

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

In re, Estate of Simon L. Bernstein,  
  
Deceased

Probate Division: IH  
File No. 502012CP4391XXXXNB  
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.

8. 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.

9. 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  
[iviewit@iviewit.tv](mailto: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 28th day of February, 2017.

**/s/Eliot Ivan Bernstein**

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

### **SERVICE LIST**

<p>Robert L. Spallina, Esq., Tescher &amp; Spallina, P.A. Boca Village Corporate Center I 4855 Technology Way Suite 720 Boca Raton, FL 33431 rspallina@tescherspallina.com kmoran@tescherspallina.com ddustin@tescherspallina.com</p>	<p>Donald Tescher, Esq., Tescher &amp; Spallina, P.A. Boca Village Corporate Center I 4855 Technology Way Suite 720 Boca Raton, FL 33431 dtescher@tescherspallina.com dtescher@tescherspallina.com ddustin@tescherspallina.com kmoran@tescherspallina.com</p>	<p>Theodore “Ted” Stuart Bernstein Life Insurance Concepts 950 Peninsula Corporate Circle, Suite 3010 Boca Raton, Florida 33487 tbernstein@lifeinsuranceconcepts.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>Alan B. Rose, Esq. Page, Mrachek, Fitzgerald &amp; Rose, P.A. 505 South Flagler Drive, Suite 600 West Palm Beach, Florida 33401 (561) 355-6991 arose@pm-law.com and arose@mrachek-law.com mchandler@mrachek-law.com cklein@mrachek-law.com lmrachek@mrachek-law.com</p>	<p>John J. Pankauski, Esq. Pankauski Law Firm PLLC 120 South Olive Avenue 7th Floor West Palm Beach, FL 33401 (561) 514-0900 courtfilings@pankauskilawfirm.com john@pankauskilawfirm.com</p>
<p>Pamela Beth Simon 950 N. Michigan Avenue Apartment 2603 Chicago, IL 60611 psimon@stpcorp.com</p>	<p>Irwin J. Block, Esq. The Law Office of Irwin J. Block PL 700 South Federal Highway Suite 200 Boca Raton, Florida 33432 ijb@ijblegal.com lamb@kolawyers.com</p>	<p>Kimberly Moran kmoran@tescherspallina.com</p>
<p>Estate of Simon Bernstein Personal Representative Brian M. O’Connell, Partner and Joielle Foglietta, Esq. Ciklin Lubitz Martens &amp; O’Connell 515 N Flagler Drive 20th Floor West Palm Beach, FL 33401 boconnell@ciklinlubitz.com</p>	<p>Peter Feaman, Esquire Peter M. Feaman, P.A. 3695 W. Boynton Beach Blvd. Suite #9 Boynton Beach, FL 33436 Tel: 561.734.5552 Fax: 561.734.5554 pfeaman@feamanlaw.com service@feamanlaw.com mkoskey@feamanlaw.com</p>	<p>Benjamin Brown, Esq., Thornton B Henry, Esq., and Peter Matwiczuk Matwiczuk &amp; Brown, LLP 625 No. Flagler Drive Suite 401 West Palm Beach, FL 33401 bbrown@matbrolaw.com attorneys@matbrolaw.com bhenry@matbrolaw.com pmatwiczuk@matbrolaw.com</p>
<p>Lisa Friedstein 2142 Churchill Lane</p>	<p>John P. Morrissey, P.A. 330 Clematis Street</p>	<p>Jill Iantoni 2101 Magnolia Lane</p>

<p>Highland Park, IL 60035  Lisa@friedsteins.com  lisa.friedstein@gmail.com  lisa@friedsteins.com</p>	<p>Suite 213  West Palm Beach, FL 33401  john@jmorrisseylaw.com</p>	<p>Highland Park, IL 60035  jilliantoni@gmail.com</p>
<p>Matt Logan  2231 Bloods Grove Circle  Delray Beach, FL 33445  matl89@aol.com</p>	<p>Daniel Bernstein, Minor  c/o Eliot and Candice Bernstein,  Parents and Natural Guardians  2753 NW 34th Street  Boca Raton, FL 33434  iviewit@iviewit.tv</p>	<p>Julia Iantoni, a Minor  c/o Guy and Jill Iantoni,  Her Parents and Natural Guardians  210 I Magnolia Lane  Highland Park, IL 60035  jilliantoni@gmail.com</p>
<p>Lindsay Baxley aka Lindsay Giles  lindsay@lifeinsuranceconcepts.com</p>	<p>Carley &amp; Max Friedstein  c/o Jeffrey and Lisa Friedstein  Parents and Natural Guardians  2142 Churchill Lane  Highland Park, IL 6003  Lisa@friedsteins.com  lisa.friedstein@gmail.com</p>	<p>Molly Simon  1731 N. Old Pueblo Drive  Tucson, AZ 85745  molly.simon1203@gmail.com</p>
<p>Shendell &amp; Pollock, P.L.  2700 N. Military Trail, suite 150  Boca Raton, FL 33431  241-2323 Fax: 241-2330  Gary R. Shendell, Esq.  gary@shendellpollock.com  estella@shendellpollock.com  grs@shendellpollock.com  Kenneth S. Pollock, Esq.  ken@shendellpollock.com  britt@shendellpollock.com  Matthew A. Tornincasa, Esq.  matt@shendellpollock.com  robyne@shendellpollock.com</p>		

**EXHIBIT 1 - DENTAL LETTER**

*RONIK S. SEECHARAN*



*D.M.D., P.A.*

*Practice limited to Prosthodontics*

February 15, 2017

To Whom It May Concern:

Mr. Eliot Bernstein is a patient of record in my practice. On January 23, 2017, he fractured a metal reinforced bridge for his lower arch. The bridge cannot be repaired and thus a new bridge had to be sent to the lab for fabrication. As a result, the patient has been without any prosthesis, which definitely has affected his function, esthetics, and tempromandibular disfunction.

Mr. Bernstein has been in treatment with me for full oral rehabilitation as well as for TMD. His TMD symptoms have been controlled with muscle relaxers and small doses of narcotics periodically.

Should you have any further questions, please do not hesitate to contact me.

Sincerely,

Dr. Ronik Seecharan



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

**From:** Alan Rose [mailto:ARose@mrachek-law.com]

**Sent:** Monday, February 27, 2017 5:00 PM

**To:** 'Eliot Ivan Bernstein'; Marie Chandler; 'Anderson, Charlene'; 'attorneys@matbrolaw.com'; 'Benjamin P. Brown'; 'bhenry@matbrolaw.com'; 'Brian M. O'Connell PA ~ Partner @ Ciklin Lubitz Martens & O'Connell'; 'ddustin@tescherspallina.com'; 'Diana Lewis @ ADR & MEDIATIONS SERVICES, LLC - Fla. Bar No. 351350'; 'Don Tescher'; 'Gary R. Shendell'; 'John J. Pankauski'; 'John P. Morrissey Esq. @ John P. Morrissey, P.A.'; 'john@pankauskilawfirm.com'; 'Kenneth S. Pollock'; 'Kimberly Moran ~ Legal Assistant / Notary Public @ Tescher & Spallina, P.A.'; Louis Mrachek; 'Lindsay Baxley aka Lindsay Giles @ Life Insurance Concepts'; 'Mark R. Manceri, Esquere @ Mark R. Manceri, P.A.'; 'Mimi K. McAndrews'; 'mrmlaw1@gmail.com'; 'Pamela Beth Simon'; 'Peter Feaman'; 'Peter Feaman, Esq. ~ Attorney at Law @ Peter M. Feaman, P.A.'; 'pmatwiczky@matbrolaw.com'; 'Robert Spallina'; 'service@feamanlaw.com'; 'William "Bill" Stansbury'

**Cc:** 'Andrew Dietz @ Rock-It Cargo USA, Inc.'; 'Barbara Stone'; 'Barbara Stone Gmail'; 'CANDICE BERNSTEIN'; 'Candice Schwager'; 'Candice Schwager ~ Attorney at Law @ Schwager Law Firm'; 'Caroline Prochotska Rogers Esq.'; 'Frank Brady aka Kevin McKeown @ Expose Corrupt Courts'; 'iviewit@gmail.com'; 'JoAnne M. Denison Esq. @ Denison & Associates, PC'; 'Kevin R. Hall'; 'Michele M. Mulrooney ~ Partner @ Venable LLP'

**Subject:** RE: URGENT VOLUNTARY EXTENSION LETTER FOR SCHER HEARING ON 3.2.17 - NEED AGREEMENT BY 5PM TODAY!

The Trustee does not consent to any delay.

Alan B. Rose, Esq.

[arose@Mrachek-Law.com](mailto:arose@Mrachek-Law.com)

561.355.6991



505 South Flagler Drive  
Suite 600  
West Palm Beach, Florida 33401  
561.655.2250 Phone  
561.655.5537 Fax

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## Eliot Ivan Bernstein

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**From:** Eliot Ivan Bernstein <iviewit@iviewit.tv>  
**Sent:** Monday, February 27, 2017 1:21 PM  
**To:** 'Alan B. Rose Esq. (arose@pm-law.com)'; 'Alan B. Rose Esq. (mchandler@mrachek-law.com)'; 'Anderson, Charlene'; 'arose@mrachek-law.com'; 'attorneys@matbrolaw.com'; 'Benjamin P. Brown (bbrown@matbrolaw.com)'; 'bhenry@matbrolaw.com'; 'Brian M. O'Connell PA ~ Partner @ Ciklin Lubitz Martens & O'Connell (boconnell@ciklinlubitz.com)'; 'ddustin@tescherspallina.com'; 'Diana Lewis @ ADR & MEDIATIONS SERVICES, LLC - Fla. Bar No. 351350 (dzlewis@aol.com)'; 'Don Tescher'; 'Gary R. Shendell (gary@shendellpollock.com)'; 'John J. Pankauski (courtfilings@pankauskilawfirm.com)'; 'John P. Morrissey Esq. @ John P. Morrissey, P.A. (john@jmorrisseylaw.com)'; 'john@pankauskilawfirm.com'; 'Kenneth S. Pollock (ken@shendellpollock.com)'; 'Kimberly Moran ~ Legal Assistant / Notary Public @ Tescher & Spallina, P.A. (kmoran@tescherspallina.com)'; 'L. Louis Mrachek Esq. @ PAGE, MRACHEK, FITZGERALD, ROSE, KONOPKA, THOMAS & WEISS, P.A. (lmrachek@mrachek-law.com)'; 'Lindsay Baxley aka Lindsay Giles @ Life Insurance Concepts (lindsay@lifeinsuranceconcepts.com)'; 'Mark R. Manceri, Esquire @ Mark R. Manceri, P.A. (mrmlaw@comcast.net)'; 'Mimi K. McAndrews (mimi@shendellpollock.com)'; 'mrmlaw1@gmail.com'; 'Pamela Beth Simon (psimon@stpcorp.com)'; 'Peter Feaman (mkoskey@feamanlaw.com)'; 'Peter Feaman, Esq. ~ Attorney at Law @ Peter M. Feaman, P.A. (pfeaman@feamanlaw.com)'; 'pmatwiczky@matbrolaw.com'; 'Robert Spallina'; 'service@feamanlaw.com'; William "Bill" Stansbury (wesgator@msn.com)  
**Cc:** 'Andrew Dietz @ Rock-It Cargo USA, Inc. (andyd@rockitcargo.com)'; Barbara Stone (bstone12@hotmail.com); Barbara Stone Gmail (bstone575@gmail.com); 'CANDICE BERNSTEIN (tourcandy@gmail.com)'; Candice Schwager (attycandie@gmail.com); Candice Schwager ~ Attorney at Law @ Schwager Law Firm (schwagerlawfirm@live.com); 'Caroline Prochotska Rogers Esq. (caroline@cprogers.com)'; 'Eliot I. Bernstein (iviewit@iviewit.tv)'; Frank Brady aka Kevin McKeown @ Expose Corrupt Courts (CorruptCourts@gmail.com); iviewit@gmail.com; JoAnne M. Denison Esq. @ Denison & Associates, PC (jdenison@surfree.com); Kevin R. Hall (kh.itconsultingsalesoffices@gmail.com); 'Michele M. Mulrooney ~ Partner @ Venable LLP (mmulrooney@Venable.com)'  
**Subject:** URGENT VOLUNTARY EXTENSION LETTER FOR SCHER HEARING ON 3.2.17 - NEED AGREEMENT BY 5PM TODAY!  
**Attachments:** EXHIBIT 18 - 20170215 Dr Seecheran Letter Regarding Broken.pdf

**Tracking:**

**Recipient**

**Read**

'Alan B. Rose Esq. (arose@pm-law.com)'

'Alan B. Rose Esq. (mchandler@mrachek-law.com)'

'Anderson, Charlene'

'arose@mrachek-law.com'

'attorneys@matbrolaw.com'

'Benjamin P. Brown (bbrown@matbrolaw.com)'

'bhenry@matbrolaw.com'

'Brian M. O'Connell PA ~ Partner @ Ciklin Lubitz Martens & O'Connell (boconnell@ciklinlubitz.com)'

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'ddustin@tescherspallina.com'

**Recipient****Read**

'Diana Lewis @ ADR & MEDIATIONS SERVICES, LLC -  
Fla. Bar No. 351350 (dzlewis@aol.com)'

'Don Tescher'

'Gary R. Shendell (gary@shendellpollock.com)'

Read: 2/27/2017 7:14 PM

'John J. Pankauski  
(courtfilings@pankauskilawfirm.com)'

'John P. Morrissey Esq. @ John P. Morrissey, P.A.  
(john@jmorrisseylaw.com)'

'john@pankauskilawfirm.com'

'Kenneth S. Pollock (ken@shendellpollock.com)'

'Kimberly Moran ~ Legal Assistant / Notary Public @  
Tescher & Spallina, P.A.  
(kmoran@tescherspallina.com)'

'L. Louis Mrachek Esq. @ PAGE, MRACHEK,  
FITZGERALD, ROSE, KONOPKA, THOMAS & WEISS,  
P.A. (lmrachek@mrachek-law.com)'

Read: 2/27/2017 2:04 PM

'Lindsay Baxley aka Lindsay Giles @ Life Insurance  
Concepts (lindsay@lifeinsuranceconcepts.com)'

'Mark R. Manceri, Esquere @ Mark R. Manceri, P.A.  
(mrmlaw@comcast.net)'

'Mimi K. McAndrews (mimi@shendellpollock.com)'

'mrmlaw1@gmail.com'

'Pamela Beth Simon (psimon@stpcorp.com)'

'Peter Feaman (mkoskey@feamanlaw.com)'

'Peter Feaman, Esq. ~ Attorney at Law @ Peter M.  
Feaman, P.A. (pfeaman@feamanlaw.com)'

'pmatwiczuk@matbrolaw.com'

'Robert Spallina'

'service@feamanlaw.com'

Read: 2/27/2017 1:38 PM

William "Bill" Stansbury (wesgator@msn.com)

'Andrew Dietz @ Rock-It Cargo USA, Inc.  
(andyd@rockitcargo.com)'

Barbara Stone (bstone12@hotmail.com)

Barbara Stone Gmail (bstone575@gmail.com)

'CANDICE BERNSTEIN (tourcandy@gmail.com)'

Candice Schwager (attycandie@gmail.com)

Candice Schwager ~ Attorney at Law @ Schwager Law  
Firm (schwagerlawfirm@live.com)

'Caroline Prochotska Rogers Esq.  
(caroline@cprogers.com)'

'Eliot I. Bernstein (iviewit@iviewit.tv)'

Frank Brady aka Kevin McKeown @ Expose Corrupt  
Courts (CorruptCourts@gmail.com)

**Recipient****Read**

iviewit@gmail.com

JoAnne M. Denison Esq. @ Denison & Associates, PC  
(jdenison@surf.free.com)

Kevin R. Hall (kh.itconsultingsalesoffices@gmail.com)

'Michele M. Mulrooney ~ Partner @ Venable LLP  
(mmulrooney@Venable.com)'

TO ALL PARTIES

I, Eliot Bernstein am seeking a Voluntary Agreement for a preferred 28 day extension but at minimum 14 Days after March 2nd based on the Court's calendar to Reschedule the 3.2.17 Continuation Hearing before Hon. Judge Scher due to medical issues. Please see the attached Doctor's letter in PDF and you are all aware of this based on prior communications and my statement before Judge Scher that I would need time to prepare properly once this trauma was over. Further that this medical caused me to be medicated with narcotic pain medicine and muscle relaxers since Jan 27, 2017 through Feb. 26 2017. I was unable to prepare properly under these circumstances and seek time to prepare for the hearing as stated on the record in 2.16.17 hearing. There is also the additional convenience of William Stansbury who has been ill and having difficulty speaking and of course the new fraud issues raised in my filing of 2-16-17 based upon the newly discovered evidence of 2-9-17. If this can be agreed on then it would be appreciated if whoever scheduled the hearing can get new dates from Scher and notify the Court. If this is not agreed on by 5 pm today I will have to motion the court to delay the hearing and notify them of the inability to get cooperation from the parties. I believe if Alan Rose, Brian O'Connell and Peter Feaman agree to change the hearing this will suffice with the Court. Thanks ~ eb

Eliot I. Bernstein

Inventor, really cool shit that changed your world!

Iviewit Holdings, Inc. – DL

2753 N.W. 34th St.

Boca Raton, Florida 33434-3459

(561) 245.8588 (o)

(561) 886.7628 (c)

[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

<http://www.iviewit.tv>

---

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