

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

CASE NO. 502012CP004391XXXXNBIH
CP - Probate

IN RE:

ESTATE OF SIMON L. BERNSTEIN,

_____ /

**TRUSTEE'S RESPONSE TO ELIOT BERNSTEIN'S URGENT MOTION
TO RESCHEDULE MARCH 2, 2017 CONTINUATION OF HEARING**

Trustee, Ted S. Bernstein ("Trustee"), responds to Eliot Bernstein's ("Eliot") *Urgent Motion to Reschedule March 2, 2017 Continuation of Hearing and Extension of Time*, filed March 1, 2017 (the "Urgent Motion"), and states:

1. The latest Urgent Motion is part of a continuing practice of Eliot to stall or delay these proceedings. Eliot has filed numerous motions for continuance and delay, in this Court and in the Fourth DCA on appeals of order of this Court, always seeking to prevent matters from being heard or decided. This began with his emergency motion to continue the trial set for December 15, 2015 (which had been set three months earlier by order of Judge Phillips). Early the morning of the trial, Eliot filed a voluminous motion for continuance, which Judge Phillips denied.

2. During the appellate proceedings and further proceedings of this Court, Eliot has continued to ask that every matter be delayed or continued for some reason or another, including numerous requests to delay matters for medical reasons. By email dated August 22, 2016 (Ex. 1 attached), Eliot advised that he was unavailable from August 22 through November 5, 2016 – a period of nine weeks which included all of the time Judge Phillips remained on the bench.

3. On November 10, 2016, prior to our first hearing before Your Honor on November 22, 2016, Eliot again requested that the matter be continued and delayed, attaching a doctor's letter claiming he was under too much stress. (Ex 2)

4. Eliot also has filed numerous motions at the Fourth District Court of Appeal seeking extension and delay. His appeals in Consolidated Case Nos. 4D16-1449, -1476 and -1478 was dismissed despite his "medical requests." Eliot moved for rehearing, asserting:

10. Contrary to a lack of prosecution, Appellant proceeded to file Motions with this 4th District Court of Appeals pursuing and prosecuting Appellant's rights on 6/28/16; 7/26/16; 8/15/16; 9/6/16 EOT FOR INITIAL BRIEF - NOTICE OF MEDICAL UNAVAILABILITY; 10-13-16 Mot. for Extension of time to file Initial Brief; 10/25/16 NOTICE OF FLORIDA LICENSED MEDICAL DOCTOR INSTRUCTIONS OCT. 24, 2016 AND EXTENSION AND STAY REQUEST; and 11/15/16 "MOTION FOR EXTENSION AFTER DRAFT BRIEF ACTUALLY FILED; FOR STAY AND FURTHER RELIEF".

11. Said motions provided Actual Florida Licensed Medical Doctor's instructions and notice that Appellant was facing life-threatening medical issues and to avoid stress yet has continually been faced with disregard, sharp practices and continuing fraud by the Appellees.

The Fourth DCA denied his motion for rehearing, rejecting the idea that Eliot could indefinitely stall the appeal of this Court's Guardianship Order. The Orders dismissing the appeals despite Eliot's claimed medical issues (Ex 3) and denying rehearing (Ex 4) also are attached.

5. These matters have been set for months, since last year. Further, this is a motion to vacate an order retaining counsel (to which Eliot did not object at the hearing in Septembr) and seeking to disqualify counsel for an alleged conflict of interest, in a lawsuit between Stansbury and Estate. The Court has advised Eliot he would have only a few more minutes of cross-examination, examination which easily could be handled by Mr. Feaman on behalf of the movant, William

Stansbury. As the Court is aware, allegations of disqualification of an attorney are very serious and are taken very seriously by this firm, and should be pursued in an extremely expeditious manner. Both the Trustee and his counsel strongly oppose any delay or continuance of these hearings, which have been set for months.

6. Moreover, there are a number of other matters in both this Estate and the related trust and estate matters which have been set for the same time and scheduled for these hearings, and in most of those cases (Shirley Estate, Shirley Trust) Eliot completely lacks standing. One of the motions involves issues as to counsel for the trial in Illinois, which is now specially set to take place this summer. ***Thus, there is urgency to resolving these motion which vastly outweighs any claimed urgent medical issue for Eliot.*** Eliot has been having "medical issues" for most of this case, and his tiny interest in this Estate is not sufficient to justify delaying these important hearings or to causing increased delay and expense.

7. Eliot has indicated he could participate in this hearing by telephone, and without objecting to that, the Trustee respectfully requests that this Court deny this latest and successive motion for continuance, and allow Eliot to appear by phone. He was prepared to cross-examine two weeks ago, but we ran out of time. Eliot could easily conclude his questioning of Mr. O'Connell, over our objection, and the Court can hear argument and decide the issue.

8. As a cautionary note, Eliot was allowed to play these games for at least the first year or two of the matter, particularly in the early stages of the matter before Judge Colin. But we now have had a trial to determine the validity of the documents, and a finding by this Court that Ted Bernstein did nothing wrong, yet Eliot continues to persist with his complicated fraud and conspiracy claims in a continued effort to simply derail and delay these proceedings.

9. Judge Phillips conducted not only the trial, resulting in a Final Judgment dated December 16, 2015, but thereafter entered orders determining Eliot's lack of standing and appointing a guardian ad litem to represent his children's interests, finding that Eliot is acting adverse and destructive to them. His actions continue in that vein and should not be allowed by this Court.

10. At a minimum, the Court should conduct the hearing tomorrow to address the numerous other matters which have been pending, and consider at the hearing whether or not to grant a further extension of delay of the disqualification matter.

11. As noted by Mr. O'Connell, he is not available on March 16th, and is still on the witness stand. Although the undersigned could make himself available for hearings on March 16, 2017, at 9:00 a.m., without Mr. O'Connell we should proceed as scheduled tomorrow. The Trustee also reminds the Court that we have a substantial block of time set aside for these hearings and would request that any rescheduled hearing be not only for at least two hours or more, but also specifically include the remaining pending motions which need to be set and heard.

WHEREFORE, the Trustee respectfully requests the Court deny the pending Urgent Motion, and any further relief the Court deems appropriate.

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 1st day of March, 2017.

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Attorneys for Ted S. Bernstein

By: /s/ Alan B. Rose
Alan B. Rose (Fla. Bar No. 961825)

SERVICE LIST - CASE NO. 502012CP004391XXXXNBIH

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Individually and as trustee for her children, and
as natural guardian for M.F. and C.F., Minors

Jill Iantoni
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Individually and as trustee for her children, and
as natural guardian for J.I. a minor

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Guardian *Ad Litem* for
Eliot Bernstein's minor children,
Jo.B., Ja.B., and D.B.

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Joielle A. Foglietta, Esq.
Ciklin Lubitz Martens & O'Connell
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From: Eliot Ivan Bernstein <iviewit@iviewit.tv>
Sent: Monday, August 22, 2016 5:58 PM
To: 'Anderson, Charlene'; Alan Rose; Marie Chandler; john@jmorrisseylaw.com; dtescher@tescherlaw.com; ddustin@tescherlaw.com; 'Peter M. Feaman'; 'Trish Roth'; gary@shendellpollock.com; estella@shendellpollock.com; grs@shendellpollock.com; 'Ken Pollock'; 'Brittney Spiliotopoulos'; 'Matt Tornincasa'; 'Robyne Goldman'; psimon@stpcorp.com; lisa@friedsteins.com; lisa.friedstein@gmail.com; jilliantoni@gmail.com; rspallina@comcast.net
Cc: 'O'Connell, Brian M.'; 'Crispin Ackal, Ashley'; 'Foglietta, Joy A'; 'Rothman, Zachary'; Candice Schwager @ Schwager Law Firm; Barbara Stone; JoAnne M. Denison Esq.; Kevin R. Hall; 'Andrew Dietz @ Rock-It Cargo USA, Inc.'; 'CANDICE BERNSTEIN'; 'Caroline Prochotska Rogers Esq.'; 'Eliot I. Bernstein'; 'Marc R. Garber Esq.'; 'Marc R. Garber Esq. @ Flaster Greenberg P.C.'; 'Michele M. Mulrooney ~ Partner @ Venable LLP'
Subject: RE: Bernstein, E/O Simon - Conflict of hearing presently set for 8/30/16 at 10:30 am...

We will be unavailable for hearings until after November 05, 2016, please get dates for after that. The hearings were scheduled without giving parties adequate time to object in the first place. Thank you

Eliot I. Bernstein
Inventor, really cool shit that changed your world!
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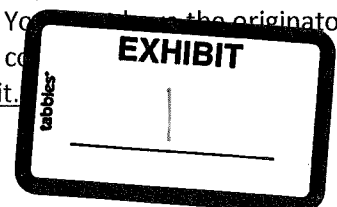
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From: Anderson, Charlene [<mailto:CAnderson@ciklinlubitz.com>]

Sent: Monday, August 22, 2016 3:02 PM

To: 'arose@mrachek-law.com'; 'mchandler@mrachek-law.com'; 'john@jmorrisseylaw.com'; 'dtescher@tescherlaw.com'; 'ddustin@tescherlaw.com'; 'Peter M. Feaman'; 'Trish Roth'; 'gary@shendellpollock.com'; 'estella@shendellpollock.com'; 'grs@shendellpollock.com'; 'Ken Pollock'; 'Brittney Spiliotopoulos'; 'Matt Tornincasa'; 'Robyne Goldman'; 'iviewit@iviewit.tv'; 'psimon@stpcorp.com'; 'lisa@friedsteins.com'; 'lisa.friedstein@gmail.com'; 'jilliantoni@gmail.com'; 'rspallina@comcast.net'

Cc: O'Connell, Brian M.; Crispin Ackal, Ashley; Foglietta, Joy A; Rothman, Zachary

Subject: Bernstein, E/O Simon - Conflict of hearing presently set for 8/30/16 at 10:30 am...

Good afternoon. Because a conflict has arisen for Mr. O'Connell on 8/30/16 at 10:30 a.m., we need to reschedule the pending fee petitions set for that date to Thurs., 9/1/16 at 8:30 am. Please advise of any conflicts as soon as you can. If we do not hear from you by tomorrow, 8/23/16, we will assume no conflicts and will file a Re-Notice of Hearing. Thanks so much.

Charlene

Charlene A. Anderson, FRP

Probate Paralegal

Ciklin Lubitz & O'Connell

515 North Flagler Drive, 20th Floor

West Palm Beach, Florida 33401

(O) 561-820-0325 (F) 561-833-4209

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From: Eliot Ivan Bernstein <iviewit@iviewit.tv>
Sent: Thursday, November 10, 2016 10:14 PM
To: Alan Rose; Anderson, Charlene; Alan Rose; 'Brian M. O'Connell PA ~ Partner @ Ciklin Lubitz Martens & O'Connell'; 'Charles D. Rubin ~ Managing Partner @ Gutter Chaves Josepher Rubin Forman Fleisher Miller PA'; ddustin@tescherspallina.com; Diana Lewis @ ADR & MEDIATIONS SERVICES, LLC - Fla. Bar No. 351350; Don Tescher; 'JILL BERNSTEIN IANTONI'; 'John J. Pankauski'; john@pankauskilawfirm.com; 'Kimberly Moran ~ Legal Assistant / Notary Public @ Tescher & Spallina, P.A.'; Louis Mrachek; 'Lindsay Baxley aka Lindsay Giles @ Life Insurance Concepts'; 'Lisa Friedstein'; 'Mark R. Manceri, Esquere @ Mark R. Manceri, P.A.'; mrmlaw1@gmail.com; 'Pamela Beth Simon'; Peter Feaman; Peter Feaman, Esq. ~ Attorney at Law @ Peter M. Feaman, P.A.; Robert Spallina
Cc: Kevin R. Hall; Barbara Stone; JoAnne M. Denison Esq.; Candice Schwager @ Schwager Law Firm; 'William "Bill" Stansbury'; 'William "Bill" Stansbury'; 'Andrew Dietz @ Rock-It Cargo USA, Inc.'; 'CANDICE BERNSTEIN'; 'Caroline Prochotska Rogers Esq.'; 'Eliot I. Bernstein'; iviewit@gmail.com; 'Marc R. Garber Esq.'; 'Marc R. Garber Esq. @ Flaster Greenberg P.C.'; 'Michele M. Mulrooney ~ Partner @ Venable LLP'
Subject: Voluntary Request to Alan Rose to Reschedule Nov. 22, 2015 Hearing CASE NO. 502012CP004391XXXXNBIH
Attachments: 20161107 Dr Jamal Halim Stress Letter Continued to Dec 15 2016BERNSTEIN ELIOT NOTE.pdf

Subject: Voluntary Request to Alan Rose to Reschedule Nov. 22, 2015 Hearing CASE NO. 502012CP004391XXXXNBIH

Mr. Alan Rose,

I am requesting that your office voluntarily reschedule and remove from the Nov. 22, 2016 calendar your Motion in CASE NO. 502012CP004391XXXXNBIH until after Dec. 15, 2016.

I have attached an updated Medical Instruction from a proper Dr. in Florida prescribing avoiding all stress until Dec. 15th, 2016 and follow-up care. Your office is more than aware of this situation from the motions filed at the 4th District Court of Appeals.

I am certain that Peter Feaman, Esq. will consent and agree on behalf of William Stansbury.

Your continued "sharp practices" in general were noted and observed in your recent actions in the presently separate William Stansbury case under Case NO. 50 2012 CA 013933 MB AN where you filed late and improper Notice on a Friday afternoon for a Hearing on the following Monday and proper corrective efforts for that case are underway as well.

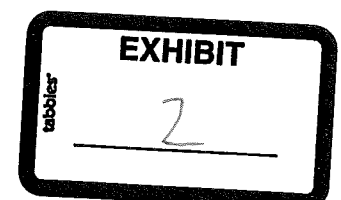
A proper Motion in CASE NO. 502012CP004391XXXXNBIH will be made in the absence of your voluntary rescheduling. All acts of fraud will be addressed. Eventually the wheel always comes around.

Further, please provide copies of Any and All Trusts referred to in your recent motion together with a statement under oath as a currently licensed Florida attorney on the entire chain of custody leading to your office having possession of such Trust documents with an entire time line and each link in the chain of custody addressed.

Thank you.

Respectfully,

Eliot I. Bernstein, Individually
Eliot I. Bernstein, POA Josh Bernstein



IVIEWIT TECHNOLOGIES, INC.

Surf with Vision

Eliot I. Bernstein

Inventor, of really cool shit that changed your world!

Iviewit Holdings, Inc. – DE

Iviewit Holdings, Inc. – DE (yes, two identically named) Iviewit Holdings, Inc. – FL Iviewit Technologies, Inc. – DE Uviewit

Holdings, Inc. - DE Uview.com, Inc. – DE Iviewit.com, Inc. – FL Iviewit.com, Inc. – DE I.C., Inc. – FL Iviewit.com LLC – DE

Iviewit LLC – DE Iviewit Corporation – FL Iviewit, Inc. – FL Iviewit, Inc. – DE Iviewit Corporation

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<http://www.facebook.com/#!/iviewit>

<http://www.youtube.com/user/eliotbernstein?feature=mhum>

in loving memory and sad post mortem attorney corruption story <http://iviewit.tv/ShirleyBernstein>

<http://iviewit.tv/SimonBernstein>

<http://iviewit.tv/ThisisBullshit>

Ellen DeGeneres on Iviewit Technologies that launched her to fame on the Internet, A truly cutting edge woman.

http://www.youtube.com/watch?feature=player_embedded&v=1iSS8CHiyBw

Also, check out

Eliot's Testimony at the NY Senate Judiciary Committee Hearings Professional Video courtesy of NY Senate, my fav part at end http://www.youtube.com/watch?v=7oHKs_crYIs

Eliot's Testimony at the NY Senate Judiciary Committee Hearings Professional Video Handheld Camera View, my favorite version at the very end <http://youtu.be/3Q9MzqZv4lw>

and

Christine Anderson New York Supreme Court Attorney Ethics Expert Whistleblower Testimony, FOX IN THE HENHOUSE and LAW WHOLLY VIOLATED TOP DOWN EXPOSING JUST HOW WALL STREET / GREED STREET / FRAUD STREET MELTED DOWN AND WHY NO PROSECUTIONS OR RECOVERY OF STOLEN FUNDS HAS BEEN MADE. Anderson in US Fed Court Fingers, US Attorneys, DA's, ADA's, the New York Attorney General and "Favored Lawyers and Law Firms" @ <http://www.youtube.com/watch?v=6BlK73p4Ueo>

and finally latest blog

<http://iviewit.tv/iviewit2/?p=187>

Eliot Part 1 - The Iviewit Inventions @

<http://www.youtube.com/watch?v=L0n4hwemqW0>

Iviewit Inventor Eliot Bernstein Guest on Les Winston DisBar the Florida Bar Show #1 <http://youtu.be/i1Ao1BYvyoQ>

Iviewit Inventor Eliot Bernstein Guest on Les Winston DisBar the Florida Bar Show #2 <http://youtu.be/OaXys6bImFI>

Iviewit Inventor Eliot Bernstein Guest on Les Winston DisBar the Florida Bar Show #3 <http://youtu.be/9R1PNnJVVGU>

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 1525 PALM BEACH LAKES BLVD., WEST PALM BEACH, FL 33401

November 29, 2016

CASE NO.: 4D16-1449, 4D16-1476,
4D16-1478

L.T. No.: 2014CP002815XXXXNB,
2014CP002815XXXXNB,
2014CP003698XXXXNB

ELIOT IVAN BERNSTEIN

v. OPPENHEIMER TRUST CO. OF
DELAWARE, ET AL.

Appellant / Petitioner(s)

Appellee / Respondent(s)

BY ORDER OF THE COURT:

ORDERED sua sponte that the above-styled case is dismissed for lack of prosecution.

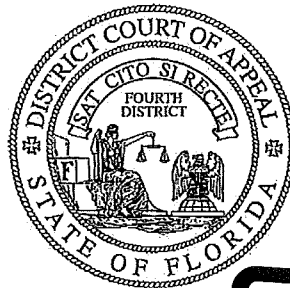
Served:

cc: Steven A. Lessne	Alan Benjamin Rose	Lorin Louis Mrachek
Brian M. O'Connell	Mark R. Manceri	Gary R. Shendell
John P. Morrissey	Kenneth S. Pollock	Peter Marshall Feaman
Donald R. Tescher	Joielle A. Foglietta	Hunt Worth
Eliot Ivan Bernstein	Charles D. Rubin	Lisa Friedstein
Jill Iantoni	Theodore Stuart Bernstein	Theodore Stuart Bernstein
Dennis McNamara	Dennis G. Bedley	James Dimon
William McCabe	Gerald Lewin	Neil Wolfson
STP Enterprises, Inc.	Lindsay Baxley	T & S Registered Agents
Joseph M. Leccese	Heritage Union Life Ins. Co	David Lanciotti
Brian Moynihan	Pamela Beth Simon	Ralph S. Janvey
Hunt Worth		

ms



LONN WEISSBLUM, Clerk
Fourth District Court of Appeal



IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 1525 PALM BEACH LAKES BLVD., WEST PALM BEACH, FL 33401

January 05, 2017

CASE NO.: 4D16-1449, 4D16-1476,
4D16-1478

L.T. No.: 2014CP002815XXXXNB,
2014CP002815XXXXNB,
2014CP003698XXXXNB

ELIOT IVAN BERNSTEIN

v. OPPENHEIMER TRUST CO. OF
DELAWARE, ET AL.

Appellant / Petitioner(s)

Appellee / Respondent(s)

BY ORDER OF THE COURT:

ORDERED that appellant's December 15, 2016 motion for rehearing is denied. The appeal remains dismissed.

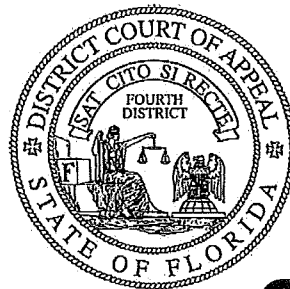
Served:

cc: Steven A. Lessne	Alan Benjamin Rose	Lorin Louis Mrachek
Brian M. O'Connell	Mark R. Manceri	Gary R. Shendell
John P. Morrissey	Kenneth S. Pollock	Peter Marshall Feaman
Donald R. Tescher	Joielle A. Foglietta	Hunt Worth
Eliot Ivan Bernstein	Charles D. Rubin	Lisa Friedstein
Jill Iantoni	Theodore Stuart Bernstein	Theodore Stuart Bernstein
Dennis McNamara	Dennis G. Bedley	James Dimon
William McCabe	Gerald Lewin	Neil Wolfson
Stp Enterprises, Inc.	Lindsay Baxley	T & S Registered Agents, Llc
Joseph M. Leccese	Heritage Union Life Ins. Co.	David Lanciotti
Brian Moynihan	Pamela Beth Simon	Ralph S. Janvey
Hunt Worth		

II



LONN WEISSBLUM, Clerk
Fourth District Court of Appeal



EXHIBIT

tabbler

4