16, which was signed
25 on the same day and notarized by the same person.

1 And Exhibit 16, unlike Exhibit 4, which doesn't
2 have a little check mark, Exhibit 16 has a check
3 mark, and the notary properly checks personally
4 known to the people that she was notarizing.

5 So I believe -- and the In Re Lyon case stands
6 for substantial compliance with a notary is
7 sufficient. And the North Carolina case is
8 actually more directly on point. The Florida
9 Supreme Court case, Lyons -- and we've highlighted
10 it for the Court, but it says, clerical errors will
11 not be permitted to defeat acknowledges --
12 acknowledgments when they, considered either alone
13 or in connection with the instrument acknowledged
14 and viewed in light of the statute controlling
15 them, fairly show a substantial compliance with the
16 statute.

17 The North Carolina case is a will case, In Re
18 Will of Durham. And there it's exactly our case.
19 The notary affidavit was silent as to whether the
20 person was personally known or not. And the Court
21 held the caveat was self-proving. The fact that
22 the notary's affidavit is silent as to whether
23 decedent was personally known to the notary or
24 produced satisfactory evidence of his identity does
25 not show a lack of compliance with the notary

1 statute, given the issues of personal knowledge or
2 satisfactory evidence are simply not addressed in
3 that affidavit.

4 So we have a Florida case and we have the
5 North Carolina case, which I think is -- it's
6 obviously not binding, but it is sort of
7 persuasive. If they're self-proved, we would win
8 without any further inquiry. The reason we had a
9 trial and the reason we had to file a complaint was
10 everything in this case -- you've slogged through
11 the mud with us for a day, but we've been slogging
12 through the mud for -- basically, I got directly
13 involved in January of 2014, after the Tescher
14 Spallina firm -- after the issues with the firm
15 came to light. So we've been slogging through
16 this.

17 But we did file a complaint. We went the next
18 step. So the next step says to you, assume the
19 notaries are invalid, which they aren't invalid;
20 but if they were, all we need to establish these
21 documents is the testimony of any attesting
22 witness. So we put on the testimony of an
23 attesting witness, Mr. Spallina. He testified to
24 the preparation of the documents. And I do think
25 it's relevant and it will give the Court comfort in

1 making findings of fact that there was an extensive
2 set of meetings between Mr. Spallina and his
3 clients when they did the documents.

4 I mean, we documented for the first set of
5 documents, you know, four meetings, a letter with
6 some drafts, then a meeting to sign the documents,
7 some phone calls and some amending the documents.
8 And in 2012, we've documented at least one meeting
9 with notes involving Simon; telephone conferences
10 between Simon and his client; eventually, when a
11 decision was made, a conference call of all the
12 children; drafts of the documents sent; the
13 document being executed.

14 And so I think if you look at the evidence,
15 the totality of the evidence, there's nothing to
16 suggest that these five documents do not reflect
17 the true intent of Simon and Shirley Bernstein.
18 There's nothing to suggest that they weren't
19 prepared by the law firm; that they weren't signed
20 by the people that purport to sign them; that
21 undisputed testimony from an attesting witness was
22 that all three people were present, and it was
23 signed by the testator and the two witnesses in the
24 presence of each other.

25 So under either scenario, you get the document

1 admitted. In fact, the documents are in evidence.
2 They've been admitted to probate. But the
3 testimony under 732.502, 503, the testimony of the
4 drafting attorney, who attested -- who was an
5 attesting witness, is sufficient for these
6 documents.

7 There's absolutely no evidence put on the
8 Court that Simon Bernstein lacked mental capacity.
9 In fact, the evidence is directly to the contrary.
10 Every witness testified that he was mentally sharp;
11 making intelligent decisions; having a conference
12 call with his children to explain his wishes. And
13 there's simply no evidence in the record to
14 determine that he lacked testamentary capacity.

15 So if I have Mr. Bernstein, Simon Bernstein,
16 with testamentary capacity signing documents in the
17 presence of two subscribing witnesses, the 2012
18 documents should be upheld. I don't know if
19 there's a question at all even about Shirley
20 Bernstein's 2008 document, but the testimony is
21 undisputed that the documents were consistent with
22 her wishes. You saw a draft letter that explained
23 to her exactly what was happening. She signed the
24 documents. The self-proving affidavits for the
25 Shirley documents are all checked perfectly. And

1 even if they weren't, we have an attesting witness
2 here.

3 And, frankly, I think Eliot Bernstein likes
4 these documents. And all he wants to do is argue
5 what they mean and how much money you get from
6 them. And we didn't really need to spend a day
7 arguing this, but we have and we're here. And we
8 believe that the evidence conclusively demonstrates
9 that these documents are valid.

10 Now, you've heard some nonsense and some
11 shenanigans. There were a couple of problems in
12 the case; one with the notarization of documents.
13 And it's sort of a sad and tortured story, but
14 it's -- it was clearly wrong for someone to send
15 documents into Judge Colin's courtroom that had
16 been altered. The correct documents were submitted
17 and the estate should have been closed.

18 And when the documents were returned, someone
19 should have gone and filed a motion with Judge
20 Colin to accept the un-notarized documents, since
21 there was no dispute they were signed. And we
22 wouldn't be here. But for whatever reason, that
23 happened. And it's unfortunate that happened, but
24 there's no evidence that Ted Bernstein, either of
25 his sisters, or Eliot Bernstein, or any of the

1 grandchildren played any role in the fabrication of
2 that document -- the false notarization.

3 The fabricated amendment to Shirley's trust
4 document is a very disturbing fact, and we took
5 immediate action to correct it. No one's purported
6 to validate that document. We filed an action to
7 have the Court construe the documents, tell us
8 which are valid, tell us what they mean. And
9 that's where we should be focusing our time on.
10 And this is, in my view, step one toward that.

11 But if you look at the evidence we've
12 presented, if you -- I understand you've got to
13 deal with the witnesses that you're handed. And I
14 think Mr. Spallina's testimony, notwithstanding the
15 two issues that we addressed, was persuasive, it
16 was un rebutted.

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 un genuine document, we would ask

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.

5 Any closing argument from the other side?

6 Okay.

7 I keep forgetting that you've got a right to
8 be heard, so please forgive me.

9 MR. MORRISSEY: Judge, if I may approach, I
10 have some case law and statutes that I may refer
11 to. And I'll try to be brief and not cumulative.

12 MR. BERNSTEIN: Could I get the other case law
13 that was submitted? Do you have a copy of that?

14 MR. ROSE: Sure.

15 MR. MORRISSEY: Judge, the relevant statute
16 with respect to the execution of wills is 732.502.
17 It says that every will must be in writing and
18 executed as follows. And I'll just recite from the
19 relevant parts, that is to say relevant with
20 respect to our case.

21 The testator must sign at the end of the will
22 and it must be in the presence of at least two
23 attesting witnesses. And if we drop down to
24 Subsection C, the attesting witnesses must sign the
25 will in the presence of the testator and in the

1 presence of each other.

2 Judge, that was established and uncontroverted
3 in connection with Mr. Spallina's testimony. So
4 732.502 was complied with.

5 Now, I think that we -- there was kind of a
6 distraction with respect to the self-proving
7 affidavits at the end. As Your Honor's aware, a
8 self-proving affidavit is of no consequence in
9 connection with the execution of a will. Execution
10 of a will as dealt with in 732.502 merely requires
11 execution at the end by the testator or the
12 testatrix, and then two witnesses who go ahead and
13 attest as to the testator's signature.

14 Now, the self-proving affidavit at the end is
15 in addition to. So the fact that there may or may
16 not have been a proper notarization is of no
17 consequence in connection with a determination of
18 the validity of any of these documents. So that's
19 number one.

20 Number two, I've also provided Your Honor with
21 another -- a statutory section, 733.107, and it's
22 titled "The Burden of Proof in Contest." And it
23 says there, in Subsection 1, "In all proceedings
24 contesting the validity of a will, the burden shall
25 be upon the proponent of the will to establish,

1 prima facie, its formal execution and attestation."

2 I would submit to the Court that that was done
3 today. We had Mr. Spallina's testimony, which was
4 uncontroverted, that indicated that 732.502 was
5 complied with. The statute goes on to state, "A
6 self-proving affidavit executed in accordance with
7 733.502 or an oath of an attesting witness executed
8 as required under the statutes is admissible and
9 establishes, prima facie, the formal execution and
10 attestation of the will."

11 So, once again, I would submit to the Court
12 that there were self-proving affidavits with
13 respect to all of these testamentary documents.
14 They were proper in form, and therefore comply or
15 comport with the second sentence of the statute.
16 But even if not, we had Mr. Spallina testify today
17 so as to comply with this second sentence of
18 Subsection 1.

19 So if we drop down to the third sentence of
20 this Subsection 1, it says that, "Thereafter, the
21 contestant shall have the burden of establishing
22 the grounds on which probate of the will is opposed
23 or revocation is sought."

24 That was not done today by Mr. Eliot
25 Bernstein. He did not present any evidence or meet

1 any burden to overturn these valid wills.

2 Judge, there is the competency argument. The
3 testamentary competency, I'm now going to quote
4 from In Re Wilmott's Estate, 66 So.2d 465. "A
5 testamentary competency means the ability to
6 understand generally the nature and extent of one's
7 property, the relationship of those who would be
8 the natural objects of the testator's bounty, and
9 the practical effect of the will."

10 The only testimony, I elicited that from
11 Mr. Spallina. His is the only testimony that we
12 have in this regard. And it's uncontroverted that
13 both of these decedents met those very specific
14 criteria which -- with respect to each and every
15 one of the five documents that are submitted for
16 your Court's validation today.

17 There's also case law, In Re Estate of Weihe,
18 W-E-I-H-E. That's 268 So.2d 446. That's a Fourth
19 DCA case that says, "Competency is generally
20 presumed and the burden of proving incompetency is
21 on the contestant." So even if we didn't have
22 Mr. Spallina's testimony today, which I elicited,
23 competency on the part of both Shirley and Si
24 Bernstein would be presumed. And it would be the
25 contestant, Mr. Eliot Bernstein, who would have to

1 come up with the -- or would have the burden of
2 showing that they were incompetent. He presented
3 no evidence today in that regard or in that
4 respect.

5 Lastly, there's the In Re Carnegie's estate,
6 153 Florida 7. It's a 1943 case. That says that
7 testamentary capacity refers to competency at the
8 time that the will was executed, so on that date.

9 The only testimony we have with respect to any
10 issues of competency on the date -- on the specific
11 dates that these testamentary documents were signed
12 was from Mr. Spallina. And on all such dates and
13 times, Mr. Spallina testified that these requisites
14 with respect to competency -- or testamentary
15 competency were met.

16 Finally, Judge, undue influence, that would be
17 a reason for invalidating a will. Mr. Bernstein,
18 once again, did not present any evidence to go
19 ahead and suggest that these wills or trusts
20 documents should be overturned on the grounds of
21 undue influence. And in that regard, I provided
22 Your Honor with the Estate of Carpenter, 253 So.2d
23 697. To prove undue influence, one must
24 demonstrate that a beneficiary had a confidential
25 relationship with the decedent and actively

1 procured the will or trust.

2 Mr. Eliot Bernstein did not even suggest today
3 that any of the beneficiaries actively procured the
4 document. Why? Beneficiaries are essentially --
5 are ultimately the ten grandchildren.

6 Mr. Bernstein, Eliot Bernstein, did not suggest
7 today that any one of the ten grandchildren, who
8 are ultimately beneficiaries, were active in
9 procuring any of the five documents, nor did
10 Mr. Bernstein submit to the Court any evidence of
11 confidential relationship by anyone in connection
12 with the various criteria to raise the presumption
13 of undue influence, nor did Eliot Bernstein raise
14 the presumption by satisfying any or enough of the
15 criteria under the Carpenter case to go ahead and
16 raise the presumption that anyone, any substantial
17 beneficiary, had committed undue influence with
18 respect to any of these documents.

19 For those various, multifarious reasons,
20 Judge, I would submit to the Court that these
21 documents are valid and should be held as such.

22 THE COURT: All right. Thank you.

23 Any closing from the defendant's side?

24 MR. BERNSTEIN: Oh, yeah.

25 THE COURT: You've got eight minutes

1 remaining.

2 MR. BERNSTEIN: Okay. Your Honor, we're
3 really here today because of a complex fraud on the
4 court and on beneficiaries like myself and my
5 children. The only witness they procured to
6 validate these documents has consented to the SEC
7 and felony charges recently with his partner for
8 insider trading. He came up on the stand and
9 admitted that he committed fraud, and that his law
10 firm forged documents and frauded documents, and
11 then submitted them not only to the court, but
12 beneficiaries' attorneys as part of a very complex
13 fraud to not only change beneficiaries, but to
14 seize dominion and control of the estates through
15 these very contestable documents.

16 They've been shown by the governor's office to
17 not be properly notarized. The two people who are
18 going -- well, one is --

19 MR. ROSE: I don't want to object to --

20 MR. BERNSTEIN: -- has no --

21 MR. ROSE: Can I object? He's so far talking
22 about things that aren't in evidence.

23 THE COURT: Sustained.

24 You can only argue those things that were
25 received in evidence.

1 MR. ROSE: And I realize Your Honor has a good
2 memory of the evidence --

3 MR. BERNSTEIN: I put in evidence that
4 Mr. Spallina was SEC --

5 THE COURT: No, I sustained objections to
6 those questions.

7 MR. BERNSTEIN: Oh, okay.

8 THE COURT: You can only argue those things
9 that came into evidence.

10 MR. BERNSTEIN: Okay. They didn't bring in
11 any of the necessary parties to validate these
12 documents, other than Mr. Spallina, who admitted to
13 the Court today that he fraudulently altered the
14 trust document. Can I now say that?

15 THE COURT: It's not good for you to ask me
16 questions. I've got to rule on objections, and I'm
17 trying to give you some guidance so that you don't
18 screw up. But I can't answer your legal questions.

19 MR. BERNSTEIN: Okay. So the only witness has
20 admitted in this very case that his law firm
21 submitted forged and fraudulent documents to the
22 Court already in this case; that he himself did
23 those frauds. And we're relying on his sole
24 testimony.

25 None of the other people who signed these

1 documents are here today to validate or even
2 confirm his statements. So it's a highly
3 uncredible [sic] witness to the documents,
4 especially when Mr. Spallina drafted, signed as a
5 witness, gained interest in the documents himself
6 personally as a trustee, and seems to clearly have
7 then taken it upon himself to mislead beneficiaries
8 as to the actual documents.

9 I have asked for production of these
10 documents. Today there were no originals produced
11 to this Court for you to examine.

12 And more importantly, there's a few last
13 things I wanted to state to the Court. My children
14 are not represented here today as beneficiaries.
15 They were supposed to be represented by a trustee
16 of a trust that does not exist in our possession.
17 So they were -- I was sued as a trustee of a trust
18 I've never been given to represent my children, who
19 are alleged beneficiaries by these guys. And the
20 estate's done nothing to provide counsel to three
21 minor children, and left them here today without
22 counsel, and me as a trustee of a trust that
23 doesn't exist, as far as we know. I've never
24 signed it. They haven't submitted it to the Court,
25 to anybody.

1 I want to bring up Rule 1.20, pretrial
2 procedure, case management conference process
3 provides, "The matter to be considered shall be
4 specified in the order of notice setting the
5 conference."

6 So I just want to say that we had a status
7 conference in Simon Bernstein's estate, and only
8 Simon Bernstein's estate, and that this trial was
9 scheduled in Simon's status conference, which
10 violates that very rule. So this trial, in my
11 view, was conducted improperly.

12 Like I said, if you look at the hearing
13 transcript of that day, you'll see that Mr. Rose
14 misleads the Court to think that all these cases
15 were noticed up that day. But Mr. O'Connell, the
16 PR, had only noticed it up for Simon's estate. So
17 what I'm doing here at a trial in Shirley's trust
18 violates Rule 1.20.

19 There are some other things that are violated
20 and not -- I believe we didn't get to discuss
21 the -- at the case management, the fact that, you
22 know -- and I did try to get this out -- that we
23 would need a lot more time for a competency
24 hearing, for a removal of Ted process, which should
25 have come first before doing this and letting them

1 argue, where it's been alleged that there's some
2 serious problems with Ted Bernstein's
3 representation, including the fact that the PR of
4 the estate of Simon has filed with this Court
5 notice that he's not a valid trustee.

6 MR. ROSE: Objection. Outside -- not in
7 evidence.

8 THE COURT: Okay. If you're not going to
9 argue the facts that are in evidence in this trial,
10 then I'm going to ask you to stop.

11 MR. BERNSTEIN: Okay. Well, I'll keep going
12 on my -- see, that's what's confusing. What trial?
13 We had a case management. I was prepared for a
14 Simon, where I have Simon trust construction, all
15 those things ready, and I didn't come with any
16 notes about Shirley. And I've tried to notice the
17 Court that under 1.200, this trial was scheduled
18 improperly in the estate of Simon, and should have
19 been reheard or rescheduled or something.

20 But that seems not to matter. It doesn't
21 matter that we follow the rules. I follow the
22 rules, but it seems that the other side doesn't
23 follow any of the rules; doesn't submit documents
24 properly to courts; commits frauds on courts; and
25 then wants you to believe the validity of these

1 documents based on a felony statement to the Court,
2 who's under a consent with the SEC.

3 THE COURT: You've got two minutes remaining.

4 MR. BERNSTEIN: There were outstanding
5 discovery requests. I was denied all these
6 documents. I was denied the trust that I'm sued
7 under representing my children. So I can't get any
8 of those documents. We would have brought all that
9 up at a real status conference had it been a real
10 status conference and not a corralling or, as you
11 called it, a wrangling of octopuses.

12 THE COURT: That's vivid imagery. Isn't it?
13 I pride myself on that one.

14 MR. BERNSTEIN: Oh, yeah. Well, I was
15 wrangled, technically, into the wrong case here
16 today, in a status conference that you should have
17 corrected upon learning about this. And Mr. Rose
18 has been aware of his mistake in misleading the
19 Court that all these cases were noticed up, when
20 they weren't. And he didn't come to the Court to
21 correct it. Kind of like they didn't come to the
22 Court to correct the validity of these documents
23 before acting under them, knowing they needed to be
24 not only challenged on validity, but on
25 construction of terms, which will come next, which

1 is going to just go right back into the same circle
2 of fraud.

3 So their star witness is a felon. Their star
4 witness has committed fraud upon this Court in this
5 case. That's who they're relying on, and hoping
6 you bank on his words to validate documents.

7 I, Your Honor, am asking that you don't
8 validate the documents; that we move forward to
9 have the documents properly forensically analyzed.
10 They were the subject of ongoing criminal
11 investigations, which are just getting kicked off.
12 In fact, I got 7200 documents from Mr. Spallina,
13 where almost, I think, 7200 are fraud.

14 THE COURT: Your time is more than elapsed. I
15 was letting you finish up as a courtesy, but you're
16 getting off into things that aren't in evidence --

17 MR. BERNSTEIN: Okay. Well, I don't think the
18 trial was conducted fairly. I think that my due
19 process rights have been denied under the law.

20 THE COURT: Your time is more than up. Thank
21 you.

22 MR. BERNSTEIN: Okay.

23 THE COURT: Is there any rebuttal?

24 MR. BERNSTEIN: And I still would like to move
25 for your disqualification, on the record.

1 THE COURT: On the record doesn't count.
2 You've got to put it in writing.

3 MR. BERNSTEIN: Are you sure? I thought I saw
4 in the rules --

5 THE COURT: I'll tell you what. You proceed
6 under your understanding of the law and the rules.
7 That's fine.

8 MR. BERNSTEIN: Okay.

9 THE COURT: Before I take this --

10 MR. BERNSTEIN: I rest.

11 THE COURT: -- before I take this rebuttal
12 argument, I'll let you put your request for recusal
13 in writing. We'll be out of session five minutes.

14 Is that something you want me to read?

15 MR. ROSE: I just want to make my final --

16 THE COURT: I just want to make sure that
17 there's been no possibility that this gentleman
18 won't have his moment to shine.

19 So go ahead and go put that in writing, sir.
20 Be back in five minutes.

21 (A break was taken.)

22 THE COURT: Did you get that written down?

23 MR. BERNSTEIN: Can I approach?

24 THE COURT: Sure. All approaches are okay.

25 MR. BERNSTEIN: Do you want to wait for

1 everybody?

2 THE COURT: Do you have something that you
3 wanted to file, a written motion to recuse?

4 MR. BERNSTEIN: Yeah. In freestyle.

5 THE COURT: All right. I'll take a look at
6 it. Thank you.

7 MR. BERNSTEIN: Can I ask a question?

8 THE COURT: I'll be in recess. I'll take a
9 look at this written motion. Thank you. It'll
10 take me just a minute. Don't anybody go away.

11 (A break was taken.)

12 THE COURT: The stack of documents handed up
13 to me by the defendant are duplicates of documents
14 that he filed, it looks like, twice with the clerk
15 on December 4th, and they've already been ruled
16 upon by me. But I am also ruling today by
17 handwritten order on the face of one of the
18 documents that the disqualification motion is
19 denied as legally insufficient; already ruled upon
20 in the order of 12/8/15, at Docket Entry No. 98;
21 identical to motions filed by defendant on
22 12/4/2015 at Docket Entries Nos. 94 and 98; done in
23 order of John Phillips, 12/15/15. And since I have
24 skills, I made copies of my handwritten order for
25 everybody.

1 Gary, if you could, just hand these out.

2 That'll take care of all that.

3 Now we can go back to talking about the case.

4 I was going to take the rebuttal argument from
5 Plaintiff's side. I'd take that now.

6 MR. ROSE: I have just the exhibits that we
7 put in evidence on the plaintiff's side, if that's
8 easier for the Court.

9 THE COURT: That would be much easier. Thank
10 you.

11 MR. ROSE: And I have a proposed final
12 judgment. And I wanted to talk about one paragraph
13 of the final judgment in particular.

14 MR. BERNSTEIN: I haven't had time to review
15 any final judgment or anything.

16 THE COURT: You're interrupting the argument.
17 Thank you.

18 MR. ROSE: So the complaint alleges -- and I
19 realize we didn't cover every issue in the entire
20 case, but we do it within the four corners of Count
21 II of the complaint. Count II of the complaint was
22 stated in paragraph 79 through 88 of the complaint.

23 And the answer that's filed in this case on
24 Count II at paragraph 80 alleges that there's been
25 a fraud on the court by Ted Bernstein, including,

1 but not limited to, proven forgery, fraudulent
2 notarizations, fraud on the court, altercation
3 [sic] of trust documents, et cetera, et cetera.

4 And in paragraph 82, the answer says that Ted
5 should be removed for his ongoing involvement in
6 fraud which is dealing with these documents.

7 Ted Bernstein is serving as a fiduciary.
8 You've heard -- that was the defense to this case.
9 That's stated in the complaint. You heard no
10 evidence that Ted Bernstein was involved in the
11 preparation or creation of any fraudulent
12 documents. In fact, the evidence from Mr. Spallina
13 was to the contrary.

14 So our final judgment in paragraph 5 asks the
15 Court to make a ruling on the issues that are pled
16 in the answer, specifically that there was no
17 evidence that Ted was involved and that the
18 evidence was to the contrary.

19 So we have no rebuttal. We believe we've
20 established our case, and we proposed a final
21 judgment for Your Honor's consideration that
22 discusses that this is an action to adjudicate five
23 documents to be the testamentary documents. Based
24 on the evidence presented, they're genuine,
25 authentic, valid and enforceable; has the requisite

1 findings. Paragraph 5, which I've explained, the
2 reason we believe it's appropriate in the final
3 judgment, given the pleadings that were made and
4 the lack of evidence on those pleadings. And we
5 didn't get into it today, but --

6 THE COURT: Well, if we didn't get into it
7 today, then it's not proper for argument.

8 MR. ROSE: Well, it's alleged in the complaint
9 and not proven, so I think it's appropriate to make
10 a finding on it. You didn't actually hear
11 testimony that was relevant to those issues about
12 Ted Bernstein. And I would ask you to consider
13 that 5 is supported by the evidence and the
14 pleadings.

15 And 6, we would like you to declare the
16 unauthorized one invalid, because it does change
17 potentially something, and we want to know what
18 we're doing going forward. And I don't think
19 anyone disputes that Exhibit 6 that's in evidence
20 was not valid. And then it just states this is
21 intended to be a final order under the rules of
22 probate code.

23 So that's our order. We would ask you to
24 enter our judgment or a judgment similar to it;
25 find in favor of the plaintiff; reserve

1 jurisdiction for numerous other matters that we
2 need to deal with as quickly as we can. But,
3 hopefully, with the guidance we get today, we'll be
4 able to do it more quickly and more efficiently.
5 So thank you.

6 THE COURT: All right. Thanks.

7 We'll be in recess. It was fun spending time
8 with you all.

9 Sir, do you have any proposed final judgment
10 you want me to consider? I've received one from
11 the plaintiff's side. Is there some from the
12 defendant's side?

13 MR. BERNSTEIN: No. I haven't received one
14 from them. And seeing theirs --

15 THE COURT: Okay. Thank you.

16 Then we'll be in recess. Thank you all very
17 much. I'll get this order out as quickly as I can.

18 (At 4:48 p.m. the trial was concluded.)
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25


C E R T I F I C A T E

STATE OF FLORIDA

COUNTY OF PALM BEACH

I, Shirley D. King, Registered Professional Reporter, State of Florida at large, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

Dated this 4th day of January, 2016.


Shirley D. King, RPR, FPR

Job #1358198-VOL 2

<hr/> 0 <hr/>	167:15,16 173:10 175:9 177:22 178:5, 7,9,11,14 180:24 182:15 183:24 241:20	446 245:18 465 245:4 4th 256:15	<hr/> A <hr/>
08 190:2		<hr/> 5 <hr/>	ability 174:21 193:7 245:5
<hr/> 1 <hr/>	20 176:7 2006 153:25 2007 142:14 2008 168:13 184:8 232:18 234:22 239:20 2012 129:24 130:15 131:7 191:4 192:24, 25 194:3 214:25 221:24 232:20 233:7 234:25 238:8 239:17 2013 140:9 196:7 200:21 207:3 2014 189:8 237:13 24 176:12 253 246:22 268 245:18 27 167:16 28 168:1 190:7, 20 197:12 198:13,14	5 175:3 235:6 241:20 503 239:3	absolutely 215:5 222:18 239:7 accept 181:9 230:16 240:20 access 215:21, 24,25 accordance 244:6 account 151:17 accounted 152:15 accounting 150:4,20 190:11,15 191:9,11 accurate 126:25 accurately 206:10 aching 234:4 acknowledged 236:13 acknowledges 236:11 acknowledgments 236:12 acting 220:9 253:23 action 241:5,6 actions 164:15, 18 209:3 active 247:8 actively 246:25 247:3 activity 165:24 actual 250:8 ad 195:24 added 184:25 adding 185:11, 12,13 addition 243:15 additional 214:6 address 221:12 addressed 237:2
1 120:3 167:6 168:4 177:21 178:3,4,11 180:24 182:13 183:24 241:20 243:23 244:18, 20 1.20 251:1,18 1.200 252:17 10 130:15 180:15 10th 226:1,12 11 230:3 11th 200:12,13 12 188:1 12/15/15 256:23 12/4/2015 256:22 12/8/15 256:20 12th 194:3 13 175:17 200:21 13th 194:3 14 207:3 14th 189:8 15 179:21 180:19 153 246:6 15th 191:12 16 235:24 236:1,2 18th 168:13 19 176:6 1943 246:6 1994 143:8 1995 155:3	<hr/> 3 <hr/>	<hr/> 6 <hr/>	
<hr/> 2 <hr/>	3 168:4,5 175:9 180:24 182:4, 6,15,19 183:16 187:4 198:21, 23 241:20 3/12/08 187:12 30 155:3 225:7	<hr/> 7 <hr/>	
2 133:24 134:2, 18 160:21,25 161:2,6,10 163:8,22	<hr/> 4 <hr/>	6 177:9 178:16, 22,23 179:3,4 180:24 182:7, 8,9,10,20 183:4,9,10 184:22 186:22 187:3,6 60 179:23,25 180:3 66 245:4 697 246:23	
		<hr/> 8 <hr/>	
		<hr/> 9 <hr/>	
		7 133:19 134:1, 18 171:7 246:6 7200 254:12,13 732.502 239:3 242:16 243:4, 10 244:4 733.107 243:21 733.502 244:7	
		<hr/> 8 <hr/>	
		<hr/> 9 <hr/>	
		8 173:15	
		<hr/> 9 <hr/>	
		94 256:22 96 143:8 98 256:20,22 9th 166:13 190:18 191:4 199:25 200:8, 10,19 201:4 202:5	

241:15	228:5	apologize	asks 151:2
adequately	allege 184:5	232:12,16	assets 132:21
135:4	alleged 140:11,	Apparently	144:25 219:1
administered	15 158:12	170:13	assignment
202:6	195:16 250:19	appears 160:14	203:10
admissibility	252:1	161:18 167:17,	assistant
162:24 197:21	allegedly	18 171:11	192:11
admissible	168:12 207:5	172:20 175:7	association
244:8	221:23 225:23	176:14 200:1	214:3
admit 197:13,	allowed 142:5	202:6	assume 142:9
17,19	150:13 172:5	appoint 194:4,	158:3 237:18
admitted 137:1	206:12	16,23,24	Assuming 188:24
148:25 166:11	alter 140:19	195:4,5	attach 138:12
207:14 219:20	163:25 185:14	appointed 192:5	attached 127:11
239:1,2 241:24	alteration	194:25 195:1,2	136:25 233:13
248:9 249:12,	124:24 140:8	appointment	attempt 144:6
20	207:1	139:5 161:16	attending
adverse 212:19	alterations	163:25 189:1	228:18
advice 150:13,	140:23,25	233:5	attention 131:4
16 208:9	altercation	approach 126:10	136:17 152:2
216:19	207:8	178:20 234:9	attest 243:13
affidavit	altered 137:1	242:9 255:23	attestation
233:18 236:19,	144:5,13	approaches	244:1,10
22 237:3	155:12 156:1	126:11 255:24	attested 201:25
243:8,14 244:6	163:7 166:21	April 166:13	239:4
affidavits	167:1 207:13	190:2,18 191:4	attesting
233:13,15	240:16 249:13	199:25 200:8,	232:23 237:21,
239:24 243:7	altering 144:14	10,12,13,19	23 238:21
244:12	156:17 210:9	201:4 202:5	239:5 240:1
affirmatively	amend 177:15	argue 150:8	242:23,24
154:11	amended 151:17	162:4 240:4	244:7
affirmed 205:22	159:5 176:19	248:24 249:8	attorney
agree 181:8	233:7	252:1,9	131:23,24,25
189:6 230:17	amending 238:7	argued 180:13	132:4,5,11,12
agreement	amendment	arguing 162:5,	137:8 141:23
126:15 129:3	136:25 137:4,5	19 163:17	147:17 155:17,
136:22,25	138:11,13,16,	240:7	24 156:8,11
139:12 140:18	17 139:25	argument 151:6,	162:22 189:22
141:17 153:8	144:13 168:3	9 163:14,16	194:4 199:22
164:1 167:15	177:7 182:13,	220:11 242:5	223:13 230:15
177:16	14 184:7,20	245:2 255:12	239:4
agreements	232:20 241:3	argumentative	attorney-client
139:10	analysis 219:14	138:21 143:15	208:9,11
ahead 159:19	analyst 210:21	155:14 156:18,	attorneys 147:7
161:13 243:12	analyzed 221:16	20 163:10	189:17 207:11
246:19 247:15	254:9	185:19 195:20	209:8,15 210:9
255:19	anger 227:6	219:22	211:3 219:19
Alan 134:7	angina 225:6	arguments 151:8	248:12
149:5,8 208:1,	angry 227:20	232:2,7	authenticate
3 230:1	anymore 121:22	article 177:19	213:5,18
alive 189:25	124:13	ascribed 235:13	authenticated
191:6 192:2			210:8

authenticating 214:8	Beach 165:8 166:19 203:8	23 138:3,6,9 139:2 140:4,6, 11,12,14	17,21 194:1,9, 12 196:4,5,14, 15,16,18,24
authorization 132:4	bearing 189:3	141:4,6,9,21 142:6,11,12,18	197:3,7,8,13, 19,22,25
authorized 132:8,10	beg 223:18	143:17,23 144:3,4,21,22	198:4,9,22 199:2,5,6,24, 25 201:3,14, 21,23,24
autopsy 165:2	beginning 175:20	145:16,18 146:1,10,12, 15,19,22,24	203:7,11,15,16 204:1,5,6,15, 18,23 205:2, 10,14,15,17,21
aware 130:2,5 131:2,18 151:13,16 154:11 158:12, 15,17,19,22 159:2 165:2,7, 24 166:7,15 169:1,8,13,19, 20,21,24 170:1 206:25 207:16 221:24 222:2, 4,5,9,10,13,16 224:5 225:2, 17,22 226:15 227:5,8,20 243:7 253:18	behalf 155:6 193:20 201:9 220:9	147:4 148:5, 10,11,22 149:3,18 150:8,10,14, 18,22 151:1, 11,20,24 152:1,5,9,22 153:3,6,7 154:15,16,18, 20 155:10,15, 16,20,22 156:6,23 157:2,11,13,25 158:5,9 159:10,11,13, 17,22 160:1,5, 9,17,20 161:4, 9,14 163:4,5, 11,17,20 164:9,13,25 165:1,6,12,14, 16 166:1,10,24 167:4 168:4,7 169:7,16 170:5,6 171:6, 9,25 172:6,9, 13,16,17 173:11,14,18 174:19 175:2,4 176:21 177:5, 9,11 178:3,9, 14,20,24 179:1,5,8,11, 24 180:10,12, 23 181:2,22 182:7,19,22,25 183:3,8,11,13, 15,24 184:1,15 185:22,24 186:1,5,8,14, 17,20 187:8 188:17 190:4, 17,24 191:12 192:19 193:5,	206:1,13,15, 18,23 208:16, 20,24 209:4,6, 13,23,24 210:14 211:5, 9,10 212:8 213:1,4,10,16 217:1,2,7,12, 15 218:8,9,19, 23 219:8,24 220:17 221:1, 14,21,22 223:16,19,23, 25 224:2,4,14, 20 225:16,21 226:6,11 227:12,23 228:9,11,16 229:1,8,15,18 230:1,4,9,17, 20 231:4,8,11, 20,22 232:19, 21 233:3 234:2,4 235:19 238:17 239:8, 15 240:3,24,25 241:22 242:12 244:25 245:24, 25 246:17 247:2,6,10,13, 24 248:2,20 249:3,7,10,19 252:11 253:4, 14 254:17,22, 24 255:3,8,10, 23,25 256:4,7
B			
back 122:24 127:3 147:24 166:2 175:20 179:21 180:19 186:6,12 192:16 193:18 199:4,9,12 200:5,8 227:12 228:4 254:1 255:20	behavior 193:5	157:8 202:19 204:8,16 212:20 220:6 233:6 247:3,4, 8 248:4,13 250:7,14,19	252:11 253:4, 14 254:17,22, 24 255:3,8,10, 23,25 256:4,7
background 232:13,15	beneficiaries 140:19,24 141:1 144:17 145:15,17	150:8,10,14, 18,22 151:1, 11,20,24 152:1,5,9,22 153:3,6,7 154:15,16,18, 20 155:10,15, 16,20,22 156:6,23 157:2,11,13,25 158:5,9 159:10,11,13, 17,22 160:1,5, 9,17,20 161:4, 9,14 163:4,5, 11,17,20 164:9,13,25 165:1,6,12,14, 16 166:1,10,24 167:4 168:4,7 169:7,16 170:5,6 171:6, 9,25 172:6,9, 13,16,17 173:11,14,18 174:19 175:2,4 176:21 177:5, 9,11 178:3,9, 14,20,24 179:1,5,8,11, 24 180:10,12, 23 181:2,22 182:7,19,22,25 183:3,8,11,13, 15,24 184:1,15 185:22,24 186:1,5,8,14, 17,20 187:8 188:17 190:4, 17,24 191:12 192:19 193:5,	220:17 221:1, 14,21,22 223:16,19,23, 25 224:2,4,14, 20 225:16,21 226:6,11 227:12,23 228:9,11,16 229:1,8,15,18 230:1,4,9,17, 20 231:4,8,11, 20,22 232:19, 21 233:3 234:2,4 235:19 238:17 239:8, 15 240:3,24,25 241:22 242:12 244:25 245:24, 25 246:17 247:2,6,10,13, 24 248:2,20 249:3,7,10,19 252:11 253:4, 14 254:17,22, 24 255:3,8,10, 23,25 256:4,7
backwards 144:1	beneficiaries' 248:12	156:6,23 157:2,11,13,25 158:5,9 159:10,11,13, 17,22 160:1,5, 9,17,20 161:4, 9,14 163:4,5, 11,17,20 164:9,13,25 165:1,6,12,14, 16 166:1,10,24 167:4 168:4,7 169:7,16 170:5,6 171:6, 9,25 172:6,9, 13,16,17 173:11,14,18 174:19 175:2,4 176:21 177:5, 9,11 178:3,9, 14,20,24 179:1,5,8,11, 24 180:10,12, 23 181:2,22 182:7,19,22,25 183:3,8,11,13, 15,24 184:1,15 185:22,24 186:1,5,8,14, 17,20 187:8 188:17 190:4, 17,24 191:12 192:19 193:5,	Bernstein's 177:7 191:2 239:20 251:7,8 252:2
BAILIFF 186:11	beneficiary 133:4 144:23 145:18,19,20 157:5 158:3 190:15 202:12, 14,15,21 220:5 246:24 247:17	164:9,13,25 165:1,6,12,14, 16 166:1,10,24 167:4 168:4,7 169:7,16 170:5,6 171:6, 9,25 172:6,9, 13,16,17 173:11,14,18 174:19 175:2,4 176:21 177:5, 9,11 178:3,9, 14,20,24 179:1,5,8,11, 24 180:10,12, 23 181:2,22 182:7,19,22,25 183:3,8,11,13, 15,24 184:1,15 185:22,24 186:1,5,8,14, 17,20 187:8 188:17 190:4, 17,24 191:12 192:19 193:5,	
bank 254:6	Benjamin 122:2	190:15 202:12, 14,15,21 220:5 246:24 247:17	
bar 120:21 127:4 214:3	Bentley 151:12, 14,16 152:13	benefit 133:15 155:6 211:15	
based 162:14 165:17 192:12 196:19 253:1	Bentleys 152:3	benefits 146:2	
basically 131:5 237:12	Bernstein 120:7,10,18,19 121:10,13,16 122:11,20 123:15,22 124:2,8,9,23 125:3,8,16 126:6,12,13 127:7,21 128:7 132:24 133:3, 10,19,22 134:3,7,9,17, 20 135:6,9,18, 24 136:3,6,7, 15,19,20 137:11,15,20,	Benjamin 122:2	
Bates 188:3,6		Bentley 151:12, 14,16 152:13	
Baxley 173:1 174:22 176:18		Bentleys 152:3	

<p>binding 237:6 biography 143:13 biopsy 158:24 222:2,6,8 birth 206:20 bit 162:17 232:13 bitter 179:22 blank 163:21 blue 169:19 body 165:21 book 167:16 179:1,15,17,18 181:11,12,13 182:10,11,16, 19 190:7 bored 232:15 bottom 129:2,4, 5,14 170:9,13 bound 152:8 bounty 245:8 box 123:5 189:16,20 235:8 boxes 234:23 brain 158:19, 23,24 222:3,7, 8 break 179:20 180:20 181:14 255:21 256:11 Briefly 213:15 bring 249:10 251:1 bringing 197:4 broader 139:5 brother 132:2 214:19,24 brought 131:3 151:21 158:22 197:10 253:8 Brown 122:2 burden 243:22, 24 244:21 245:1,20 246:1 business 214:4</p>	<hr/> <p>C</p> <hr/>	<p>252:13 253:15 254:5 cases 171:19 233:19 234:9 251:14 253:19 caused 164:22 222:6 225:23 causing 131:14 225:18 caution 208:7 caveat 236:21 cavitating 144:2 certificate 206:21 certified 171:2,3 cetera 220:22 chain 121:4 230:5,21 231:3,5,6 challenged 253:24 chance 204:7 change 248:13 changing 225:22 233:5 characterize 226:18 characterizing 226:17 charge 194:5 198:17 207:9 211:1 charged 212:14 charges 248:7 Chaves 142:23 check 153:3 168:23 173:1 235:8 236:2 checked 234:23 239:25 checks 236:3 chest 225:9 children 131:10,11 135:6,9 141:24 156:12 161:17 192:14 202:17 203:10,21 204:7,13</p>	<p>211:23 215:13, 15,17,20 225:24 226:14, 20 229:10 238:12 239:12 248:5 250:13, 18,21 253:7 children's 137:8 Christine 136:24 137:7 139:13,15,17, 18 140:1 144:6 148:25 155:11 156:7 chronology 185:15 circle 173:22 174:1 254:1 circled 235:11 circulation 139:10,16,17, 21 circumstances 228:19 cite 233:19 claim 155:6 169:17 claiming 184:6, 17,19 claims 150:5 202:11 230:24 clarification 143:19 223:3, 22 clarified 122:13 223:20 clarify 120:11 122:4 clarity 141:19 clause 178:17 clear 156:22 195:10 201:19 clerical 236:10 clerk 167:9,11 170:10,25 186:10,11,13 256:14 client 122:25 123:2 208:12 223:16,21 224:16 238:10</p>
---	-----------------------------	--	---

clients 156:12 168:18,21 175:13 189:19 238:3	14,15 251:23	consent 253:2	216:1 256:24
close 150:10 195:18 196:15, 21 224:15	competent 165:19	consented 248:6	copy 136:21 137:2 138:19, 20 139:20,23 141:24 161:19, 20 163:7 167:6,9,11,13 170:10,24 171:1 181:2,3, 10,11 186:10 242:13
closed 192:12 194:14 196:6, 10,18,25 232:1 240:17	compilation 187:15	consequence 243:8,17	copying 125:24
closely 223:24	complaint 237:9,17	considered 132:18,24 133:3,5 136:9 144:11 236:12 251:3	coroner 165:9
closing 166:2 232:2,7 242:5 247:23	complex 248:3, 12	consistent 129:6 176:11 189:14 216:18 233:10 239:21	corralling 253:10
co-personal 149:24	compliance 236:6,15,25	construction 252:14 253:25	correct 129:16, 23 130:1,18 132:25 136:10 138:16,20 139:10 140:12 146:10 149:21 151:14 154:3, 8,23 156:12 158:6 161:17 164:1,9,15,21 167:7 170:15 171:16 174:6,9 184:20,21 185:11,13 186:24 187:19 188:8,10 190:1,2,12 191:10,13,16, 20 192:9,15 194:5,21,22 195:11,12 196:7,11 201:16 203:5, 21,23 207:13, 15,18,19 208:24 209:10 210:16,17 213:23,24 214:2,14,21 215:1 216:15, 16 217:5 240:16 241:5 253:21,22
co-pr 147:14	complied 243:4 244:5	construe 241:7	corrected 253:17
co-prs 147:9	comply 244:14, 17	construes 216:21	counsel 140:11, 14,17 147:8, 11,13,25
co-trustee 147:14 149:23	comport 244:15	consulted 208:5,8 214:5	
co-trustees 147:9	concerned 162:19	Cont'd 120:9	
codicils 203:9	conclusion 135:22 174:14 177:3 212:6,22	contact 227:5	
Colin 123:11 124:23 125:3 192:10 232:14 240:20	conclusively 240:8	contacted 169:9 207:21	
Colin's 199:10 200:22 240:15	conditions 158:13 224:5	contempt 127:4, 5	
college 143:10	conduct 150:23	Contest 243:22	
Colton's 125:6, 10	conducted 251:11 254:18	contestable 248:15	
comfort 237:25	conference 214:18,25 238:11 239:11 251:2,5,7,9 253:9,10,16	contestant 244:21 245:21, 25	
commit 156:11, 13	conferences 238:9	contesting 243:24	
commits 252:24	confidential 246:24 247:11	context 234:15	
committed 207:12,17 210:9 211:4 218:1 247:17 248:9 254:4	confirm 250:2	continued 120:3	
communicated 233:3	confirmed 235:12	contract 210:21	
company 235:3	conflict 212:2	contrary 239:9	
competence 193:7	conformed 123:8 167:6,9,11,13 170:12	control 248:14	
competency 152:10 165:17 245:2,3,5,19, 23 246:7,10,	confusing 252:12	controlling 236:14	
	connection 236:13 243:3, 9,17 247:11	conversation 132:3,6 222:23 226:19	
	consecutive 182:11	convince 144:6	
		copied 122:16	
		copies 121:5,7 123:9 124:15 125:25 126:10 170:12,21 186:16 210:6	

<p>207:16,22,23, 25 208:3 210:22 211:2 214:5,6 216:20 220:9,20 250:20,22 Counsel's 208:13 count 242:1 255:1 counts 133:17 County 165:9 166:19 203:8 couple 240:11 court 120:4,8, 14 121:11,15, 18 122:1,9,13 123:11,19,23 124:3,7,18,20, 22 125:1,5,10 126:11,18,21 127:3,5,6,8, 10,12,17,22 128:5 133:9, 11,21 134:1,5, 8,10,18 135:17,23 136:2,4,13,16 137:13,17,22, 24 138:4,7,23 140:3,22 141:8,12,22 142:3,4,7 143:16,21,25 144:20 145:25 146:5,11,13, 17,21 147:3,22 148:2,6,9,12, 13,17,18 149:2,15,17 150:7,9,12,16, 24 151:2,18, 22,25 152:2,7, 11,24 153:5 154:13 155:9, 18,21 156:4, 19,24 157:10 158:8 159:15, 18,23 160:3,7, 18,21,24 161:7,10 162:7,25 163:13,19</p>	<p>164:7,10,24 165:5,11,13 166:9,23 167:3 169:6,12,18 170:20,25 171:21,23 172:2,8,11,14 173:12 174:13, 15,18 175:1 177:4,10,25 178:6,13,15, 21,25 179:3,7, 10,14,17 180:2,11,17,21 181:1,6,15,20, 23 182:18,21, 23 183:2,6,10, 12,20 184:12 185:21 186:3, 6,12,16,18,21, 25 187:2 188:13,16,19 189:23 190:21 191:25 192:2, 21 193:11,15, 19,22 194:7,10 195:22 196:1, 13,19,23 197:1,6,16,20, 23 198:2,5,17 199:1,3,17 200:23 201:2, 5,11,13,16,18, 22 203:14,25 204:3,17,20,25 205:7,12,16 206:3,8,9 208:11,18,21, 25 209:5,10, 11,14 210:4,12 211:7 212:7, 13,23 213:2,7, 12 215:4 216:17,18,20, 24 217:3,10, 14,19 218:3,5, 18,21,24 219:3,23 220:12,24 221:7,18 223:12,18,20, 24 224:1,17 225:13,20 226:8 228:10,</p>	<p>13,24 229:6, 11,17,20,23 230:3,6,12,14, 19 231:2,5,9, 12,16,21,23 232:1,7,10 233:20,21,22, 24 234:3,5,11, 14 236:9,10,20 237:25 239:8 241:7 242:4 244:2,11 247:10,20,22, 25 248:4,11,23 249:5,8,13,15, 22 250:11,13, 24 251:14 252:4,8,17 253:1,3,12,19, 20,22 254:4, 14,20,23 255:1,5,9,11, 16,22,24 256:2,5,8,12 court's 167:10 186:4 245:16 courtesy 254:15 courtroom 151:3 240:15 courts 167:12 170:11 174:10 252:24 cover 137:18 covered 137:10, 14,19,20 144:19 195:24 create 137:6 138:24 created 138:10, 19 153:24,25 155:3 208:17 creating 163:7 credibility 148:7 creditor 202:13 criminal 230:23 254:10 criteria 245:14 247:12,15 cross 120:9 180:22 197:10 213:14,16</p>	<p>229:21 cross- examination 120:6 195:25 cross-examining 134:15 crossed 229:22 cumulative 136:11 137:9 138:22 140:2, 21 144:19 145:24 146:4, 14 149:16 156:3 157:9 158:7 164:6 166:8 171:21, 22 172:1,4 174:25 177:2, 24 183:19 184:11 185:20 188:15 195:21 199:16 201:10, 17 203:13,24 220:10,23 221:6,17 242:11 Cumulative's 172:4 curator 122:2, 6,7 124:4,16 curiosity 159:24 custody 121:4 125:18 210:10 230:5,21 231:3,5,6 customary 168:17 cut 132:1,9 cutting 227:6</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>dad 130:10 157:4 225:8,14 227:4 228:2, 12,15 dad's 129:20 147:8 156:15 damages 164:21 Daniel 153:23</p>
--	---	---	---

date 124:3 128:21 149:25 168:18,22 187:11 191:22 200:14,18 246:8,10	deem 212:13 deemed 135:7 212:12 defeat 236:11 defendant 256:13,21 defendant's 160:21,25 161:2 182:4 187:4 193:16 198:21,23 247:23 defense 193:24 deficient 169:4 define 210:2 definition 133:4 134:24 definitional 139:5 163:22 delete 177:18 deleting 163:23 Delray 158:24 demonstrate 246:24 demonstrates 240:8 denied 253:5,6 254:19 256:19 depend 135:14 deposit 123:5 189:16,20 201:4 deposited 170:19 201:16 depressed 224:12,25 depression 224:6,9 descendants 132:14 133:4 135:7 136:9 144:8,12,16,24 145:5,6 describe 128:9 140:18 219:13 describing 164:14,18 designed 153:17,18 Detective 146:25	determination 243:17 determine 162:21 174:3 188:25 213:22 239:14 241:18 determined 241:21,24 devises 202:18 died 145:12,20, 21,23 146:2,6, 7 157:3,7 158:11 165:3 194:2,13,18,20 195:9,10,18 200:22 204:12 224:11,22 225:14 228:2 dies 173:20 differ 223:18 difference 212:23 difficult 215:20 Digital 143:4 dinner 228:18, 22 direct 189:3 193:25 205:25 direction 201:20 directly 233:1 236:8 237:12 239:9 disappearing 186:19 disbursed 219:1 discharge 190:1,22 197:9 198:1 199:8 201:5 discovered 200:23 208:16 230:25 discovery 253:5 discuss 223:1 251:20 discussing 223:6 disinherited 132:15 226:23	227:2 disposed 218:25 disposition 132:19,24 135:13,19 136:8 dispositions 133:5 135:5 145:6 202:10 dispositive 130:9 176:25 210:9 220:20 dispute 240:21 disputes 130:24 131:2 disqualification 254:25 256:18 dissatisfaction 131:22 distraction 243:6 distribute 137:7 distributed 137:3 distributions 135:12 145:6 disturbing 241:4 division 169:3 Docket 256:20, 22 doctors 158:23 document 120:17 123:6 124:21 127:11 128:9 129:9,14 132:17,20,23 133:2 135:24 136:14 138:12, 16,18 139:6, 23,24 140:8,20 141:2,19,20, 23,25 144:5,7, 8,15 145:5 148:17 153:7, 10 155:12,25 156:11 159:12 161:8,24 162:23 163:6, 9,24 164:5,8 166:21 167:1,
---	---	--	---

<p>14 168:8,9,14, 15,23,25 170:14,16 171:15 172:24, 25 173:21 175:3,15 176:17 177:8, 12 178:19 181:17 182:2, 8,16 183:1,22 184:5,16,19 185:8,11,15,17 186:12 187:25 188:1,3,5 190:23 191:1, 5,6,11,15 193:1,8 195:2, 3,8,16 198:12 199:7,9 200:3, 5,18,23 201:4, 15,25 202:5 203:7 207:1,8, 13 215:7 220:19 233:6,7 238:13,25 239:20 241:2, 4,6,23,25 247:4 249:14</p> <p>document's 133:8 141:1 174:9 200:19</p> <p>documented 238:4,8</p> <p>documents 121:5,14,17, 21,23 122:2,5, 9,10,12,16,22, 23 123:1,12, 15,20 124:1, 11,14,16,17,25 125:23 126:1, 7,8,14,22 127:15,18,24 128:2,25 130:9 132:5,10,12,16 138:14 139:19 142:2 146:8 147:9,12 148:7 149:14 154:2,5 156:17 158:11 159:1,5 162:2, 3,6,11,21 165:18 166:12, 16 169:15</p>	<p>170:2 173:6,16 175:13 176:25 180:16 181:24 182:20 188:4, 24 189:4,11,19 192:6,11,13 195:14 196:19 197:3 199:11 203:5 208:25 209:9 210:8, 10,16,20,24 211:5,11,13,18 212:10,12,16 213:6,19,23 214:8,10,16,22 215:4 216:14, 19,20 217:4,8 218:12,14,20, 22 219:6,9,16, 17,18,21 220:1,7,20 221:2,4,16,24 225:23 226:7, 21 227:3,22,25 229:7,14 230:5,22,25 231:11,15 232:17,24,25 233:9,12,13 234:17,18,22 235:5 237:21, 24 238:3,5,6, 7,12,16 239:1, 6,16,18,21,24, 25 240:4,9,12, 15,16,18,20 241:7,18,19,22 243:18 244:13 245:15 246:11, 20 247:9,18,21 248:6,10,15 249:12,21 250:1,3,5,8,10 252:23 253:1, 6,8,22 254:6, 8,9,12 256:12, 13,18</p> <p>dominion 248:14</p> <p>Don 147:6 161:18 164:2, 5,8,14</p> <p>Don's 187:10,16</p> <p>Donald 160:16</p>	<p>doodling 138:1</p> <p>doubt 191:14</p> <p>draft 153:10 239:22</p> <p>drafted 126:14 132:20 133:2 135:24 233:9 250:4</p> <p>drafting 239:4</p> <p>drafts 238:6,12</p> <p>draftsman 232:24</p> <p>draw 235:21</p> <p>drive 122:18,21</p> <p>drop 242:23 244:19</p> <p>due 124:24 220:7 225:23 254:18</p> <p>duly 205:22</p> <p>duplicate 134:12 216:5</p> <p>duplicates 256:13</p> <p>Durham 236:18</p> <p>duty 220:19</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>E1 134:24</p> <p>earlier 141:11, 14 154:21 173:5 186:21 187:25 202:17 209:20</p> <p>early 207:3</p> <p>easy 224:18</p> <p>effect 188:25 212:17,18 245:9</p> <p>efficient 180:7</p> <p>elapsed 254:14</p> <p>elicited 245:10,22</p> <p>Eliot 135:9 157:13,25 191:12 203:11 214:24 217:25 240:3,25 244:24 245:25 247:2,6,13</p>	<p>Eliot's 191:14</p> <p>email 191:19 229:2</p> <p>emailed 191:15</p> <p>employee 235:1, 3</p> <p>employees 166:1</p> <p>encourage 180:7</p> <p>end 130:24 179:22 180:2,8 219:7 227:10, 17 242:21 243:7,11,14</p> <p>ended 158:24</p> <p>ending 175:24</p> <p>enforceable 233:12,16</p> <p>English 235:12</p> <p>enter 125:12 133:22 134:3 242:1</p> <p>Entries 256:22</p> <p>Entry 256:20</p> <p>error 143:19 184:14,16,18 203:6</p> <p>errors 236:10</p> <p>essentially 247:4</p> <p>establish 160:8 237:20 243:25</p> <p>established 235:22,24 243:2</p> <p>establishes 229:15 244:9</p> <p>establishing 244:21</p> <p>estate 122:6,11 140:15 141:3 147:8 148:1 149:25 150:19 152:11,14 153:12,13 154:2,25 157:5,22 165:25 166:3, 16 189:15 192:8,11 194:13 195:18 196:6,15,18,</p>
--	--	---	--

21,25 199:23	193:7	239:12	155:2 165:3
202:7,10,11,	executed 123:6	explained	196:20 200:22
12,21 240:17	184:7 231:7,10	209:20 239:22	202:1,5,20
245:4,17	238:13 242:18	exposing 148:24	204:10 208:21
246:5,22	244:6,7 246:8	expressed 189:7	214:13,19,20,
251:7,8,16	executing	expressing	23 215:6,22
252:4,18	177:15	131:21	216:9,10
estate's 250:20	execution	extensive	221:23,25
estates 131:9	242:16 243:9,	232:13 238:1	222:11 224:6,8
132:1,9 147:6	11 244:1,9	extent 132:21	225:10,18,22
211:12,20	exercise 189:1	232:12 241:23	226:3,13
248:14	233:4	245:6	227:6,9 228:5,
eventually	exercised 139:4		18
238:10	exhibit 127:2,	F	father's 141:16
everybody's	25 133:21,23,		149:25 170:7,
182:16	24 134:12	fabricated	8,17,18,19,25
evidence 133:7,	159:16 160:1,	241:3	171:5,10
8,12 134:13,14	2,19 161:2	fabrication	172:18 175:5,
136:12 152:17	167:6,15,16	241:1	24 176:2,13
159:21 160:2,	168:4,6 171:6	face 235:4,20	187:22,23
3,6,25 161:3	173:10,12	256:17	216:4 224:21
162:25 177:23,	178:16 180:24	facie 244:1,9	favor 161:16
24,25 178:8	182:3,6 183:16	fact 192:23	February 131:7
179:9,13	186:3,23 187:6	213:21 214:12	felon 254:3
181:17,21,25	190:4,20,22	220:8 235:23	felony 248:7
182:5 183:18	191:18 198:6,	236:21 238:1	253:1
187:2,7 190:8	13,20,23 199:4	239:1,9 241:4	felt 215:19
193:16 197:14,	200:20 202:25	243:15 251:21	fiduciary
18 198:13,14,	235:6,8,24	252:3 254:12	140:10,11
15,24 199:4	236:1,2	factors 135:14,	147:12 148:14
200:25 203:12,	exhibited 205:5	15	150:19,23
24 231:24	exhibiting	facts 153:1	207:5,9 210:25
232:1,22 233:2	159:17	170:3 174:11	212:1 220:19
234:17,18	exhibits 134:11	221:11,13	figure 148:5
236:24 237:2	159:20 167:5,6	252:9	151:7 152:16,
238:14,15	185:24 186:2	failed 174:22	20 156:22
239:1,7,9,13	190:21 235:6	176:23	165:14 170:1
240:8,24	exist 250:16,23	fairly 236:15	196:24 197:2
241:11,19	exists 208:13	254:18	209:1,18 219:6
244:25 246:3,	expanded 185:17	false 241:2	figuring 137:13
18 247:10	expect 127:18	familiar 153:7	file 122:7
248:22,25	expense 192:17	157:12	123:3 155:6
249:2,3,9	expenses 192:7	family 153:8,19	170:12 192:5,
252:7,9 254:16	experiencing	154:3 157:13	17 216:2
EXAMINATION	224:7	158:1 164:22	217:16,23
193:25 205:25	expert 165:22	211:14,20,22,	218:3 237:9,17
examine 250:11	170:8 210:19,	24 212:16	256:3
examined 205:22	23 219:11	226:23 229:3,	filed 127:9
excuse 141:6	220:7,22	12	148:19 170:11
148:23 155:15	221:16 235:4	father 130:3,14	190:10,20
190:4 227:10	explain 120:15	146:7 153:23	196:19 200:6
execute 122:25	139:3 217:18		210:4 213:19,
129:2 175:13			21 217:8,24

218:1,4 220:3 240:19 241:6 252:4 256:14, 21 filing 218:10 final 216:18 233:9 241:21 255:15 Finally 246:16 find 212:1,19 216:4 219:25 220:18 231:15 233:14 findings 238:1 fine 120:17 128:5 129:21 159:18 181:16 198:14 208:8 224:22 255:7 finish 123:14 156:4 163:13 226:10 254:15 finite 196:3 fired 213:25 firm 121:2,20, 22,23,24 123:11,20 124:12,13 125:22,23 139:22 142:22 150:20 160:10, 11 161:22,23 174:8 177:12 182:12 184:9 189:12 190:25 192:16 193:2 195:10 199:9 201:7,8 207:12 221:5 235:1 237:14 238:19 248:10 249:20 firm's 142:2 216:2 fit 185:6 Five-plus 143:1 flipping 175:22 Florida 120:20 203:8 233:21 234:14 236:8 237:4 246:6 focused 209:18	focusing 241:9 follow 190:7 212:11,12 216:17,19 230:22 252:21, 23 force 131:19 forced 229:9 foregoing 134:25 135:3 forensic 210:21 220:5,22 forensically 220:1 221:5,16 254:9 forged 142:2 166:12 248:10 249:21 forgeries 220:19 forget 168:18, 20,21 forgetting 242:7 forgive 242:8 forgot 143:11 form 174:4 191:19 244:14 formal 206:16 244:1,9 Forman 142:24 forms 189:24 191:21 192:2 forward 127:17 144:2 254:8 found 169:2 207:4,7,21 209:7 211:3 218:14 219:9 224:8 231:11, 13 foundation 197:20 Fourth 245:18 frankly 240:3 fraud 148:24 156:11,13 166:11 207:12, 17 209:7 210:9 211:4 219:20 220:8 248:3,9,	13 254:2,4,13 frauded 141:23 248:10 frauds 166:15 220:20 249:23 252:24 fraudulent 124:24 136:21 138:11,19,24 139:23 140:8 141:24 142:2 148:15 165:24 166:13 207:1,7 208:17 218:20 249:21 fraudulently 137:1 155:12 156:17 163:7 166:20 167:1 185:18 249:13 freestyle 256:4 Friedstein 158:1 203:11 front 152:18 168:14 185:24 full 190:22 199:8 201:5 206:16 fully 202:6 functions 174:2	gist 131:8 give 123:8 150:13 184:3 233:7 237:25 249:17 good 138:5 179:19 215:2, 16 225:7 231:20 249:1, 15 Gotcha 138:6 199:5 Governor 169:3 governor's 169:9,16 248:16 grandchildren 233:8 241:1 247:5,7 grandparents 215:18 grounds 244:22 246:20 guess 168:5 guidance 249:17 gun 229:10 Gutter 142:23 guy 152:2 211:1 228:13 guys 250:19
		G	H
		gain 211:14 gained 250:5 gave 132:4 149:19 174:5 186:4,8 general 131:8 generally 245:6,19 gentleman 255:17 genuine 127:10 214:9 216:9 241:24 genuinely 190:18 Georgia 234:13 get all 152:17 195:9	half 180:5 hand 126:8 128:3 198:21 handed 241:13 256:12 handing 126:17, 19,22 handle 150:24 hands 126:17 handwriting 220:7,22 handwritten 256:17,24 happen 146:6 happened 148:24 189:24 231:15 240:23

happening 239:23	230:17 243:20 246:22 248:2 249:1 254:7	increased 185:10	intents 229:13
he'll 127:18,19	Honor's 243:7	incredibly 126:9	interest 122:8 152:12 211:19 250:5
head 172:2	hoping 152:19 254:5	inference 235:16,20	interesting 152:4
headaches 222:5,10,12	House 233:21 234:12,13	influence 246:16,21,23 247:13,17	interruption 234:7
hear 206:9,10 217:12 224:18 232:3	Human 184:14	information 230:24 235:9	intertwined 223:8
heard 232:23 233:2 240:10 242:8	hundred 216:22	inherent 145:10	interview 166:20
hearing 135:19 136:1 149:7 217:4,19 218:15,16,25 251:12,24	I	initial 129:3, 11	interviewed 166:18
Hearsay 169:5, 11	Iantoni 135:9 158:1 203:11	initialed 129:9	introduced 187:25
heart 225:6	idea 183:12 218:2	initials 128:8, 11,15,22 175:5,8,11,15 176:2	invalid 162:13, 15 163:7 208:17 237:19
heavy 165:8	identical 181:12 182:20 256:21	inoperative 182:13 241:25	invalidates 211:18
held 236:21 247:21	identification 173:3 174:24 235:15	inquiry 233:2 237:8	invalidating 246:17
highlighted 236:9	identity 236:24	inserted 185:3, 5,9,18 231:12	invalidly 139:13
highly 250:2	II 242:1	inside 144:8	inventory 151:17
hired 219:19	imagery 253:12	insider 248:8	investigation 169:22
hires 211:1	immediately 207:20 208:6	inspect 125:25	investigations 254:11
history 142:2 143:12,19,22, 24	important 137:16 152:5 196:1 228:3	instances 220:8	invite 228:5
hit 172:2	importantly 250:12	instruct 208:10	invited 228:14, 17
hold 153:18 203:4	improper 173:20 230:2	instruction 127:6	involved 237:13
holiday 228:6	improperly 174:9,12 176:25 251:11 252:18	instrument 177:15 236:13	involving 238:9
home 153:18 189:20 228:6, 14,18 231:15	included 138:13,15,17	insufficient 256:19	irrevocable 145:13
Honor 120:12 126:16 133:16, 19,25 137:12 139:1 141:6,14 152:6 161:25 165:15 168:4 171:6 173:15 177:9 178:4 179:24 181:5 182:19 185:23 188:17,21 193:10 197:14 198:11 209:6 213:1 218:23	including 123:3,6 214:23 252:3	insurance 154:17,21,22 155:2	issue 150:17 232:11,17 233:18,20
	incompetency 245:20	intelligent 239:11	issues 133:17 159:2 209:21 222:25 223:2, 6,7 237:1,14 241:15 242:3 246:10
	incompetent 246:2	intend 127:17 141:5,10	
	incomplete 173:9	intended 233:3	
		intensive 229:3	
		intent 141:16 156:13,15 238:17	
		intentions 215:18	

J	218:19 225:8 235:21,23 knowing 174:9 218:24 253:23 knowledge 124:10 125:18 131:20 152:25 165:20 166:17 172:19 174:3 175:6 191:24 221:15 237:1 Kratish's 167:20	250:21 legal 135:21 150:13,16,17 151:4 174:14 177:2 212:5,21 235:4 249:18 legally 256:19 legitimate 192:13 letter 130:8 131:4,5,7,8,20 160:10,12 161:15,19 164:14,17 189:7 229:12 231:14 238:5 239:22 letting 162:16 198:17 251:25 254:15 license 121:1 174:5 life 154:22 lifetime 135:4 224:10 light 236:14 237:15 likes 240:3 Lindsay 173:1 174:20,22 176:18 lineal 132:14 133:4 135:7 136:9 144:7, 11,16,24 145:5 Lisa 158:1 191:21 203:11 list 153:4 166:6 183:16 205:18 listen 137:24 181:6 205:7 223:22 listening 220:14 litigation 232:14 live 153:19 living 132:1 162:8 216:20 LLC 153:8	long 126:9 142:25 148:12 149:23 looked 176:6 219:10,15 lose 211:14,19 212:17 lost 186:7 189:19 lot 137:25 175:13,23 209:19 251:23 Lyon 236:5 Lyons 233:21 234:12,13 236:9
K	L	M	
Jake 153:24 January 140:9 148:23 189:8 196:6 237:13 jeez 186:5 Jill 135:9 158:1 191:22 203:11 job 216:14 John 256:23 Josepher 142:23 Josh 153:22 judge 124:23 125:3,6,10,11, 13 152:25 159:13 184:22 192:10 199:10 200:22 211:13, 18 213:22 232:14 240:15, 19 242:9,15 243:2 245:2 246:16 247:20 judgment 216:18 242:1 July 221:24 jurisdiction 242:2	lack 236:25 lacked 239:8,14 laid 197:20 landing 169:22 language 132:19 144:15 145:4 156:2 163:23 Lastly 246:5 law 139:22 150:20 155:17 160:10,11 174:17 177:12 182:12 184:9 192:16 193:2 195:10 201:7,8 207:12 235:1 238:19 242:10, 12 245:17 248:9 249:20 254:19 255:6 lawsuit 213:19, 22 217:21,23 218:10 220:3 lawyer 146:20 189:15 layman 155:13, 23 156:1,8 learn 146:19 227:2,24 learning 210:8 220:19 253:17 leave 163:1 215:7 233:8 left 121:23 131:12,15 189:21 230:8	made 121:5 122:25 124:15 135:5 141:2,17 142:16 144:16 150:5 169:17 192:4 202:10 206:25 215:6 238:11 256:24 mail 191:17 make 140:23,25 156:1 157:8,12 159:2 163:14 171:1 186:16 189:23 197:24 203:9 212:23 219:13 229:10 255:15,16 making 135:12 141:25 154:9 168:23 187:3 221:9 226:20 234:1 238:1 239:11 management 180:12 251:2, 21 252:13 manager 180:10 Manceri 147:15, 16,25 mark 147:15,16, 25 159:23 175:24 176:23 198:21 236:2,3	

marked 181:10 187:4	224:17	Moran 166:12,19 169:8 171:15, 18 172:23 205:4,5 235:18	16 189:6
marks 175:24	Miller 147:1	Moran's 169:1	needed 218:15, 24 253:23
Marshall 186:14	mind 129:20 165:20 179:16	MORRISSEY	negative 211:8
Martin 123:11 200:22	201:19 209:19	174:16 242:9, 15	neglected 173:25
matter 148:1 169:20,22,25 190:16 212:9, 11 251:3 252:20,21	224:22 226:7 228:12 229:9, 16	mother 128:21, 24 146:6 202:16 208:21 215:6,22 216:6,10 224:11	nervous 234:1
meaning 135:25 148:7 230:24 231:4	mine 181:3	mother's 128:15 137:7 141:20 147:12 166:3 170:16,20 195:7 202:21 203:2 204:9 207:2 210:1 211:12	net 149:19
means 138:2,5 231:6 245:5	minor 141:24 156:12 250:21	motion 192:4,17 217:8,16,18,19 240:19 256:3, 9,18	non-valid 139:23
medical 130:2 158:10,25 159:2,6 165:22 221:24 224:5	minute 256:10	motions 256:21	nonsense 240:10
medically 158:13	minutes 179:21, 23,25 180:3,19 230:3 247:25 253:3 255:13, 20	move 127:17 140:4 183:13 254:8,24	North 233:23 236:7,17 237:5
medications 225:2	Miranda 200:24	moves 144:1	Nos 256:22
medicine 225:8	Mirandas 200:25	moving 136:5 183:12 201:20	notaries 237:19
medicines 158:15	mirror 203:5	mud 237:11,12	notarization 169:2 173:8 176:22 193:1 233:19,20 234:16 240:12 241:2 243:16
meet 142:13,15 244:25	mis 217:6	multi-page 183:22	notarization's 173:20
meeting 130:14, 23,24 142:18 187:13 193:6 226:12 238:6,8	misconduct 171:19	multifarious 247:19	notarize 172:23,25
meetings 238:2, 5	misinterpret 215:18	multiple 127:1 158:23 220:8	notarized 168:12,25 174:9,12 176:18 177:1 199:10,13,18 234:21 235:2, 25 248:17
member 120:20	misinterpretatio n 141:20		notarizing 235:2 236:4
memorandum 203:17	mislead 250:7	N	notary 169:3 174:3 199:15, 21 214:15 234:20 235:1, 12 236:3,6,19, 23,25
memory 218:1 249:2	misleading 253:18		notary's 236:22
mental 239:8	misleads 251:14		note 187:11
mentally 239:10	missed 183:9 204:1		notes 137:25 138:5 187:9, 13,14,16,17, 20,22,24 238:9 252:16
mentioned 157:19 158:2 202:23	missing 143:14 163:9		notice 251:4 252:5,16
met 142:16,20 207:22,23 245:13 246:15	misstates 123:17 174:11, 17		noticed 251:15, 16 253:19
metal 165:8	mistake 253:18		
microphone 120:15 206:9	modified 163:22		
	mom's 128:21 168:1 196:25		
	moment 180:17 255:18		
	money 211:19 215:7 233:8 240:5		
	months 149:5 218:20		
	moon 169:22		

<p>notified 148:13 notify 166:19, 25 notwithstanding 134:25 135:3 241:14 November 168:13 184:8 196:9 now's 204:25 number 133:21 177:20,21,22 178:3,4,5,11, 14,22,23 184:22,25 185:11,12,13, 16 187:5 190:5 224:23 243:19, 20 numbered 183:22 numbering 177:17 184:18, 23 numbers 183:17 184:3,10 Numeral 184:2 numerals 184:2</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>O'connell 251:15 oath 120:5 193:23 244:7 object 124:5 127:1 141:12 162:24 192:19 230:2,10 248:19,21 objected 148:2 151:22 objection 122:4 123:13 124:19 127:23 128:1 133:7 135:16, 21 136:11 137:9 138:21 140:2,21 143:15 144:18 145:24 146:4 147:2,20 148:9,21 149:1,16</p>	<p>150:6,21 151:3,4 155:8, 14 156:3,18 157:9 158:4,7 160:22,23 163:10 164:6, 23 165:4,10 166:8,22 167:2 169:5,11 171:20 172:6 173:10 174:11, 13,16,25 177:2,23 178:6 179:14 181:19 182:3 183:18 184:11 185:19 186:22 188:11, 13 195:20 196:12,22 197:6 198:12, 20 199:16 201:1,10,17 203:12,22 204:3,14 209:16 210:11 212:3,21 217:6,11,13,14 218:3,17 219:3,22 220:10,16,23 221:6,17 225:12,15,19 226:4 228:7, 15,23 229:5,17 230:16 231:17 252:6 objections 150:25 249:5, 16 objects 245:8 observe 193:4 obtained 170:10 octopuses 253:11 offering 160:18 office 122:17, 24 126:2 130:22 142:17 168:17 169:8, 9,24 199:10 214:12,16 222:19 248:16</p>	<p>officer 186:14 offices 188:1 one's 241:5 245:6 ongoing 254:10 opened 185:8 operating 220:21 operative 181:18 182:14 opposed 244:22 order 123:11,18 124:20,22 125:1,3,6,14 162:1 216:14 251:4 256:17, 20,23,24 ordered 122:1 124:3,17,23 125:4 165:3 orders 125:12 212:13 original 121:7, 14,17,21 122:6,21,23 123:3,4,5,6,9, 12,15,20,25 124:17,20 132:16 163:9 170:15,19,22, 23,25 189:11, 18 191:17 196:20 209:25 210:2,3,5 215:21,25 originals 123:1,7 125:18 152:22 170:17 211:6 216:5 231:13 250:10 outstanding 253:4 Overruled 123:23 138:23 140:22 164:10 171:21 184:12 199:17 210:12 218:5 overturn 245:1 overturned 246:20</p>	<p>owners 153:20</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>pages 128:9 129:3 182:10, 11 183:22 pain 225:9 pains 225:6 Palm 165:8 166:18 203:8 Pam 131:4,16, 18,21 136:8 144:11,24 161:16 191:21 203:10 227:6 Pam's 131:5 144:7,16 145:5 Pamela 135:6 203:10 paper 159:25 197:17 198:5 219:6 papers 127:13 213:9 paragraph 161:6,10 163:8,22 164:3 177:18,21 178:1,7,9 185:3,5,8 paragraphs 183:23 parents 142:13 147:7 215:16 part 124:5 131:9 133:13, 17 137:16 138:15 153:12, 13 154:25 155:4 162:4,20 168:24 184:5 188:3 198:13 201:21 203:6 223:21 245:23 248:12 parties 130:25 149:13 249:11 partner 147:6 248:7 partners 161:22,23</p>
---	--	---	--

parts 143:13 242:19	148:19,23 189:25 190:20, 22 196:20 197:9,25 199:7	possessions 216:4	pretrial 251:1
party 137:3 198:17	Phillips 256:23	possibility 162:15 255:17	pretty 154:10
pass 144:25	phone 130:22 226:1,3,17 238:7	possibly 152:17	pride 253:13
passed 132:21 192:3 202:13 208:22 227:4,9	picking 197:16	postmortem 144:14	prima 244:1,9
passes 145:10	piece 137:15 197:16 198:5	potential 157:24	prior 141:17 142:18 154:1 155:23 160:10 189:13 203:9 218:10 224:7 225:11 226:25 227:17
Passover 228:6, 17,22	pieces 159:24	power 139:4 161:15 162:22 163:24 189:1 233:4	privilege 208:9,12 223:5,11,14
past 127:3	place 146:8 165:25 166:16	PR 147:14 192:5,6 251:16 252:3	probate 214:6 239:2 244:22
pay 136:17 152:2	plaintiff's 133:24 134:2, 16,18 167:16 178:16 182:6 186:22 187:3,6 231:24 232:4	practical 245:9	problem 230:21
penalties 202:2,4	plan 154:2	practice 124:13 129:17,19 189:14	problems 130:2 158:23 221:25 225:10,14,17 226:14 240:11 252:2
people 180:15 236:4 238:20, 22 248:17 249:25	planning 141:3 153:12,13 155:1,4 219:17	practicing 121:3	procedural 150:14
percent 212:17 216:22	plans 154:25	predeceased 132:18,24 133:3,5 135:8 136:9 144:11	procedure 150:17 251:2
perfect 175:11	played 241:1	preference 179:10 181:7	proceed 128:6 203:6 255:5
perfectly 224:22 239:25	pled 241:18	preparation 237:24	proceedings 120:3 243:23
period 202:13 208:15	podium 120:13, 14 185:25 206:7 224:15	prepare 149:7 160:12 190:25	process 251:2, 24 254:19
perjury 202:2,4	point 131:15 133:12 138:4 139:22 145:13 146:16 162:3 203:5 209:22 236:8	prepared 154:4, 5 160:15 177:8,12 190:23 193:2 203:18 238:19 252:13	procured 247:1, 3 248:5
permitted 236:11	pointed 162:12	presence 128:21 174:4 234:19 238:24 239:17 242:22,25 243:1	procuring 247:9
person 127:13 173:2 174:4 235:17,21,25 236:20	points 138:2	present 176:21, 22 238:22 244:25 246:18	produce 124:4 125:5 136:21 141:24 150:4, 20
personal 140:15 148:13 190:14 194:17 196:16 202:18 222:25 223:2,7 237:1	poison 165:8	presented 241:12 246:2	produced 139:14 148:14 173:2 174:23 176:22 235:15 236:24 250:10
personally 173:2 176:24 201:6 211:19 214:9 231:14 235:14,18,19 236:3,20,23 250:6	police 148:25	presumed 245:20,24	producing 137:2
persuasive 237:7 241:15	policy 154:17, 21,22 155:2,7	presumption 247:12,14,16	production 182:12 188:7 250:9
pertinent 230:23	Pollock's 122:17 125:22, 23 126:2		professional 220:21 221:5
petition	portion 227:13, 18		proffered
	positive 201:20		
	possession 121:20 250:16		

<p>127:25 182:2 Proof 243:22 proper 230:13, 14 243:16 244:14 properly 148:6 172:23 192:13 193:7 234:19 236:3 248:17 252:24 254:9 property 202:18 203:20 231:1 245:7 proponent 243:25 protect 220:6 prove 246:23 provide 141:19 250:20 provided 135:4, 8 243:20 246:21 proving 245:20 provision 139:6 psychiatrist 158:17 222:14, 17 223:17 psychiatrist's 222:19 psychologist- client 223:14 public 169:3 pulled 197:11 purport 238:20 purported 241:5 purposes 125:24 129:10,11 132:19,23 133:5 135:5 136:8 229:4,13 put 123:4 134:11,13,14 136:1 144:15 151:17 168:18, 21 181:17,24 185:16 232:12 234:17 237:22 239:7 249:3 255:2,12,19 putting 181:20</p>	<p style="text-align: center;"><u>Q</u></p> <p>question 122:5 123:10,19,21 125:15 127:19 133:1 136:4 137:13,18 139:7 141:8, 11,15 142:7 143:22 144:9, 15 145:8,9 146:13 147:23 148:2,12 151:2,10 152:9 155:19 156:20 159:19 161:12 163:13,14,19 164:7 165:13, 15 178:7 188:14 192:25 193:6 194:10, 19 199:18 200:21 201:22 204:2,4 207:6 209:8,11 211:4 213:2 215:2 218:6,7,13 220:12,14 224:1 225:13 226:8,10 227:16,17 229:11 233:17 234:23,24 239:19 241:23 256:7 questioning 134:19 142:10 156:5 questioning's 195:24 questions 120:15 121:11, 14 127:14 141:13 146:20 150:12 152:3, 20 154:13 160:7 163:2 170:3 180:22 182:23 183:1 186:18 194:7 204:19 208:14 209:2,21</p>	<p>213:13 221:12 224:18 249:6, 16,18 quick 126:7 178:4 quickly 227:16 quote 245:3</p> <p style="text-align: center;"><u>R</u></p> <p>raise 247:12, 13,16 raised 233:17 234:24 ranting 142:5 rapidly 186:19 read 130:7 133:10,11,13, 14 135:2 144:10 159:10 161:5,11 178:2 200:24,25 227:12,13,18 235:11 255:14 reading 136:18 161:7,10 reads 178:12 ready 120:4 180:21 252:15 real 126:7 142:1 178:4 253:9 realize 249:1 Realty 153:8 reask 137:17 reason 138:7 184:9 206:11 215:19 216:8 219:16,18,21, 25 222:22 237:8,9 240:22 246:17 reasons 222:16 230:22,23 247:19 rebuttal 231:23 254:23 255:11 recall 122:3 126:3 131:1 132:3 142:20 146:25 154:9</p>	<p>161:20 168:8, 11 173:13 188:5 196:8 222:12 228:8, 19,21 229:2 receive 182:4 received 161:2 186:22 187:6 198:19,23 248:25 recently 248:7 receptacle 157:22,24 receptacles 158:2 recess 180:18 256:8 recite 242:18 record 130:8 133:16 134:4 161:5,8 170:24 180:25 206:4, 14 227:13,18 235:5 239:13 254:25 255:1 records 188:10 recusal 255:12 recuse 256:3 redirect 188:20,22 216:25 217:1 refer 125:25 183:21 242:10 referenced 154:17,21 referral 142:17 referred 187:5 referring 122:10 124:22 125:2 130:12 166:2,4 183:4 228:20 refers 246:7 reflect 206:4 218:4 238:16 regard 234:24 245:12 246:3, 21 reheard 252:19 rejected 192:10,11</p>
--	--	---	--

relation 169:9	represent 250:18	restated 176:20	162:19 163:10
relationship		233:7	164:6,23
215:16 245:7	representation	resume 120:4	165:4,10
246:25 247:11	252:3	180:21	166:8,22 167:2
relevance	representative	retain 123:11,	169:5,11
123:17 147:2,	140:15 148:14	20	170:23 171:20,
20,22 148:4	149:24 190:14	retained 189:12	22 173:4,10,17
149:1 150:21	194:17 196:16	207:17 209:8	174:11,14,25
164:23 165:4,	231:18	210:22,23	177:2,23
10 166:22	represented	214:5	179:15 181:5,
167:2 171:20	148:17 250:14,	retainer	10,16 182:5,9
196:12,22,23	15	147:19,23	183:18 184:11
197:1,4 201:1,	representing	148:3	185:19,23
12,17 210:11	141:23 148:6	rethink 146:22	186:24 187:1,
218:17,18	219:20 253:7	retired 125:7,	25 188:11,15,
225:12,19	request 255:12	10	21,23 190:6,9
228:7,10,11,23	requested	returned 240:18	192:22 193:10,
229:5,6	170:24	review 164:5	13 195:20,23
relevancy	requests 253:5	revocation	196:12,22
135:16 136:11	require 200:3,	244:23	197:9,14
150:6 151:23	14	revoke 203:8	198:11 199:16
155:8 204:14	required 244:8	Rick 169:3,21,	201:1,10,12,17
relevant 136:1,	requirement	24	203:12,22,24
2 150:22	235:10	rights 200:24	204:14,19
162:1,14	requires 243:10	254:19	205:6 206:6
200:10 212:25	requiring	robert 120:9	208:1,3,7
213:3 220:15	124:20	188:22 206:25	210:11 212:3,
221:7,11 233:1	requisites	232:23 235:14	5,21 213:15,17
237:25 242:15,	246:13	role 212:24	216:23 217:6
19	rescheduled	241:1	218:3,10,17
relieve 130:11	252:19	roles 147:5,10	219:9,22
rely 234:10	reserve 242:2	Roman 184:2	220:10,23
relying 249:23	resigned 124:24	Rose 120:12	221:6,17
254:5	resolve 209:22	122:4 123:13,	222:3,10
remain 123:2	respect 147:25	17 124:5,19	224:14 225:12,
remaining	242:16,20	126:16,19,25	19 226:4
179:23,25	243:6 244:13	127:9,16 128:4	228:7,23
248:1 253:3	245:14 246:4,	130:7 133:7,16	229:5,22
remember 131:6	9,14 247:18	134:9 135:16,	230:1,2,10,13,
180:17 197:10	respective	21 136:11	23 231:25
228:1	135:7 161:17	137:9 138:21	232:5,9 234:8,
remind 137:22	responded	140:2,21	12 242:14
reminding	141:15 219:10	143:15 144:18	248:19,21
208:13	responding	145:24 146:4	249:1 251:13
removal 251:24	151:20	147:2,20	252:6 253:17
repeat 138:8	responsible	148:21 149:1,	255:15
143:18,21,25	194:4	5,8,16,20	roundabout
211:16	rest 193:13	150:6,21	153:16
replacement	231:21,22	151:12 155:8,	row 194:8
125:13	242:2 255:10	14 156:3,18	Rubin 142:23
reporter 206:10		157:9 158:4,7	Ruffin 142:24
227:14,19		160:23 161:25	rule 136:3
			217:10 219:4,5

249:16 251:1, 10,18 ruled 136:2 256:15,19 rules 211:13 216:17 252:21, 22,23 255:4,6 ruling 197:24 216:13 256:16 running 209:17 Ryan 146:25	self-proving 168:25 233:13, 14,18 236:21 239:24 243:6, 8,14 244:6,12 send 132:5,10, 12 240:14 sending 155:25 sentence 227:11 235:12,17 244:15,17,19 separate 157:17 203:17 September 194:3 200:21 sequence 184:3, 23 sequences 177:17 serve 149:23 served 125:11 147:9,11,13 148:19,24 session 179:21 180:19 255:13 set 229:24 238:2,4 setting 251:4 settled 202:10 sharp 239:10 shenanigans 240:11 sheriff 166:19, 25 186:14 shine 255:18 Shirley 133:20 136:22 138:12, 15,18,20 139:10,12,25 140:12,17 145:4,12 155:12 157:3, 12,15,19 158:6 163:8,25 166:12 167:15 177:7 184:6,7, 17 189:12 194:17 195:2, 16,18 196:6, 15,18 203:7 232:19 238:17 239:19,25	241:22 245:23 252:16 Shirley's 126:15 132:17 140:15 144:17, 23 146:3 148:15 151:12, 13,16 157:22, 24 168:3 194:13 195:14 202:11 207:5,9 234:22 241:3 251:17 short 179:20 183:9 show 120:16 126:21 127:14, 15,18 138:3 179:17 181:13 182:1 190:21 236:15,25 showed 131:7 170:16 181:23 showing 246:2 shown 128:3 248:16 Si 129:22 130:23 131:19, 25 132:4,7 139:4 142:19 166:13 194:24, 25 195:1,3 200:5,7 229:8 245:23 Si's 144:14 161:15 173:16 200:4 sic 125:6 207:8 229:3 250:3 side 126:22 151:5,6 180:3 181:24 182:1 193:16 198:7 230:15 231:24 232:4 242:5 247:23 252:22 sides 180:7 sign 128:24 129:4,6,12 158:25 167:24 190:14,24 191:8 199:15,	20 200:11,20 214:16 238:6, 20 242:21,24 signature 129:5,6,7,13, 14,16 167:10, 14,21,23 168:1 170:7,8,13 171:5,10,12,13 172:18,21 174:22 176:13, 15 182:15 190:17,18 191:2,14 193:1 200:4,14 243:13 signatures 175:15 219:15 signed 128:20 129:7,8 158:12 165:18 166:14 168:11 189:25 191:5,6,9,12, 22,23 192:2, 13,24 196:20 199:20,22 200:5,6,7,8,9, 10,12,19 202:5 214:13 216:9, 11 221:23 232:20 233:9 234:18 235:24 238:19,23 239:23 240:21 246:11 249:25 250:4,24 significant 146:16 signing 159:5 239:16 silent 236:19, 22 similar 128:23 172:14 175:8, 12,19,21,23 176:7 Simon 135:6 145:16,17 146:2 149:20 150:19,20 157:7 158:11 161:16 163:25 165:18 166:1
<hr/> S <hr/>			
sad 240:13 safe 123:4 170:15 189:16, 20,21 sake 215:12,14 satisfactory 236:24 237:2 satisfying 247:14 save 192:7 SB 128:13,16, 17,18,19,22 scan 158:20 scenario 211:15 238:25 scheduled 251:9 252:17 school 143:3,6, 9 scope 226:5 scoring 138:2 Scott 169:21 Scott's 169:3, 24 screw 249:18 seat 233:25 234:6 SEC 248:6 249:4 253:2 secret 181:24 section 144:10 243:21 seeking 223:21 seize 248:14 self-proved 237:7			

169:2 173:24 176:21 189:12, 25 190:10,13, 17,24 191:2 192:2,13,24 193:5 194:2, 13,16,20 195:4,5,9,10, 17 196:10 199:25 201:15 202:6 203:10, 20 232:21 233:3 235:18 238:9,10,17 239:8,15 241:22 251:7,8 252:4,14,18	So.2d 245:4,18 246:22 sole 145:20 157:4,5 202:20 249:23 solitary 175:25 solve 226:14 somebody's 152:3 Sony 143:4 sort 237:6 240:13 sought 244:23 sound 165:20 sounds 196:8 spacing 185:10 Spallina 120:9, 11 182:12 188:22 193:18, 22 194:2 207:11 208:3 213:25 214:15 215:23 216:1 232:23 235:14 237:14,23 238:2 244:16 245:11 246:12, 13 249:4,12 250:4 254:12	spouse 135:8 spouse's 203:9 stack 256:12 stamp 188:3,6 stand 120:12 206:11 208:13 248:8 stands 236:5 stapled 127:1 star 254:3 start 175:19 started 143:20 169:21 180:5 232:18 starts 134:25 state 129:20 130:23 131:5 133:1 151:4 158:10 174:13, 23 203:4 206:14 224:21 226:7 228:12 229:8,16 233:22 244:5 250:13 stated 121:5 138:10 139:13 170:24 197:15 217:3 226:13 229:2 statement 202:1 253:1 statements 151:21 250:2 states 161:15 202:6 stating 132:7 166:14 200:24 231:14 status 251:6,9 253:9,10,16 statute 236:14, 16 237:1 242:15 244:5, 15 statutes 242:10 244:8 statutory 243:21 stay 206:6,8 209:18	step 193:12 204:20 224:15 237:18 241:10 steps 210:15 stop 135:11 151:4 156:21 220:14 252:10 story 195:13 240:13 straight 180:25 straighten 179:20 stress 130:5, 10,11,12 131:14 159:6 225:18,23 strike 192:23 struggling 162:13 Stuart 206:18, 23 stuff 137:25 146:11 151:7 162:17 219:4 subject 223:10 254:10 submit 160:5,17 179:8,11 244:2,11 247:10,20 252:23 submitted 142:3 147:16 191:25 240:16 242:13 245:15 248:11 249:21 250:24 submitting 192:1 subscribing 239:17 Subsection 242:24 243:23 244:18,20 substantial 236:6,15 247:16 successor 192:5,6 194:5, 16,21 195:1,3, 7,11 196:16 sued 250:17 253:6
Simon's 153:12 154:2 158:10, 13 162:22 173:19 188:25 202:25 223:6 229:15 231:15 234:25 235:2, 3,6,7 251:9,16 simple 211:4 simply 237:2 239:13 single 175:25 sinks 183:5 sir 123:22 128:4 183:11 186:15 193:12 216:23 231:25 233:25 255:19 sister 227:5 233:22 sisters 214:19 240:25 sit 211:11 212:15 sitting 125:12 205:19 216:2 skills 256:24 skipping 184:4 sky 169:19 slightly 234:15 slogged 237:10 slogging 237:11,15 small 230:20	Spallina's 207:1 241:14 243:3 244:3 245:22 speak 161:11 167:22 224:17 232:6 speaking 129:24 special 154:2, 12 specific 123:10 148:1 245:13 246:10 specifically 215:7 speed 198:11 spend 240:6 spoke 131:11 149:10 173:21 spoken 149:4 spot 163:21 214:1		

suffer 224:8	203:14,25	terms 253:25	250:13 251:19
suffering 222:6,11	204:3,17 212:7	Tescher 142:23	252:15 254:16
sufficient 236:7 239:5	219:23 220:24	147:6 160:16	thinks 212:24
suggest 212:13	225:20 228:24	182:12 207:11	220:15 221:8,
238:16,18	248:23 249:5	208:2 213:25	9,10
246:19 247:2,6	swiftly 242:3	215:22 237:13	thought 150:15
suggesting 164:2	sworn 152:25	Tescher's 189:7	162:10 202:23
support 150:5	201:25 202:1	test 165:8	231:2 255:3
supposed 129:4	205:22 235:13	testamentary 193:8 239:14,	threaten 200:23
162:10 176:18	T	16 241:19,21	three-page 181:16 191:1
188:9 199:3	Tab 179:3,4	244:13 245:3,5	thrown 211:13
250:15	183:10 190:7	246:7,11,14	tied 152:8
Supreme 233:21	taking 225:8	testator 234:20	time 123:4
234:14 236:9	232:7	238:23 242:21,	127:4,24 130:3
surprise 231:17	talked 131:23,	25 243:11	133:12 134:10,
Surprised 189:9	24 137:4 166:5	testator's 243:13 245:8	14,15 142:22
surrendered 120:25	216:6 226:22	testatrix 243:12	151:8 158:13,
survive 203:20	232:18	testified 129:20 146:9	23,25 159:4
survived 202:16	talking 125:14	188:11 205:23	162:7 172:3
204:10	126:24 130:16	216:1 237:23	175:14 176:11
surviving 202:22	146:25 195:14	239:10 246:13	179:19 180:6,8
survivor 135:8	198:9 203:2	testify 198:2	186:19 187:21
157:4	223:4 248:21	244:16	192:24 193:13
sustain 148:9	tangible 202:18	testifying 206:5	196:3,11
197:6 209:16	technically 253:15	testimony 149:19 154:1	204:9,11 205:1
217:14 219:3	ted 131:17,18	176:1 235:3,22	208:15,22
220:16 225:15	132:2,14,18,24	237:21,22	209:17 213:8
228:15 229:17	133:2 135:6	238:21 239:3,	218:14 219:2
231:16	136:8 140:11,	20 241:14	225:5 228:4
sustained 124:7	14 142:18	243:3 244:3	230:7 231:6
133:9 135:17,	144:7,11,16,23	245:10,11,22	232:2,5,15
23 136:13	147:12 161:17	246:9 249:24	241:9 246:8
140:3 143:16	191:21 194:4,	that'll 152:20	251:23 254:14,
144:20 145:25	22,23,24,25	160:25 175:20	20
147:3 149:2,17	195:1,2,4,5,10	198:20 234:6	times 138:1
150:7 151:10	196:15 203:10	Theodore 206:18,23	142:9 149:4,10
155:9 156:19	205:2,14,21	thing 126:24	171:23 189:12
157:10 158:8	206:2,15,25	127:13 131:3	201:19 246:13
164:24 165:5,	211:5 213:16	173:14 175:10	title 153:18
11 166:9,23	217:1 221:23	196:2	titled 243:22
167:3 169:6,12	240:24 251:24	things 127:1	today 124:12
174:15,18	252:2	138:8 156:21	133:18 136:1
175:1 177:4	Ted's 140:17	159:20 198:11	149:15,20
183:20 185:21	145:5	213:18 248:22,	150:5 152:16
188:16 192:21	telephone 130:17 141:18	24 249:8	176:1 187:21
195:22 196:13	238:9		211:11,19
201:2,11,13	ten 233:8		212:15 213:11,
	247:5,7		21 214:22

246:3 247:2,7 248:3 249:13 250:1,10,14,21 253:16 256:16 told 131:25 132:7 180:4 214:20,23 220:13 top 168:19,22 tortured 240:13 total 141:25 149:19 totality 238:15 touched 137:15 Traci 167:20 track 209:17 trading 248:8 transcript 224:3 251:13 transmitted 138:14 trial 146:9 162:20,23 180:4,8,11 188:25 237:9 251:8,10,17 252:9,12,17 254:18 trouble 141:25 226:13 true 139:11 229:23 238:17 trust 121:7 122:8 126:15 129:3,11 132:22 133:6, 20 135:5,13,20 136:22,24 137:2,7 138:12,16,18, 20,25 139:10, 12,25 140:12, 17,18 141:25 144:5,17,23,25 145:1,3,4,10, 12,19,20 146:3,7 148:15 149:14 150:2, 20 152:12 155:3,12 156:2 157:6,13,15, 17,19,23,24	158:1,2,6,11 163:8,25 166:16 167:15 168:3,24 169:2 173:19 176:17, 19 177:7,15 184:6,17 189:14 192:25 207:1,5,8,9 209:25 210:5 232:19,21 233:6 234:25 235:7 241:3 247:1 249:14 250:16,17,22 251:17 252:14 253:6 trustee 145:18 147:13 195:1,3 207:10,17 208:3 209:3 210:15,25 211:20 212:20 213:6 216:15 220:5,18 221:3 250:6,15,17,22 252:5 trusts 122:11 131:13 132:2,9 147:6 151:19 152:8,18 153:23,25 157:7 165:25 169:10 194:6 210:6 211:20 216:1,5 246:19 turn 122:1 124:17,25 188:9 turned 124:16, 21 two-by-four 172:3 type 122:18 typical 168:17 typically 175:11 189:20	247:5,8 un-notarized 240:20 uncontroverted 232:22 243:2 244:4 245:12 uncredible 250:3 understand 127:6 156:1 189:23 194:19 201:21 207:6 234:5 241:12 245:6 understanding 142:1 163:12 211:17 255:6 understands 189:24 undertake 192:17 undisputed 238:21 239:21 undue 246:16, 21,23 247:13, 17 unfortunate 240:23 ungenuine 241:25 unhappy 131:8 unlike 129:2 236:1 unrebutted 241:16 upheld 157:3 239:18 241:20 uphold 241:17 usual 129:22	212:12,13 213:23 214:9 216:9,14 218:12,14 219:10 233:12, 15,16 240:9 241:8,21 245:1 247:21 252:5 validate 149:14 210:16 211:5 217:8 219:21, 25 220:7 241:6 248:6 249:11 250:1 254:6,8 validated 211:12 212:10 217:4 220:21 221:3,5,8 validation 245:16 validity 135:19 137:12 151:19 162:6,11 169:14 170:2 208:25 210:19, 24 212:16 217:17,19 218:15,22,25 219:5 229:7,14 243:18,24 252:25 253:22, 24 validly 139:9 vault 189:15 vaults 215:23 216:2 version 138:25 view 189:7 241:10 251:11 viewed 236:14 violated 251:19 violates 251:10,18 virtue 202:21 vivid 253:12 Volume 120:3
			v
			W
			W-e-i-h-e 245:18
	U		
	ultimately 132:4 139:4		

<p>wait 217:10 255:25 waiver 130:8 166:13 189:24 190:10,14,22 191:8,11,19,21 192:1 199:8 waivers 166:13, 14 197:4 walk 120:16 walking 197:17 wanted 121:13 222:23,25 223:4 226:19 230:7 231:2 250:13 256:3 warned 223:13 warning 156:24 waste 151:8 162:7 wasted 162:5 wealth 233:8 weekend 214:6 weeks 158:10 173:19 Weihe 245:17 whatsoever 216:12 219:16 Whichever 216:17 wife 126:8 224:22 will's 170:15 wills 131:13 146:8 151:19 152:8,18 169:10 189:11 194:6 203:9 233:15 242:16 245:1 246:19 Wilmott's 245:4 win 237:7 winding 153:3 wisely 180:6 wishes 144:14 156:16 157:3,7 233:4 239:12, 22 withdrawn 226:9 withdrew 121:2</p>	<p>witnessed 180:16 214:15 witnesses 153:2 171:14 180:1, 15 205:8,9,11 231:19 234:19 238:23 239:17 241:13 242:23, 24 243:12 word 158:3 235:11 words 163:23 185:17 254:6 work 141:13 143:4 181:5 196:3 worked 176:24 181:8 working 180:23 worth 149:19 wrangled 253:15 wrangling 253:11 write 137:25 138:7 164:17 writing 138:1,4 229:2 242:17 255:2,13,19 written 161:18 201:18 203:17 213:9 235:9 255:22 256:3,9 wrong 179:13 192:1 240:14 253:15 wrote 130:8 211:8 221:19 229:12 231:14</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>Yates 136:24 137:8 139:13, 15,17,18 140:1,19 144:6 148:25 155:11 156:7 year 200:22 years 125:7 143:1 155:3 224:23 225:7</p>	<hr/> <p style="text-align: center;">Z</p> <hr/> <p>zip 122:18,21</p>
--	--	---

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

CASE NO.: 502012CP004391XXXXNB IH

CERTIFIED COPY

IN RE:

ESTATE OF SIMON L. BERNSTEIN,
Deceased.

TRANSCRIPT OF PROCEEDINGS BEFORE
HONORABLE JOHN L. PHILLIPS

DATE: September 1, 2016

TIME: 8:44 a.m. - 8:50 a.m.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARING ON BEHALF OF WILLIAM E. STANSBURY:

PETER M. FEAMAN, P.A.
3695 BOYNTON BEACH BOULEVARD, SUITE 9
BOYNTON BEACH, FL 33436
By: PETER M. FEAMAN, ESQ.

APPEARING ON BEHALF OF TED BERNSTEIN:

PAGE, MRACHEK, FITZGERALD ROSE
KONOPKA & DOW, P.A.
505 SOUTH FLAGLER DRIVE, SUITE 600
WEST PALM BEACH, FL 33401
By: ALAN B. ROSE, ESQ.

BE IT REMEMBERED, that the following
proceedings were taken in the above-styled cause before
the Honorable JOHN L. PHILLIPS, at the Palm Beach County
Courthouse, 3188 PGA Boulevard, Courtroom 3, in the City
of Palm Beach Gardens, County of Palm Beach, State of
Florida, on September 1, 2016, to wit:

1 P-R-O-C-E-E-D-I-N-G-S

2 - - - -

3 THE COURT: Good morning.

4 MR. ROSE: Mr. O'Connell is not here, but
5 he's in agreement on the two motions that I filed.

6 THE COURT: All right. So these are agreed
7 orders?

8 MR. ROSE: No, Mr. Feaman has objections, I
9 think.

10 THE COURT: All right. Well, let me take a
11 look at what the motions are and I'll figure out
12 what to do.

13 MR. ROSE: Okay. The easier one first.

14 THE COURT: Easy is good.

15 MR. ROSE: There's two trusts and two
16 estates. We sold some real estate. And there was
17 some personal property in the house -- in the
18 condo when it was sold. Technically, it was owned
19 by the Estate of Simon Bernstein, even though it
20 was in the house that was in the trust -- just
21 because of the way it was set up. So the deal was
22 we could sell it and we would even up later. So
23 we had everything appraised. And we have a motion
24 that Mr. O'Connell, the PR, and Mr. Bernstein, as
25 the trustee, have agreed to on the amount of the

1 even up. So we have a motion in both cases to
2 even up and pay \$12,704 from the Shirley Bernstein
3 trust to the Simon Bernstein estate.

4 THE COURT: Okay. Let me take a look at what
5 you've got, and then I'll hear from the other
6 side.

7 MR. ROSE: Okay. This is the motion and the
8 order in the trust. And Mr. O'Connell suggested
9 we file the same motion with the same order in
10 estate so we have covered both sides.

11 THE COURT: Okay. And what objection is
12 there to the proposed order that would even up the
13 distribution from the sale?

14 MR. FEAMAN: Good morning, Your Honor. Peter
15 Feaman on behalf of William Stansbury.
16 Mr. Stansbury is a claimant against the estate.
17 You may recall he has a separate action pending in
18 division AA against the estate for a significant
19 claim.

20 We are glad, Your Honor, that this
21 additional money is coming into the estate.

22 THE COURT: There you go.

23 MR. FEAMAN: Because that helps our position.
24 And we're sorry, however, that the personal
25 representative's representative is not here

1 because there are continuing issues about missing
2 property in this estate, not just jewelry, that I
3 mentioned last week. But the property that was in
4 the condo was insured at the time of Shirley
5 Bernstein's death for a hundred thousand dollars.

6 THE COURT: So you think that the personal
7 representative may have ripped the place off?

8 MR. FEAMAN: Well, it was a previous
9 representative. You heard Mr. Spalina testify in
10 your court in a previous case in December, and
11 Mr. Tescher, they had to resign as personal
12 representatives. And Mr. O'Connell, who is the
13 successor personal representative. So he wasn't
14 around when all of this --

15 THE COURT: Can I ask you this?

16 MR. FEAMAN: Yes, sir.

17 THE COURT: Sounds like you think that
18 somebody has been playing with the assets of the
19 estates.

20 MR. FEAMAN: Yes, sir.

21 THE COURT: And diminishing the value of the
22 estate that's available for your claim?

23 MR. FEAMAN: Yes, sir.

24 THE COURT: What does that have to do with
25 the even-up order that I'm being asked to do today

1 which deals with whatever there was in the estate
2 when the property was sold and the distribution to
3 even things up was made? What does that have to
4 do with this?

5 MR. FEAMAN: Yeah, that's why we're gratified
6 that this money is coming. At least this part is
7 coming into the estate.

8 THE COURT: Sounds like you've got something
9 else you want to do to pursue your thoughts that
10 there might have been fraud earlier. But does
11 that have anything to do with this? Or are you
12 okay with me signing this?

13 MR. FEAMAN: Not directly.

14 THE COURT: So you're okay with me signing
15 this?

16 MR. FEAMAN: Yes, sir.

17 THE COURT: Okay. So we're good.

18 MR. ROSE: We're good. Ms. Lewis, we're
19 good?

20 Well, this is easier than I thought.

21 Okay. Well, thanks.

22 It will be interesting to see how that
23 other issue works out. I mean, I understand
24 your concerns about other things. But as far
25 as the even up goes, we'll -- everybody will be

1 happily approving that.

2 MR. FEAMAN: I have not -- don't think I've
3 seen the order that you're signing, but...

4 THE COURT: Here's what it says: The motion
5 is granted. The Shirley trust will pay the
6 personal representative of Simon's estate \$12,457
7 for the sold personal property. And there will be
8 no further or outstanding obligations between
9 these parties.

10 Then the other -- kind of a mirror image
11 of what I just read. The motion is granted;
12 the Shirley trust will pay the personal
13 representative of Simon's estate \$12,457 for
14 the sold personal property. And there will be
15 no further or outstanding obligations between
16 those parties.

17 MR. FEAMAN: Yes, sir.

18 THE COURT: So that leaves open the issues
19 that you're concerned about.

20 MR. FEAMAN: Okay. Very good. Thank you.

21 THE COURT: Okay. Great. Good luck,
22 everybody.

23 MR. ROSE: We had one other motion that -- I
24 don't know -- again, limited opposition. Here's
25 the motion and the order. But I can tell you in

1 30 seconds the motion.

2 Mr. Feaman's client has a lawsuit against
3 the estate. The personal representative,
4 Mr. O'Connell, has decided he wanted to retain
5 my law firm because I've handled this
6 litigation for a year and a half before his
7 appointment. And he also wanted to appoint my
8 client, Ted Bernstein, who's the trustee in the
9 beneficiary of his estate as the administrator
10 ad litem to oversee the defense of the case to
11 save money. Because Ted will do it for free.
12 He was an officer of the company. He's been
13 defending the case when he was a party,
14 although he's been released. And we're very
15 concerned with the cost and expense. So having
16 Mr. Bernstein serve as the administrator, he's
17 the logical person to do it since he was a
18 party. He was a partner in the business. He
19 is the trustee of the --

20 THE COURT: Well, what's the problem?

21 MR. ROSE: Mr. Feaman's objecting to it. He
22 wants to choose who defends the company against
23 the claim -- who defends the estate in the claim
24 that his client has brought against the estate.
25 Mr. O'Connell and all the beneficiaries want it to

1 be as we've put it in the motion.

2 THE COURT: Okay. So what's the objection?

3 MR. FEAMAN: My position is being
4 misrepresented, respectfully, by opposing counsel.

5 THE COURT: Okay.

6 MR. FEAMAN: My client does not want to
7 choose who comes in as administrator ad litem. My
8 client objects to the particular individual of Ted
9 Bernstein coming in as administrator ad litem.

10 THE COURT: This is an evidentiary matter.
11 So just set it for an evidentiary hearing and
12 we'll figure it out. Or somebody else will figure
13 it out.

14 MR. FEAMAN: Yes, sir.

15 MR. ROSE: Can we agree that the part that's
16 unopposed would be that our firm can be retained
17 by the estate? Because we want to get the
18 litigation moving. And then we would defer the
19 other part for an evidentiary hearing.

20 THE COURT: Is that okay?

21 MR. FEAMAN: I don't think, honestly, Your
22 Honor, in candor with the court, that
23 Mr. Stansbury could be in a position to take a
24 position on that one way or the other as to who
25 the estate wants to pick as counsel to defend them

1 in that lawsuit.

2 THE COURT: I agree with you. I agree with
3 you.

4 MR. ROSE: The only other thing, unless
5 Mr. O'Connell, who is not here, has any objection
6 to that, I'll submit -- I'll revise the order and
7 submit it to you.

8 THE COURT: Let me give this back to you so I
9 don't get it mixed up and accidentally sign it. If
10 you would send it in with just a short
11 recollection letter so I won't forget.

12 MR. ROSE: And I'll circulate the proposed
13 order that covers that to everybody before I
14 submit it to Your Honor.

15 THE COURT: Okay. All right. Well, good
16 luck.

17 MR. FEAMAN: Thank you, Your Honor.

18

19

20

21 (Thereupon, the proceedings were
22 concluded at 8:50 a.m.)

23

24

25

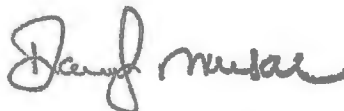
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

THE STATE OF FLORIDA
COUNTY OF PALM BEACH.

I, DAVID L. MARSAA, Professional Reporter,
State of Florida at large, certify that I was
authorized to and did stenographically report the
foregoing proceedings and that the transcript is a
true and complete record of my stenographic notes.

Dated this 7th day of September, 2016.



DAVID L. MARSAA, COURT REPORTER

	Bernstein 3:19,24 4:2,3 8:8,16 9:9	defend 9:25	
\$		defending 8:13	G
\$12,457 7:6,13	Bernstein's 5:5	defends 8:22,23	give 10:8
\$12,704 4:2	brought 8:24	defense 8:10	glad 4:20
3	business 8:18	defer 9:18	good 3:3,14 4:14 6:17,18, 19 7:20,21 10:15
	C	diminishing 5:21	granted 7:5,11
30 8:1	candor 9:22	directly 6:13	gratified 6:5
8	case 5:10 8:10,13	distribution 4:13 6:2	Great 7:21
8:50 10:22	cases 4:1	division 4:18	
	choose 8:22 9:7	dollars 5:5	H
A	circulate 10:12	E	half 8:6
a.m. 10:22	claim 4:19 5:22 8:23	earlier 6:10	handled 8:5
AA 4:18	claimant 4:16	easier 3:13 6:20	happily 7:1
accidentally 10:9	client 8:2,8,24 9:6,8	Easy 3:14	hear 4:5
action 4:17	company 8:12,22	estate 3:16,19 4:3,10,16, 18,21 5:2,22 6:1,7 7:6,13 8:3,9,23,24 9:17,25	heard 5:9
ad 8:10 9:7,9	concerned 7:19 8:15	estates 3:16 5:19	hearing 9:11,19
additional 4:21	concerns 6:24	even-up 5:25	helps 4:23
administrator 8:9,16 9:7,9	concluded 10:22	evidentiary 9:10,11,19	honestly 9:21
agree 9:15 10:2	condo 3:18 5:4	expense 8:15	Honor 4:14,20 9:22 10:14, 17
agreed 3:6,25	continuing 5:1		house 3:17,20
agreement 3:5	cost 8:15	F	hundred 5:5
amount 3:25	counsel 9:4,25	Feaman 3:8 4:14,15,23 5:8,16,20,23 6:5,13,16 7:2, 17,20 9:3,6,14,21 10:17	I
appoint 8:7	court 3:3,6,10,14 4:4,11,22 5:6,10,15,17,21,24 6:8,14, 17 7:4,18,21 8:20 9:2,5,10, 20,22 10:2,8,15	Feaman's 8:2,21	image 7:10
appointment 8:7	covered 4:10	figure 3:11 9:12	individual 9:8
appraised 3:23	covers 10:13	file 4:9	insured 5:4
approving 7:1		filed 3:5	interesting 6:22
assets 5:18	D	firm 8:5 9:16	issue 6:23
B	deal 3:21	forget 10:11	issues 5:1 7:18
back 10:8	deals 6:1	fraud 6:10	J
behalf 4:15	death 5:5	free 8:11	jewelry 5:2
beneficiaries 8:25	December 5:10		
beneficiary 8:9	decided 8:4		

	objection 4:11 9:2 10:5	property 3:17 5:2,3 6:2 7:7,14	short 10:10
K	objections 3:8	proposed 4:12 10:12	side 4:6
kind 7:10	objects 9:8	pursue 6:9	sides 4:10
	obligations 7:8,15	put 9:1	sign 10:9
L	officer 8:12		significant 4:18
law 8:5	open 7:18	R	signing 6:12,14 7:3
lawsuit 8:2 10:1	opposing 9:4	read 7:11	Simon 3:19 4:3
leaves 7:18	opposition 7:24	real 3:16	Simon's 7:6,13
letter 10:11	order 4:8,9,12 5:25 7:3,25 10:6,13	recall 4:17	sir 5:16,20,23 6:16 7:17 9:14
Lewis 6:18	orders 3:7	recollection 10:11	sold 3:16,18 6:2 7:7,14
limited 7:24	outstanding 7:8,15	released 8:14	Sounds 5:17 6:8
litem 8:10 9:7,9	oversee 8:10	representative 4:25 5:7,9, 13 7:6,13 8:3	Spalina 5:9
litigation 8:6 9:18	owned 3:18	representative's 4:25	Stansbury 4:15,16 9:23
logical 8:17		representatives 5:12	submit 10:6,7,14
luck 7:21 10:16	P	resign 5:11	successor 5:13
M	P-r-o-c-e-e-d-i-n-g-s 3:1	respectfully 9:4	suggested 4:8
made 6:3	part 6:6 9:15,19	retain 8:4	T
matter 9:10	parties 7:9,16	retained 9:16	Technically 3:18
mentioned 5:3	partner 8:18	revise 10:6	Ted 8:8,11 9:8
mirror 7:10	party 8:13,18	ripped 5:7	Tescher 5:11
misrepresented 9:4	pay 4:2 7:5,12	ROSE 3:4,8,13,15 4:7 6:18 7:23 8:21 9:15 10:4,12	testify 5:9
missing 5:1	pending 4:17		thing 10:4
mixed 10:9	person 8:17	S	things 6:3,24
money 4:21 6:6 8:11	personal 3:17 4:24 5:6,11, 13 7:6,7,12,14 8:3	sale 4:13	thought 6:20
morning 3:3 4:14	Peter 4:14	save 8:11	thoughts 6:9
motion 3:23 4:1,7,9 7:4,11, 23,25 8:1 9:1	pick 9:25	seconds 8:1	thousand 5:5
motions 3:5,11	place 5:7	sell 3:22	time 5:4
moving 9:18	playing 5:18	send 10:10	today 5:25
O	position 4:23 9:3,23,24	separate 4:17	trust 3:20 4:3,8 7:5,12
	PR 3:24	serve 8:16	trustee 3:25 8:8,19
O'connell 3:4,24 4:8 5:12 8:4,25 10:5	previous 5:8,10	set 3:21 9:11	trusts 3:15
objecting 8:21	problem 8:20	Shirley 4:2 5:4 7:5,12	
	proceedings 10:21		

U	
understand 6:23 unopposed 9:16	
W	
wanted 8:4,7 week 5:3 William 4:15 works 6:23	
Y	
year 8:6	

00001

1 IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA
2 PROBATE/GUARDIANSHIP DIVISION IY
3 CASE NO.: 502011CP000653XXXXSB

4 IN RE: THE ESTATE OF:
SHIRLEY BERNSTEIN,
Deceased

5 _____/
ELIOT IVAN BERNSTEIN, PRO SE,
6 Petitioner,

vs.

7
8 TESCHER & SPALLINA, P.A., (AND ALL PARTNERS,
ASSOCIATES AND OF COUNSEL); ROBERT L. SPALLINA
(BOTH PERSONALLY & PROFESSIONALLY); DONALD
9 R. TESCHER (BOTH PERSONALLY & PROFESSIONALLY);
THEODORE STUART BERNSTEIN (AS ALLEGED PERSONAL
10 REPRESENTATIVE, TRUSTEE, SUCCESSOR TRUSTEE) (BOTH
PERSONALLY & PROFESSIONALLY); AND JOHN AND JANE
11 DOE'S (1-5000),
Respondents.

12 _____/
13 TRANSCRIPT OF PROCEEDINGS
14 BEFORE
15 THE HONORABLE MARTIN H. COLIN
16
17 South County Courthouse
200 West Atlantic Avenue, Courtroom 8
18 Delray Beach, Florida 33344
19
20 Friday, September 13, 2013
1:30 p.m. - 2:15 p.m.

21
22
23
24 Stenographically Reported By:
JESSICA THIBAULT

25

♀
00002

1 APPEARANCES
2
3 On Behalf of the Petitioner:
4 ELIOT IVAN BERNSTEIN, PRO SE
2753 NW 34th Street
5 Boca Raton, Florida 33434
6

13 MR. MANCERI: But before I make my
14 presentation, I would just like to apologize
15 for Mr. Tescher's absence. He's out of town
16 for the holiday.

17 THE COURT: Okay. Who are the PR's that
18 you represent?

19 MR. MANCERI: Well, Shirley Bernstein
20 there is no technically any PR because we had
21 the estate closed.

22 THE COURT: Okay.

23 MR. MANCERI: And what emanated from
24 Mr. Bernstein's 57-page filing, which falls
25 lawfully short of any emergency, was a petition

♀

00024

1 to reopen the estate, so technically nobody has
2 letters right now.

3 Simon Bernstein, your Honor, who died a
4 year ago today as you heard, survived his wife,
5 Shirley Bernstein, who died December 10, 2010.
6 Simon Bernstein was the PR of his wife's
7 estate.

8 As a result of his passing, and in attempt
9 to reopen the estate we're looking to have the
10 estate reopened. So nobody has letters right
11 now, Judge. The estate was closed.

12 THE COURT: So you agree that in Shirley's
13 estate it was closed January of this year,
14 there was an order of discharge, I see that.
15 Is that true?

16 MR. ELIOT BERNSTEIN: I don't know.

17 THE COURT: Do you know that that's true?

18 MR. ELIOT BERNSTEIN: Yes, I believe.

19 THE COURT: So final disposition and the
20 order got entered that Simon, your father --

21 MR. ELIOT BERNSTEIN: Yes, sir.

22 THE COURT: -- he came to court and said I
23 want to be discharged, my wife's estate is
24 closed and fully administered.

25 MR. ELIOT BERNSTEIN: No. I think it

♀

00025

1 happened after --

2 THE COURT: No, I'm looking at it.

3 MR. ELIOT BERNSTEIN: What date did that
4 happen?

5 THE COURT: January 3, 2013.

6 MR. ELIOT BERNSTEIN: He was dead.

7 MR. MANCERI: That's when the order was
8 signed, yes, your Honor.

9 THE COURT: He filed it, physically came
10 to court.

11 MR. ELIOT BERNSTEIN: Oh.

12 THE COURT: So let me see when he actually
13 filed it and signed the paperwork. November.
14 What date did your dad die?

15 MR. ELIOT BERNSTEIN: September. It's
16 hard to get through. He does a lot of things
17 when he's dead.

18 THE COURT: I have all of these waivers by
19 Simon in November. He tells me Simon was dead
20 at the time.

21 MR. MANCERI: Simon was dead at the time,
22 your Honor. The waivers that you're talking
23 about are waivers from the beneficiaries, I
24 believe.

25 THE COURT: No, it's waivers of

♀

00026

1 accountings.

2 MR. MANCERI: Right, by the beneficiaries.

3 THE COURT: Discharge waiver of service of
4 discharge by Simon, Simon asked that he not
5 have to serve the petition for discharge.

6 MR. MANCERI: Right, that was in his
7 petition. When was the petition served?

8 THE COURT: November 21st.

9 MR. SPALLINA: Yeah, it was after his date
10 of death.

11 THE COURT: Well, how could that happen
12 legally? How could Simon --

13 MR. MANCERI: Who signed that?

14 THE COURT: -- ask to close and not serve
15 a petition after he's dead?

16 MR. MANCERI: Your Honor, what happened
17 was is the documents were submitted with the
18 waivers originally, and this goes to
19 Mr. Bernstein's fraud allegation. As you know,
20 your Honor, you have a rule that you have to
21 have your waivers notarized. And the original
22 waivers that were submitted were not notarized,
23 so they were kicked back by the clerk. They
24 were then notarized by a staff person from
25 Tescher and Spallina admittedly in error. They

♀

00027

In Re_ The Estate of Shirley Bernstein.txt
1 should not have been notarized in the absentia
2 of the people who purportedly signed them. And
3 I'll give you the names of the other siblings,
4 that would be Pamela, Lisa, Jill, and Ted
5 Bernstein.

6 THE COURT: So let me tell you because I'm
7 going to stop all of you folks because I think
8 you need to be read your Miranda warnings.

9 MR. MANCERI: I need to be read my Miranda
10 warnings?

11 THE COURT: Everyone of you might have to
12 be.

13 MR. MANCERI: Okay.

14 THE COURT: Because I'm looking at a
15 formal document filed here April 9, 2012,
16 signed by Simon Bernstein, a signature for him.

17 MR. MANCERI: April 9th, right.

18 THE COURT: April 9th, signed by him, and
19 notarized on that same date by Kimberly. It's
20 a waiver and it's not filed with The Court
21 until November 19th, so the filing of it, and
22 it says to The Court on November 19th, the
23 undersigned, Simon Bernstein, does this, this,
24 and this. Signed and notarized on April 9,
25 2012. The notary said that she witnessed Simon

♀

00028

1 sign it then, and then for some reason it's not
2 filed with The Court until after his date of
3 death with no notice that he was dead at the
4 time that this was filed.

5 MR. MANCERI: Okay.

6 THE COURT: All right, so stop, that's
7 enough to give you Miranda warnings. Not you
8 personally --

9 MR. MANCERI: Okay.

10 THE COURT: Are you involved? Just tell
11 me yes or no.

12 MR. SPALLINA: I'm sorry?

13 THE COURT: Are you involved in the
14 transaction?

15 MR. SPALLINA: I was involved as the
16 lawyer for the estate, yes. It did not come to
17 my attention until Kimberly Moran came to me
18 after she received a letter from the Governor's
19 Office stating that they were investigating
20 some fraudulent signatures on some waivers that
21 were signed in connection with the closing of

In Re_ The Estate of Shirley Bernstein.txt
22 the estate.

23 THE COURT: What about the fact, counsel,
24 let me see who signed this. Okay, they're all
25 the same as to -- so let me ask this, I have a

♀

00029

1 document where Eliot, you're Eliot, right?

2 MR. ELIOT BERNSTEIN: Yes, sir.

3 THE COURT: Where you purportedly waived
4 accounting, agreed to a petition to discharge
5 on May 15th, and you signed that. Do you
6 remember doing that? Do you remember that or
7 not? I'm looking at it.

8 MR. ELIOT BERNSTEIN: I remember signing
9 it and sending it with a disclaimer that I was
10 signing it because my father was under duress
11 and only to relieve this stress that he was
12 being --

13 THE COURT: Well, I don't care -- I'm not
14 asking you why you signed it.

15 MR. ELIOT BERNSTEIN: I also signed it
16 with the expressed -- when I signed it I was
17 coned by Mr. Spallina that he was going to send
18 me all the documents of the estate to review.
19 I would have never lied on this form when I
20 signed it. It's saying that I saw and I never
21 saw --

22 THE COURT: Let me ask you --

23 MR. ELIOT BERNSTEIN: I lied.

24 THE COURT: Did you have your signature
25 notarized?

♀

00030

1 MR. ELIOT BERNSTEIN: No.

2 THE COURT: Kimberly Moran never signed or
3 notarized his signature?

4 MR. MANCERI: Yes, your Honor, and that's
5 been addressed with the Governor's office.

6 THE COURT: You need to address this with
7 me.

8 MR. MANCERI: I am going to address it
9 with you.

10 THE COURT: Here's what I don't understand
11 because this is part of the problem here, is
12 that Shirley has an estate that's being
13 administered by Simon.

14 MR. MANCERI: Correct.

15 THE COURT: There comes a time where they

In Re_ The Estate of Shirley Bernstein.txt
16 think it's time to close out the estate.

17 MR. MANCERI: Correct.

18 THE COURT: Waivers are sent out, that's
19 kind of SOP, and people sign off on that.

20 MR. MANCERI: Right.

21 THE COURT: And why are they held up for
22 six months, and when they're filed it's after
23 Simon is already deceased?

24 MR. MANCERI: They were originally filed
25 away, your Honor, under the signature of the

♀

00031

1 people.

2 THE COURT: No, they weren't filed, that's
3 the whole thing. I'm looking at the file date,
4 filed with The Court.

5 MR. MANCERI: No, they were returned by
6 the clerk because they didn't have
7 notarization. We have affidavits from all
8 those people, Judge.

9 THE COURT: Well you may have that they
10 got sent up here.

11 MR. MANCERI: We have affidavits from all
12 of those people.

13 MR. ELIOT BERNSTEIN: Including Simon?

14 THE COURT: Slow down. You know how we
15 know something is filed? We see a stamp.

16 MR. MANCERI: It's on the docket sheet, I
17 understand.

18 THE COURT: So it's stamped in as filed in
19 November. The clerk doesn't have -- now, they
20 may have rejected it because it wasn't
21 notarized, and that's perhaps what happened,
22 but if in the meantime waiting cured the
23 deficiency of the document, two things happen
24 you're telling me, one, Simon dies.

25 MR. MANCERI: Correct.

♀

00032

1 THE COURT: And when those documents are
2 filed with the clerk eventually in November
3 they're filed and one of the documents says, I,
4 Simon, in the present.

5 MR. MANCERI: Of Ms. Moran.

6 THE COURT: No, not physically present, I
7 Simon, I would read this in November Simon
8 saying I waive -- I ask that I not have to have
9 an accounting and I want to discharge, that

In Re_ The Estate of Shirley Bernstein.txt
request is being made in November.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. MANCERI: Okay.

THE COURT: He's dead.

MR. MANCERI: I agree, your Honor.

THE COURT: Who filed that document?

MR. MANCERI: Robert, do you know who
filed that document in your office?

MR. SPALLINA: I would assume Kimberly
did.

MR. MANCERI: Ms. Moran.

THE COURT: Who is she?

MR. MANCERI: She's a staff person at
Teschler and Spallina.

THE COURT: When she filed these, and one
would think when she filed these the person who
purports to be the requesting party is at least

♀

00033

1 alive.

2 MR. MANCERI: Understood, Judge.

3 THE COURT: Not alive. So, well -- we're
4 going to come back to the notary problem in a
5 second.

6 MR. MANCERI: Okay.

7 THE COURT: In the meantime, based upon
8 all that I discharge the estate, it's closed.

9 Here's what I don't understand on your
10 side, you're representing yourself, but the
11 rules still apply. You then file, Eliot
12 Bernstein, emergency petitions in this closed
13 estate, it's closed.

14 MR. ELIOT BERNSTEIN: You reopened it.

15 THE COURT: When did I reopen it?

16 MR. MANCERI: No, it hasn't been reopened,
17 your Honor.

18 THE COURT: There's an order that I
19 entered in May of 2013 denying an emergency
20 petition to freeze assets. You filed this one
21 in May. Do you remember doing that?

22 MR. ELIOT BERNSTEIN: I believe so.

23 THE COURT: And what you said was there's
24 an emergency in May, you want to freeze the
25 estate assets appointing you PR, investigate

♀

00034

1 the fraud documents, and do a whole host of
2 other things, and the estate had been closed.
3 The reason why it was denied among other

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


ADMINISTRATIVE ORDER NO. 3.203-9/08*

IN RE: UNIFORM PRETRIAL PROCEDURES
IN CIVIL ACTIONS

Pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED** as follows:

Pursuant to Rule 1.200, Florida Rules of Civil Procedure and Rule 2.545, Rules of Judicial Administration, the attached orders (except for the time deadlines) shall constitute the uniform pretrial orders for circuit court civil actions. Time deadlines may vary in the orders.

29 **DONE** and **ORDERED** in Chambers at West Palm Beach, Palm Beach County, Florida, this day of September, 2008.


Kathleen J. Kroll
Chief Judge

*supersedes admin. order no. 3.001-6/05

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

CASE NO.

Plaintiff,
vs.

Defendant.
_____ /

**ORDER SETTING JURY TRIAL AND
DIRECTING PRETRIAL AND MEDIATION PROCEDURES**

I. SCHEDULING

This action is set for jury trial on the calendar beginning _____ at 9:45 o'clock a.m. **YOU MUST APPEAR AT 9:00 O'CLOCK A.M. ON FRIDAY, _____, IN COURTROOM _____, PALM BEACH COUNTY COURTHOUSE, 205 NORTH DIXIE HIGHWAY, WEST PALM BEACH, FLORIDA FOR THE JURY CALENDAR CALL.** (_____ days reserved).

The trial will be scheduled sometime during the calendar beginning _____, at a date and time to be provided at the calendar call, subject to the court's ordering a later case setting.

II. UNIFORM PRETRIAL PROCEDURE

A. On the last business day no later than **120 DAYS PRIOR TO CALENDAR CALL**, the parties shall exchange lists of all trial exhibits, names and addresses of all trial witnesses, and names and addresses of all expert witnesses.

B. On the last business day no later than **60 DAYS PRIOR TO CALENDAR CALL**, the parties shall exchange lists of names and addresses of all rebuttal witnesses.

C. In addition to names and addresses of each expert retained to formulate an expert opinion with regard to this cause, both on the initial listing and on rebuttal, the parties shall provide:

1. the subject matter about which the expert is expected to testify;
2. the substance of the facts and opinions to which the expert is expected to testify;
3. a summary of the grounds for each opinion;
4. a copy of any written reports issued by the expert regarding this case; and
5. a copy of the expert's curriculum vitae.

D. On the last business day no later than **30 DAYS PRIOR TO CALENDAR CALL**, the parties shall confer and:

1. discuss settlement;
2. simplify the issues and stipulate, in writing, as to as many facts and issues as possible;
3. prepare a Pre-Trial Stipulation in accordance with paragraph E; and
4. list all objections to trial exhibits.

E. **PRETRIAL STIPULATIONS MUST BE FILED.** It shall be the duty of counsel for the Plaintiff to see that the Pre-Trial Stipulation is drawn, executed by counsel for all parties, and filed with the Clerk no later than **20 DAYS PRIOR TO CALENDAR CALL**. **UNILATERAL PRETRIAL STATEMENTS ARE DISALLOWED, UNLESS APPROVED BY THE COURT, AFTER NOTICE AND HEARING SHOWING GOOD CAUSE.** Counsel for all parties are charged with good faith cooperation in this regard. The Pre-Trial Stipulation shall contain in separately numbered paragraphs:

1. a list of all pending motions including MOTIONS IN LIMINE and FRYE MOTIONS requiring action by the Court and the dates those motions are set for hearing (MOTIONS IN LIMINE and FRYE HEARINGS shall not be heard the day of trial or thereafter.)
2. stipulated facts which require no proof at trial which may be read to the trier of fact;
3. a statement of all issues of fact for determination at trial;
4. each party's numbered list of trial exhibits with specific objections, if any, to schedules attached to the Stipulation;
5. each party's numbered list of trial witnesses with addresses (including all known rebuttal witnesses); the list of witnesses shall be on separate schedules attached to the Stipulation;
6. a statement of estimated trial time;
7. names of attorneys to try case; and
8. number of peremptory challenges per party.

F. **FILING OF PRE-TRIAL STIPULATION.** Failure to file the Pre-Trial Stipulation or a Court Approved Unilateral Stipulation as above provided may result in the case being stricken from the Court's calendar at its sounding or other sanctions.

G. **ADDITIONAL EXHIBITS, WITNESSES OR OBJECTIONS.** At trial, the parties shall be strictly limited to exhibits and witnesses disclosed and objections reserved on the schedules attached to the Pre-Trial Stipulation prepared in accordance with paragraphs D and E, absent agreement specifically stated in the Pre-Trial Stipulation or order of the Court upon good cause shown. Failure to reserve objections constitutes a waiver. A party desiring to use an exhibit or witness discovered after counsel have conferred pursuant to paragraph D shall immediately furnish the Court and other counsel with a description of the exhibit or with the witness' name and address and the expected subject matter of the witness' testimony, together with the reason for the late discovery of the exhibit or witness. Use

of the exhibit or witness may be allowed by the Court for good cause shown or to prevent manifest injustice.

H. DISCOVERY. Unless otherwise agreed in the Pre-Trial Stipulation, all discovery must be completed no later than **10 DAYS BEFORE THE DATE SET FOR CALENDAR CALL**, absent agreement for later discovery specifically stated in the Pre-Trial Stipulation or for other good cause shown.

I. PRE-TRIAL CONFERENCE. No pre-trial conference pursuant to Fla. R. Civ. P. 1.200 is set by the Court on its own motion. If a pre-trial conference is set upon motion of a party, counsel shall meet and prepare a stipulation pursuant to paragraphs D and E and file the stipulation no later than **5 DAYS BEFORE THE CONFERENCE**. Failure to request a pre-trial conference in a timely fashion constitutes a waiver of the notice of requirement of Rule 1.200. Motions for Summary Judgment will not be heard at any pre-trial conference.

J. UNIQUE QUESTIONS OF LAW. Prior to calendar call, counsel for the parties are directed to exchange and simultaneously submit to the Court appropriate memoranda with citations to legal authority in support of any unique legal questions which may reasonably be anticipated to arise during the trial.

K. MODIFICATION TO UNIFORM PRE-TRIAL PROCEDURE. Upon written stipulation of the parties filed with the court, the Pre-Trial Procedure, except for items II D-F, inclusive, may be modified in accordance with the parties' stipulation, except to the extent that the stipulation may interfere with the Court's scheduling of the matter for trial or hinder the orderly progress of the trial.

L. PREMARKING EXHIBITS. Prior to trial, each party shall meet with and assist the clerk in marking for identification all exhibits, as directed by the clerk.

M. DEPOSITION DESIGNATIONS. No later than **20 DAYS PRIOR TO CALENDAR CALL**, each party shall serve his, her, or its designation of depositions, or portions of depositions, each intends to offer as testimony in his, her or its case in chief. No later than **10 DAYS PRIOR TO CALENDAR CALL**, each opposing party shall serve his, her, or its counter (or "fairness") designations to portions of depositions designated, together with objections to the depositions, or portions thereof, originally designated. No later than calendar call, each party shall serve his, her or its objections to counter designations served by an opposing party.

III. MEDIATION

A. All parties are required to participate in mediation.

1. The appearance of counsel who will try the case and representatives of each party with full authority to enter into a complete compromise and settlement is mandatory. If insurance is involved, an adjuster with authority up to the policy limits or the most recent demand, whichever is lower, shall attend.

2. At least **ONE WEEK BEFORE THE CONFERENCE**, all parties shall file with the mediator a brief, written summary of the case containing a list of issues as to each party. If an

4. The mediator has no power to compel or enforce a settlement agreement. If a settlement is reached, it shall be the responsibility of the attorneys or parties to reduce the agreement to writing and to comply with Florida Rule of Civil Procedure 1.730(b), unless waived.

B. The Plaintiff's attorney shall be responsible for scheduling mediation. The parties should agree on a mediator. If they are unable to agree, any party may apply to the Court for appointment of a mediator in conformity with Rule 1.720 (f), Fla. R. Civ. P. The lead attorney or party shall file and serve on all parties and the mediator a Notice of Mediation giving the time, place, and date of the mediation and the mediator's name. The mediator shall be paid \$175.00 per hour, unless otherwise agreed by the parties.

C. Completion of mediation is a prerequisite to trial. If mediation is not conducted, or if a party fails to participate in mediation, the case may be stricken from the trial calendar, pleadings may be stricken, and other sanctions may be imposed.

D. Any party opposing mediation may proceed under Florida Rule of Civil Procedure 1,700(b).

IV. NONCOMPLIANCE

NONCOMPLIANCE WITH ANY PORTION OF THIS ORDER MAY RESULT IN THE STRIKING OF THE CASE, WITNESSES, OR EXHIBITS, OR IMPOSITION OF SUCH OTHER SANCTIONS AS ARE JUST.

DONE AND ORDERED in West Palm Beach, Palm Beach County, Florida this _____ day of _____, 2005.

Circuit Court Judge

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

SE NO.

Plaintiff,
vs.

Defendant.
_____ /

**ORDER SETTING NON-JURY TRIAL AND
DIRECTING PRETRIAL AND MEDIATION PROCEDURES**

I. SCHEDULING

This action is set for non-jury trial on the calendar beginning _____ at 9:45 o'clock a.m. **YOU MUST APPEAR AT 10:00 O'CLOCK A.M. ON FRIDAY, _____, IN COURTROOM___, PALM BEACH COUNTY COURTHOUSE, 205 NORTH DIXIE HIGHWAY, WEST PALM BEACH, FLORIDA FOR THE NON-JURY CALENDAR CALL.** (_____ days reserved).

The trial will be scheduled sometime during the calendar beginning _____, at a date and time to be provided at the calendar call, subject to the court's ordering a later case setting.

II. UNIFORM PRETRIAL PROCEDURE

A. On the last business day no later than **60 DAYS PRIOR TO CALENDAR CALL**, the parties shall exchange lists of all trial exhibits, names and addresses of all trial witnesses, and names and addresses of all expert witnesses.

B. On the last business day no later than **30 DAYS PRIOR TO CALENDAR CALL**, the parties shall exchange lists of names and addresses of all rebuttal witnesses.

C. In addition to names and addresses of each expert retained to formulate an expert opinion with regard to this cause, both on the initial listing and on rebuttal, the parties shall provide:

1. the subject matter about which the expert is expected to testify;
2. the substance of the facts and opinions to which the expert is expected to testify;
3. a summary of the grounds for each opinion;
4. a copy of any written reports issued by the expert regarding this case; and

5. a copy of the expert's curriculum vitae.

D. On the last business day no later than **20 DAYS PRIOR TO CALENDAR CALL**, the parties shall confer and:

1. discuss settlement;
2. simplify the issues and stipulate, in writing, as to as many facts and issues as possible;
3. prepare a Pre-Trial Stipulation in accordance with paragraph E; and
4. list all objections to trial exhibits.

E. **PRETRIAL STIPULATIONS MUST BE FILED.** It shall be the duty of counsel for the Plaintiff to see that the Pre-Trial Stipulation is drawn, executed by counsel for all parties, and filed with the Clerk no later than **20 DAYS PRIOR TO CALENDAR CALL**. **UNILATERAL PRETRIAL STATEMENTS ARE DISALLOWED, UNLESS APPROVED BY THE COURT, AFTER NOTICE AND HEARING SHOWING GOOD CAUSE.** Counsel for all parties are charged with good faith cooperation in this regard. The Pre-Trial Stipulation shall contain in separately numbered paragraphs:

1. a list of all pending motions requiring action by the Court and the dates those motions are set for hearing;
2. stipulated facts which require no proof at trial which may be read to the trier of fact;
3. a statement of all issues of fact for determination at trial;
4. each party's numbered list of trial exhibits with specific objections, if any, to schedules attached to the Stipulation;
5. each party's numbered list of trial witnesses with addresses (including all known rebuttal witnesses); the list of witnesses shall be on separate schedules attached to the Stipulation;
6. a statement of estimated trial time;
7. names of attorneys to try case.

F. **FILING OF PRE-TRIAL STIPULATION.** Failure to file the Pre-Trial Stipulation or a Court Approved Unilateral Stipulation as above provided may result in the case being stricken from the Court's calendar at its sounding or other sanctions.

G. **ADDITIONAL EXHIBITS, WITNESSES OR OBJECTIONS.** At trial, the parties shall be strictly limited to exhibits and witnesses disclosed and objections reserved on the schedules attached to the Pre-Trial Stipulation prepared in accordance with paragraphs D and E, absent agreement specifically stated in the Pre-Trial Stipulation or order of the Court upon good cause shown. Failure to reserve objections constitutes a waiver. A party desiring to use an exhibit or witness discovered after counsel have conferred pursuant to paragraph D shall immediately furnish the Court and other counsel with a description of the exhibit or with the witness' name and address and the expected subject matter of the witness' testimony, together with the reason for the late discovery of the exhibit or witness. Use of the exhibit or witness may be allowed by the Court for good cause shown or to prevent manifest injustice.

H. DISCOVERY. Unless otherwise agreed in the Pre-Trial Stipulation, all discovery must be completed no later than **10 DAYS BEFORE THE DATE SET FOR CALENDAR CALL**, absent agreement for later discovery specifically stated in the Pre-Trial Stipulation or for other good cause shown.

I. PRE-TRIAL CONFERENCE. No pre-trial conference pursuant to Fla. R. Civ. P. 1.200 is set by the Court on its own motion. If a pre-trial conference is set upon motion of a party, counsel shall meet and prepare a stipulation pursuant to paragraphs D and E and file the stipulation no later than **5 DAYS BEFORE THE CONFERENCE**. Failure to request a pre-trial conference in a timely fashion constitutes a waiver of the notice of requirement of Rule 1.200. Motions for Summary Judgment will not be heard at any pre-trial conference.

J. UNIQUE QUESTIONS OF LAW. On the date of trial, counsel for the parties are directed to submit to the Court appropriate memoranda with citations to legal authority in support of any unique legal questions which may reasonably be anticipated to arise during the trial.

K. MODIFICATION TO UNIFORM PRE-TRIAL PROCEDURE. Upon written stipulation of the parties filed with the Court, the Pre-Trial Procedure, except for items II D-F, inclusive, may be modified in accordance with the parties' stipulation, except to the extent that the stipulation may interfere with the Court's scheduling of the matter for trial or hinder the orderly progress of the trial.

L. PREMARKING EXHIBITS. Parties shall pre-mark all exhibits in the manner customarily used by the Clerk of Court.

M. DEPOSITION DESIGNATIONS. No later than **20 DAYS PRIOR TO CALENDAR CALL**, each party shall serve his, her, or its designation of depositions, or portions of depositions, each intends to offer as testimony in his, her or its case in chief. No later than **10 DAYS PRIOR TO CALENDAR CALL**, each opposing party shall serve his, her, or its counter (or "fairness") designations to portions of depositions designated, together with objections to the depositions, or portions thereof, originally designated. No later than calendar call, each party shall serve his, her or its objections to counter designations served by an opposing party.

III. MEDIATION

A. All parties are required to participate in mediation.

1. The appearance of counsel who will try the case and representatives of each party with full authority to enter into a complete compromise and settlement is mandatory. If insurance is involved, an adjuster with authority up to the policy limits or the most recent demand, whichever is lower, shall attend.

2. At least **ONE WEEK BEFORE THE CONFERENCE**, all parties shall file with the mediator a brief, written summary of the case containing a list of issues as to each party. If an attorney or party filing the summary wishes its content to remain confidential, he/she must advise the mediator in writing when the report is filed.

3. All discussions, representations, and statements made at the mediation conference shall be privileged consistent with Florida Statutes sections 44.102 and 90.408.

4. The mediator has no power to compel or enforce a settlement agreement. If a settlement is reached, it shall be the responsibility of the attorneys or parties to reduce the agreement to writing and to comply with Florida Rule of Civil Procedure 1.730(b), unless waived.

B. The Plaintiff's attorney shall be responsible for scheduling mediation. The parties should agree on a mediator. If they are unable to agree, any party may apply to the Court for appointment of a mediator in conformity with Rule 1.720 (f), Fla. R. Civ. P. The lead attorney or party shall file and serve on all parties and the mediator a Notice of Mediation giving the time, place, and date of the mediation and the mediator's name. The mediator shall be paid \$175.00 per hour, unless otherwise agreed by the parties.

C. Completion of mediation is a prerequisite to trial. If mediation is not conducted, or if a party fails to participate in mediation, the case may be stricken from the trial calendar, pleadings may be stricken, and other sanctions may be imposed.

D. Any party opposing mediation may proceed under Florida Rule of Civil Procedure 1,700(b).

IV. NONCOMPLIANCE

NONCOMPLIANCE WITH ANY PORTION OF THIS ORDER MAY RESULT IN THE STRIKING OF THE CASE, WITNESSES, OR EXHIBITS, OR IMPOSITION OF SUCH OTHER SANCTIONS AS ARE JUST.

DONE AND ORDERED in West Palm Beach, Palm Beach County, Florida this _____ day
of _____, 2005.

Circuit Court Judge

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL

IN RE: ESTATE OF PROBATE DIVISION

SHIRLEY BERNSTEIN, File No. 502011 CP000653XXXXSB

Deceased.

PETITION FOR ADMINISTRATION
(testate Florida resident)

Petitioner, SIMON L. BERNSTEIN, alleges:

1. Petitioner has an interest in the above estate as the named personal representative under the decedent's Will. The Petitioner's address is 7020 Lions Head Lane, Boca Raton, Florida 33496, and the name and office address of petitioners attorney are set forth at the end of this Petition.

2. Decedent, SHIRLEY BERNSTEIN, whose last known address was 7020 Lions Head Lane, Boca Raton, Florida 33496, whose age was 71, and whose social security number is xxx-xx-9749, died on December 8, 2010, at her 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)
Simon L. Bernstein	7020 Lions Head Lane Boca Raton, FL 33496	husband	adult
Ted S. Bernstein	880 Berkeley Street Boca Raton, FL 33487	son	adult
Pamela B. Simon	950 North Michigan Avenue, Snite 2603 Chicago, IL 60606	daughter	adult
Eliot Bernstein	2753 NW 34 th St. Boca Raton, FL 33434	son	adult

2011 FEB 10 AM 8:40
SHIRLEY BERNSTEIN
PALM BEACH COUNTY
SOUTH CITY ANN



Jill Iantoni	2101 Magnolia Lane Highland Park, IL 60035	daughter	adult
Lisa S. Friedstein	2142 Churchill Lane highland Park, IL 60035	daughter	adult

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

5. Simon L. Bernstein, whose address is listed above, and who is qualified under the laws of the State of Florida to serve as personal representative of the decedent's estate is entitled to preference in appointment as personal representative because he is the person designated to serve as personal representative 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 \$ TBD.

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

8. The original of the decedent's last will, dated May 20, 2008, 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.

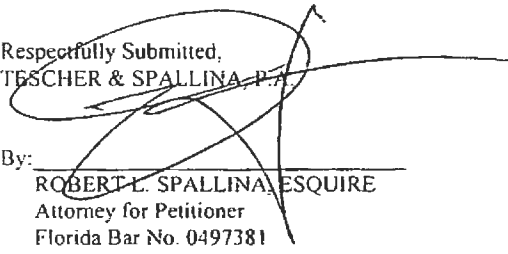
Petitioner requests that the decedent's Will be admitted to probate and that Simon L. Bernstein be appointed as personal representative of the estate of the decedent.

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

Signed on Feb 9, 2011.


SIMON L. BERNSTEIN, Petitioner

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



Eliot Ivan Bernstein

From: Ben Brown <bbrown@matbrolaw.com>
Sent: Friday, September 19, 2014 11:35 AM
To: Eliot Ivan Bernstein
Cc: Linda McDaniel; Ben Brown
Subject: RE: Eliot Bernstein request for information.
Attachments: FW: Bernstein - bank account statements (4.02 MB)

Hi Eliot-

We are getting all of the account statements that we have together to send to you. Please note we do not have any statements for your mother or either of the trusts; all we have are statements for accounts that your father held individually. Also, please see the attached e-mail from 7/16 that attached some of the account statements. We also believe that there were additional account statements in the T&S documents provided to you; however, we will include those statements again in the set we are going to send you (we will try to send the set in a series of pdf's).

We have not received the tax returns from the IRS yet. As soon as we do, we will send them to you and to Brian.

Regards,

Ben

Benjamin P. Brown, Esq.
625 North Flagler Drive
Suite 401
West Palm Beach, FL 33401
(561) 651-4004

From: Eliot Ivan Bernstein [<mailto:iviewit@gmail.com>]

Sent: Friday, September 19, 2014 11:08 AM

To: Ben Brown

Cc: 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.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Michele M. Mulrooney ~ Partner @ Venable LLP

Subject: Eliot Bernstein request for information.

Ben, nice seeing you at Court and per the hearing I am requesting that you send me all the information you stated before Judge Colin you would send me regarding the accounting backup information, including but not limited to, all account statements you have for any accounts on the accounting and especially the JP Morgan account histories for

Shirley and Simon and the IRS certified copies you ordered and any other germane issue that provides back up to your accounting submitted and your amended accounting submitted.

Thanks,

Eliot

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>

NOTICE: Due to Presidential Executive Orders, the National Security Agency may have read this email without warning, warrant, or notice. They may do this without any judicial or legislative oversight and it can happen to ordinary Americans like you and me. You have no recourse nor protection save to vote against any incumbent endorsing such unlawful acts.

CONFIDENTIALITY NOTICE:

This message and any attachments are covered by the Electronic Communications Privacy Act, 18 U.S.C. SS 2510-2521. This e-mail message is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message or call (561) 245-8588. If you are the intended recipient but do not wish to receive communications through this medium, please so advise the sender immediately.

*The Electronic Communications Privacy Act, 18 U.S.C. 119 Sections 2510-2521 et seq., governs distribution of this "Message," including attachments. The originator intended this Message for the specified recipients only; it may contain the originator's confidential and proprietary information. The originator hereby notifies unintended recipients that they have received this Message in error, and strictly proscribes their Message review, dissemination, copying, and content-based actions. Recipients-in-error shall notify the originator immediately by e-mail, and delete the original message. Authorized carriers of this message shall expeditiously deliver this Message to intended recipients. See: Quon v. Arch.

Wireless Copyright Notice. Federal and State laws govern copyrights to this Message. You must have the originator's full written consent to alter, copy, or use this Message. Originator acknowledges others' copyrighted content in this Message. Otherwise, Copyright © 2011 by originator Eliot Ivan Bernstein, iviewit@iviewit.tv and www.iviewit.tv. All Rights Reserved.