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

In re, Estate of Simon L. Bernstein, Probate Division: IH

 File No. 502012CP4391XXXXNB Deceased Honorable Rosemarie Scher

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**URGENT Motion to Reschedule March 02 2017 Continuation Hearing and Extension of Time**

1. I am Eliot I. Bernstein (“Eliot”) acting pro se and am a natural child and son of the deceased, Simon L. Bernstein.
2. I am thus an interested party with standing and a named beneficiary in these proceedings under Simon Bernstein’s Will.
3. I spoke with Your Honor’s JA Harriett Merlin this morning after attempting to get Voluntary agreements from the involved lawyers and parties to Reschedule the Continuation Hearings of March 2, 2017 and after only hearing back from Attorney Alan Rose on behalf of Ted Bernstein who are the primary parties exposed and involved in the Frauds upon this Court with these parties not agreeing to any schedule change. As I explain below, I could appear telephonically on March 2nd, 2017 which is currently scheduled for Continuation hearings to instead use the allotted Court time for a Re-scheduling conference.
4. I explained my situation to Judicial Assistant Merlin and she gave me permission to additionally send this pleading to your email address due to the time constraint and additionally served this Motion to all parties after filing it today. I explained to JA Merlin that I had a full Doctor’s letter to support my request and your Honor may recall on Feb. 16th, 2017 that I showed your Honor in Court some of the medical-dental work that is significant and ongoing and involves medically prescribed Narcotic pain medication and muscle relaxers that inhibit my ability for critical thinking and actions and limits these times to short periods of time each day.
5. Due to medical reasons defined herein I was unable to fully prepare for these hearings for almost 4 weeks having short periods of time that I am able to work each day based on the pain and pain medication treatment. On January 23, 2017 I was at the dentist and while he was performing routine maintenance on a full lower bridge, the bridge broke in half leaving me with 8 steel spikes that are implanted in my gums exposed until Monday the 20th of February when a new bridge was inserted, this time period involving the several weeks before the Feb. 9th, 2017 Deadline when newly discovered evidence was submitted by Alan Rose and Brian O’Connell anyway and continued until almost a full week after the Feb. 16th, 2017 part of the hearings.
6. Per the attached Exhibit 1, Dental Letter, the Court can see that I was heavily medicated and unable to work with any significance while on a combination of narcotic analgesics and muscle relaxers throughout the time that the teeth were missing, which caused massive headaches worse than migraines, the shearing of the my gums and cheeks from the nails and lack of any bite whatsoever. I was unable to work or even lift my head from bed for most of that time due to the TMJ etc.
7. I am seeking to Reschedule the March 2, 2017 Continuation Hearings as I mentioned on the record in the first hearing on February 16, 2017 and respectfully request an equal amount of time to prepare as was missed of 28 days to prepare properly for these hearings, especially where new evidence that proves further fraud on the court was learned as of the Feb. 9th, 2017 deadline and at the February 16, 2017 hearing. See Prior Filing from Feb 16, 2017 Docket Entry [541] appropriately titled,

“MOTION UNDER FLORIDA RULES OF CIVIL PROCEDURE 1.540(B)(3) AND 1.540(B)(4) TO VACATE-AMENDED-MODIFY IN PART THE CASE MANAGEMENT CONFERENCE ORDER OF 12/13/16 BASED UPON NEWLY DISCOVERED EVIDENCE, DISCOVERED ON 02/09/17 INVOLVING ADMISSIONS-STATEMENTS OF PR FIDUCIARY BRIAN O'CONNELL, ALSO AN OFFICER OF THE COURT, PROVING ONGOING FRAUD UPON THE COURT IN GENERAL AND UPON THIS VERY COURT OF JUDGE SCHER OF THE NORTHERN BRANCH OF PALM BEACH COUNTY BY ATTORNEY ALAN ROSE WAND WITH SUCH CASE MANAGEMENT ORDER ISSUED UPON FRAUD UPON THE COURT W/O CONSIDERATION OF THE SCHEDULE AND MOTION SUBMITTED BY ESTATE BENEFICIARY ELIOT I. BERNSTEIN B) ESTABLISH THE ORDERLY STRUCTURE FOR EVIDENTIARY HRGS INCLUDING DISCOVERY AND DEPOSITIONS, WITNESS LISTS, EXHIBITS & PROPER TIME ALLOTTED FOR THE EVIDENTIARY HEARINGS; C) IN OPPOSITION TO THE MOTIONS BY TRUSTEE TED BERNSTEIN, ATTORNEY ALAN ROSE & PR O'CONNELL TO RETAIN ALAN ROSE & THE ROSE LAW FIRM TO REPRESENT THE ESTATE IN ANY CAPACITY & IN OPPOSITIONS TO APPT OF TED AS ADMIN. AD LITEM FOR THE ESTATE IN ANY CAPACITY AND IN OPPOSITION TO ALL RELIEF SOUGHT BY TRUSTEE TED BERNSTEIN, ALAN ROSE, THE ROSE LAW FIRM & PR O'CONNELL OBO THE ESTATE OF SIMON BERNSTEIN (D) MOT. FOR CONTINUANCE UNDER FLORIDA RULES OF CIVIL PROCEDURE \_\_\_TO PERMIT DISCOVERY & DEPOSITIONS IN ADVANCE OF THE HEARINGS & BASED UPON ONGOING SEVER MEDICAL-DENTAL ISSUES OF ELIOT I. BERNSTEIN (E) MOT. TO STAY & FREEZE ALL ASSETS & DISCOVERY (F) GRANTING LEAVE TO PERMIT ELIOT I. BERNSTEIN SUFFICIENT TIME TO FILE COMPREHENSIVE MOTIONS TO VACATE PRIOR ORDERS & JUDGMENTS OF JUDGE PHILLIPS AND/OR JUDGE COLLIN INCLUDING THE REMOVAL OF TED BERNSTEIN IN ANY FIDUCIARY CAPACITY AND REMOVAL OF PR BRIAN O'CONNELL IN ANY FIDUCIARY CAPACITY; (G) AND FOR SUCH OTHER RELIEF AS LAW & JUSTICE REQUIRES.

1. Alternatively I seek at minimum a 14 Day Rescheduling of the Hearings currently set for March 2, 2017 and could appear Telephonically on March 2, 2017 and use this time for a Special Set hearing for Rescheduling as I also will be seeking to have Judicially issued Subpoenas and Discovery produced from all of the named Witnesses on my Witness list except perhaps Rachel Walker and plan to submit a separate motion on this topic to show the clear and direct relevance to the central issues to be decided by the Court concerning the conflicts and misconduct and fraud of Alan Rose and Ted Bernstein and whether Brian O’Connell has acted properly as a fiduciary to submit any such waiver and the related issues in the hearings.
2. Again, I have asked the parties involved to voluntarily reschedule but Ted Bernstein my brother and acting Trustee and his lawyer Alan Rose have refused and forced me to seek this Court’s Order instead. See Exhibit 2 - Alan Rose Email dated 2/27/17.

WHEREFORE, it is respectfully prayed for an Order setting March 2nd, 2017 or an alternate appropriate date as a Special Set hearing to address the Rescheduling of the Continuation Hearings previously set for this date and further changing the March 2nd, 2017 as continued evidentiary hearings and for such other and further relief as may be just and proper.

Dated: February 28, 2017

**/s/Eliot Ivan Bernstein**

Eliot Ivan Bernstein

2753 NW 34th St

Boca Raton, FL 33434

561-245-8588

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**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 28th day of February, 2017.

**/s/Eliot Ivan Bernstein**

Eliot Ivan Bernstein

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**SERVICE LIST**

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**EXHIBIT 1 - DENTAL LETTER**

**Exhibit 2 - Alan Rose Email dated 2/27/17.**