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

IN RE: Case No. 502012CP004391XXXXNBIH

ESTATE OF SIMON L. BERNSTEIN, Honorable Judge Rosemarie Scher

Deceased.

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**ELIOT I. BERNSTEIN AS BENEFICIARY AND INTERESTED PERSON WITH STANDING CLOSING ARGUMENTS ON INITIAL HEARINGS**

COMES NOW Eliot I. Bernstein, pro se, as a beneficiary and interested person in the Estate of Simon Bernstein who respectfully submits this Closing Argument as follows:

**The Court should deny and dismiss the Motions of Trustee Ted Bernstein and the Estate to Appoint Alan Rose and the Rose Law Firm to Represent the Estate in the Stanbury Lawsuit or alternatively defer as premature pending further Hearings and Discovery:**

This Court has sufficient proof by clear and convincing evidence of the misconduct of at least Attorney Alan Rose in the ongoing “false narratives” and false pleadings and statements to this Court to permanently disqualify Alan Rose and the Rose law firm from representing the Estate of Simon Bernstein in any capacity including the lawsuit with William Stansbury. With the overwhelming admissions in the Record by PR O’Connell who clearly was not capable of giving an informed, knowledgeable and reasonable recommendation that the hiring of Alan Rose and the Rose Law Firm would present No Conflicts and be in the best interests of the Estate and All Beneficiaries, this Court must deny the Motion to approve the hiring of Alan Rose and the Rose firm as counsel for the Estate of Simon Bernstein in the Stansbury lawsuit. Alternatively, the facts and Record of the Hearings is such that at best this Court must deny the motion and defer as premature pending further Hearings and Discovery.

**PERMANENT INJUNCTION:**

Respectfully, it is submitted that this Court’s own view and witnessing of the misconduct unfolding in such a short time in the “limited” Hearings to date of Feb. 16th and March 2nd, 2017, that a permanent injunction should issue against Ted Bernstein and his counsel Alan Rose, the Rose law firm and PR O’Connell from representing the Estate of Simon Bernstein. As my motions submitted to this Court even prior to hearings dating back to Nov. 21, 2016 showed, the actions taken by these fiduciaries and counsels is all part of a “continuing storyline” to cover-up frauds and misconduct and this Court should not even remotely accept at face value PR O’Connell’s “dodging” on March 2, 2017 that now that my status as an Estate of Simon Bernstein beneficiary with “Standing” has clearly been proven and now accepted by this Court, that somehow Mr. O’Connell could not answer if he had allowed or gone along with this “charade” in the Court of prior Judge Phillips making the ongoing “false narrative” and false filings by Alan Rose on behalf of Ted Bernstein this new fraud upon the Court and Beneficiaries, in a case already fraught with PROVEN AND ADMITTED fraud by fiduciaries and counsel that has lasted nearly a year or more and has wrongfully impacted multiple Court Orders and filings in the Simon and Shirley Bernstein Estate and Trust cases and even in the federal District Court litigation in Illinois before Honorable Judge John Robert Blakey where the Life Insurance litigation is ongoing. Somehow in conduct which at best must be considered “shocking”, Fiduciary and PR O’Connell and Attorney Alan Rose on behalf of Fiduciary Ted Bernstein would simply have this Court believe that despite all of the filings and arguments I, Eliot Bernstein, have been forced to file just to obtain basic “standing” and a fair opportunity to be heard before this Court that somehow these Fiduciaries just made a “mistake” in the proceedings over the last year before Judge Phillips and “overlooked” that Eliot Bernstein is a Beneficiary by the simple terms of the very Will of 2012 these fiduciaries purport to be “valid”, until these Hearings where Mr. Rose has to now “conceded” this matter before the Court, contrary to multiple prior filings and statements to this Court also implicating actions and determinations at the 4th DCA and federal Court of Illinois where even the Rulings and Orders of those Courts are now subject to Motions to Vacate and other relief and where “final adjudication” is far from over contrary to the many statements of Alan Rose and improper cite to other Court rulings.

**The “false” narrative and “false statements” within the Fraud, “Fraud within a fraud of a fraud” and “initial peeling back of the onion”**

I respectfully assert that this Court should strongly consider the “false narrative” and scheme at play just in the very limited hearings this Court has held thus far from the view of the “initial peeling back of the onion” of the fraud within a fraud to cover-up fraud. I respectfully refer the Court back to one of my original filings before Judge Scher on Nov. 21, 2016 also filed as **Exhibit 41 Eliot Bernstein’s Objections to initial filings before Judge Scher Filing # 49176982 E-Filed 11/21/2016 07:13:30 PM.**  , in the Exhibits EFiled with the Court.

Just part of the False narrative Attorney Alan Rose and PR O’Connell have gone along with before your Honor is that I had no standing to be heard, this Court should simply move “quick” and “swallow” their story “hook, line and sinker” ***for an Estate allegedly running out of money***, and that I am simply some “problem child” that should be disregarded. In this effort to get the Court to move “quick”, Rose never expected “Live Testimony” and neither Rose nor PR O’Connell provided this Court with any detailed statement of the important facts and background of “LIC” and “Arbitrage International” including Disclosure of all the operating Agreements and financial accountings to provide a coherent and reasonable picture of what is going on with that part of the Estate and Trusts and the Stansbury case itself. These are grounds for this Court to at minimum Deny the Motions at least at this stage until Full Discovery, Depositions and further examinations of the fiduciaries to occur with proper time allotted for such examinations are scheduled and occur. Not only does this Court not have any reasonable background on LIC and Arbitrage International provided by the Movants, but this Court has no idea what the Terms of the Settlement by Ted Bernstein and Stansbury are, such settlement apparently being made on behalf of Ted’s Own Interests where Direct Claims of Misconduct and Liability by Ted Bernstein were filed ***while Ted simultaneously purported to Act in a Fiduciary Trustee capacity over the Shirley Bernstein Trust, LIC and Arbitrage itself.***  This Court has no rationale or reasonable basis upon this existing Record to conclude that PR O’Connell has fulfilled fiduciary responsibilities to the Estate and beneficiaries and a Conflict certainly exists as PR O’Connell could be potentially in breach to the Estate and beneficiaries for failing to move to Remove Ted Bernstein and investigate the underlying claims which could also lead to Vacating the entirety of the Settlements with Stansbury to date and removal of Ted not just in the Trusts and Estates of Simon Bernstein but also in Shirley Bernstein’s Trust and Estate.

**Just Starting to Correct the Frauds:**

While I could never properly summarize for this Court in the Limited 10 pages for this Closing the seriousness of the underlying “Technology” Value to the Estate of Simon Bernstein from my Inventions and “Iviewit Technology” where my Father Simon Bernstein was the largest “Shareholder” ( approx. 30% ) and where, just like all of Simon’s “Original” Business records and Testamentary documents that have “gone missing” and “not provided” in the Trust, Estate and Illinois Insurance cases, where likewise ALL of Simon’s Computer Records at his Home were found “wiped clean” after his unexpected Death and where his body went “missing” for a week while a “poison” was claimed and alleged autopsy being done, I can say to this Court that I have never had a US Secret Service Agent or other Federal Agent show up at my door to claim my Submissions and filings for Investigation with the President of the US, White House Counsel’s Office, Justice Dept and FBI were somehow “false” or “frivolous” and have petitioned to this Court that at least one Washington, DC contact, “DC No. 1”, can be available under Subpoena to provide relevant testimony at a proper time. Contrary to being some “problem child” or disruptive force in these proceedings, as shown in part in my own Federal Court sworn declaration being familiar with Simon’s successes in the Insurance industry having worked in the Industry myself being a Top Earner in Insurance and aware of Simon’s meticulous Record Keeping and multiple Storage areas for Business records etc. Other filings have shown this Court that I met regularly weekly with Simon and Shirley while alive with my wife and children and Simon and I had many business agreements including specifically related to the “Technology” frauds against my Patents and that the real Estate Planning contemplated these and other factors not presently determined by any Court herein.

Yet, even putting aside any possible misconduct and conflicts presented by Ted and Alan Rose representing Simon’s Estate as it relates to Simon’s substantial investment and shareholder interest in “Iviewit”, **this Court still has plenty of “missing millions” just from Simon’s work and companies to consider while determining the “False Narrative” and Misconduct of Alan Rose, Ted Bernstein and Brian O’Connell and why Conflicts exist and Ted, Alan Rose should be permanently enjoined from representation of Simon’s Estate in any fiduciary capacity or Discovery and Depositions ordered for further examination at this time.**

Exhibit 73 - Initial June 20, 2012 Feaman Demands on behalf of Stansbury against TED BERNSTEIN, *NOT* Simon Bernstein. This Court is reminded that there have been No Hearings on the Objections to Accountings filed ever held in these cases where Substantial Discovery is Missing from these proceedings and to myself as Beneficiary. See Attached Exhibit 1 for this Closing Statement.

This Court is directed to Exhibit 1 attached herein which represents the initial Demand by Stansbury by Certified Mail to Ted Bernstein ONLY ***in the month before Simon’s Will and Trust were allegedly changed in July of 2012.*** Thus, an Issue of Fact presently unknown by this Court created at the Inception of the Stansbury Lawsuit where it is TED BERNSTEIN that is the focus of the allegations, Not Simon Bernstein and where Ted is the only one named in the Demand raising an Issue of Fact as well as to when Simon Bernstein had Notice of these claims. This alone creates a Conflict for Alan Rose to represent the Estate of Simon based upon the Rose representation of Ted.

Page 2 - 1. a. Failure to pay salary based on net retained commissions.

i. “Based upon reports prepared by your company for the period of 2007 through 2011, LIC Holdings, Inc. and/or Arbitrage International Holdings, n/k/a Arbitrage International Management, LLC, received $35,384,246.00 in net retained commissions. According to Mr. Stansbury's salary arrangement, he is entitled to 15% of those net retained commissions, which amounts to $5,307,636.90. During this time period, Mr. Stansbury's salary compensation was $2,844,910.00. The shortfall in salary owed to Mr. Stansbury is $2,462,726.90.”

**Simply going by the Financial numbers asserted by Stansbury as of a month before the Will and Trust of Simon were allegedly changed in 2012, there is *$35,384,246.00 in net retained commissions*** which would be SPLIT by Simon Bernstein, Ted Bernstein and Stansbury yet where PR O’Connell admitted on March 2, 2017 he does not even know the Agreed Percentage for his own Client the Estate of Simon Bernstein but nonetheless has gone along with False Narratives in the Court for nearly a year and tried to come to this Court like Sgt. Schultz from Hogan’s Heroes “knowing Nothing” including what if any documents reviewed for this Motion and bringing no Diligent review of LIC and Arbitrage to the Court.  **The Factual issue of what the Agreed percentage split of Commissions and profits between Ted Bernstein, Simon Bernstein and Stansbury and the unknown and undetermined amounts to have been split during these years itself presents a real conflict of interest in Alan Rose and Ted Bernstein representing the Estate. The basic percentage claimed for Simon in some documents is 33%. Yet, where is the Accounting for Simon’s 33% of the *$35,384,246.00 in net retained commissions for Years 2007-2011? Representing nearly $12 Million?***  It is respectfully submitted that there is no Accounting or documents in these proceedings to date which explain this and **thus there are Conflicts between any Fiduciary properly acting for the Estate or Trust of Simon Bernstein having conflict with Ted Bernstein himself who clearly has individual interests in these proceedings that conflict with the Fiduciary role as the proper division and accounting between Ted and Simon has never occurred to date.**

Page 2 - 1. a. iv…”The liability for payment of this salary is not limited to LIC Holdings, Inc. or Arbitrage International Management, LLC. This liability also flows to you individually as a result of your breaches of your fiduciary duty owed to Mr. Stansbury and utter failure to abide by corporate governance standards, which conduct is more particularly described below.”

**Again, this *initial Demand of Stansbury was only made to Ted Bernstein and it is Ted Bernstein in this June 2012 letter who is referred for his “individual” liability which is unknown and undetermined to this Court and unknown and undetermined by the PR of the Estate. The name of Simon Bernstein is not made individually here at all.***

Page 2 - 1. b. “...you and your office have been opening mail directed to Mr. Stansbury and negotiating checks made payable to him by falsifying his endorsement and depositing those checks into accounts which only you control.”

Here, Ted Bernstein is directly implicated in serious misconduct of Falsely endorsing checks and taking monies into accounts controlled by Ted. Eliot Bernstein asserts this Court will eventually see this is the same pattern and fraud by Ted that included similar conduct of Ted’s original Fiduciaries Tescher and Spallina who Ted brought into the lives of Shirley and Simon Bernstein having a prior Business relationship with Ted and acting as Ted’s counsel in Shirley’s Estate and Trust and committing crimes intended to benefit Ted’s family. Yet this Court has no current determination or any determination as to how much of this has occurred by Ted and thus these factual issues present inherent conflicts with Ted and Alan Rose and the Estate and where Eliot asserts that these hearings and pleadings to give Ted fiduciary control of the Simon Estate in addition to his alleged fiduciary control in the Simon Trust this has been an orchestrated scheme involving Ted to “shift the liabilities” of 2.5 MILLION DOLLARS OF POSSIBLE DAMAGES AGAINST HIM INDIVIDUALLY AS A DEFENDANT onto the Simon Bernstein Trust beneficiaries who he is not one of but represents as a fiduciary. Ted already has improperly represented as a Fiduciary in CONFLICT and with ADVERSITY to beneficiaries in a partial settlement in the Stansbury litigation acting as Trustee in the Shirley Trust (acting as both an individual defendant and fiduciary of a trust he and his family have no interest in) and where he negotiated himself PERSONALLY out of the Stansbury lawsuit in the Shirley settlement by settling out with the Shirley Trust and himself personally through undisclosed settlement terms and undisclosed amounts paid to settle (O’Connell even claiming in the hearings he has never seen or possessed this Shirley Trust settlement between Ted, Stansbury and the Shirley Trust to know the terms and if Ted can still be held liable for damages) and through this improper fraudulent settlement negotiated in conflict Ted shifted the liabilities for damages 100% off himself individually and onto the Simon Bernstein Estate and Trust beneficiaries. This SELF DEALING has left the estate and trust beneficiaries of Simon exposed to 100% of the Stansbury damages and the estate and trusts of Simon and Shirley have failed to make claims against Ted Bernstein for the damages, as Ted acting as the fiduciary in Simon or Shirley surely will not sue himself for the damages claiming he is the responsible party and not the Estate and Trust of Simon Beneficiaries where he has no interest. Yet, Ted is the party the Stansbury complaint alleges did most of the egregious and criminal acts alleged against Stansbury. Ted now fraudulently moves this Court to be the fiduciary PR of the Estate of Simon and makes this application to the Court for he and his counsel to represent the Simon Estate so that he can assure that the acting PR of the Estate if he is elected does not sue Ted, nor the the acting Trustee of the Simon Trust Ted does not sue Ted and prevent any demand by a non conflicted PR that the prior Shirley settlement be vacated as it was negotiated in fraud with conflicts and adversity and then sue Ted for the whole 2.5 Million as he caused the direct acts against Stansbury.

Brian O’Connell and the former Curator Ben Brown of Simon’s Estate were both made aware of this dubious abuse of process through violations of conflict of interest rules and adverse interest rules and Ted shifting the liabilities onto the parties they represent as fiduciaries and while Ben Brown stated he was investigating the issues, Brian O’Connell instead has worked in conspire with Ted and his counsel to allow the conflicts and adverse interests of Ted to succeed by feigning that he is unaware of any conflicts and fraudulently pleading with this Court to get Ted nominated to his PR position to effectuate the complete fraud and let Ted off and shift the liabilities to the Estate and Trust Beneficiaries of Simon.

Ted has been TWICE been denied by the Court to become a fiduciary in the Estate of Simon, once as Curator where he was denied by the Court and once to become PR where he was urged at the hearing to withdraw his pleading or else face severe sanctions for wasting everyone's times, due to the problems cited on the record leading to the Orders.

The Court should also note that Ted has been disinherited in the Simon and Shirley Trusts and where he is considered “pre-deceased” for ALL PURPOSES OF DISPOSITIONS under the Shirley Trusts and in the Simon Trust considered predeceased FOR ALL PURPOSES OF THE TRUST. This is just part of why Judge Phillips erred by not holding Hearings to remove Ted Bernstein before any “Validity” which is still on Appeal at the 4th DCA and subject to further motions in this Court to vacate for fraud and related misconduct.

Again, Rose, Ted & PR O’Connell have created a false and fraudulent “storyline” that the Estate is small and out of money with no full and proper accountings and YET; Exhibit 8 of the Exhibit book submitted to the Court for these hearings by Eliot on February 16, 2017 in Court, EXHIBIT 2 attached hereto, shows **$2,829,961.66 “Missing Millions”** in aWilmington Trust in a statement dated Aug. 31, 2012, **in just One Account of Simon’s weeks before his Passing and ONLY representing 49.5% of Bernstein Family Investments, LLLP (“BFI”)/Bernstein Family Holdings, LLC (“BFH”) while Shirley also held 49.5% of the entities**. Stansbury, who was Trust Protector of the Wilmington Trust, has suggested it is possible that there is ANOTHER $2,829,961.66 in Missing Millions from the Shirley’s side of the entities as Shirley also owned a 49.5 % in BFI and BFH. Ted, Rose and PR O’Connell as Fiduciaries have known about Eliot Bernstein’s claims to Account for these funds for over a year, and yet neither Fiduciaries have sought to determine what happened to these funds **again creating current Conflicts of Interest between Ted, Rose and the Estate particularly given the Vast volume of Missing Documents and Discovery and that PR O’Connell, like Sgt. Schultz, “knows Nothing” about the Documents he has reviewed or seen or Produced as of his March, 2, 2017 Testimony.**  Thus there is a present and ongoing DISCOVERY claim and issues creating impossible Conflicts between Ted, Rose, PR O’Connell and the Estate and Trust and proper beneficiaries at this time as after all these years it is unknown who has what documents from where or when and No Originals have been produced by any party, despite a Court Order to produce ALL RECORDS including the originals and where prior filings implicate Conflicts for Rose and O’Connell and Ted in the ***chain of custody and possession of both business records, files, documents, jewelry, personal property and more from LIC, Arbitrage and other parts of the Estates and Trusts as shown herein.***  These issues have been raised but Summarily Denied or Disregarded and never properly heard according to Due process and are raised in filings prior to the Validity Trial, in the All Writs federal application as Exhibit 11 for these hearings which was also raised in the Nov. 21, 2016 Objections filed by myself Eliot Bernstein in these cases.

This Court is directed to Exhibit 30 from the Exhibit book given to this Court and attached hereto as Exhibit 3, an email from former Curator Ben Brown of Sept. 2014 being a business record email from Brown to myself confirming as of that time in 2014, nearly 4 years after the passing of Shirley Bernstein, indicating **“Please note we do not have any statements for your mother or either of the trusts”. Now, another 2.5 years later neither this Court nor myself as Beneficiary has Any full Accounting of the Shirley Bernstein Trust or Estate or Simon’s Trust or Estate and these Fiduciaries Ted, Rose and PR O’Connell are all intertwined in the piecemeal Discovery and should now Individually have Court Orders imposing an Injunction to Preserve all Records and Evidence in these matters and separately and individually Catalog the Business Records each individual claims to possess. All of this creates impermissible conflicts for Ted, Rose and PR O’Connell and the Estate due to Rose and Ted’s work for Shirley’s Trusts and Estate and for all the reasons herein and their motions must be denied.**

This Court is further Directed to Exhibit 62 in the Exhibit book given to this Court and Exhibit 4 attached hereto, Peter Feaman letter to PR O’Connell on Ted Wasting Assets, Removal, No Accountings, Missing property Aug. 2014 - which states in part:

“The grounds for his removal are set forth in some detail in his Motion, a copy of which I attach for your review. Mr. Stansbury is of the firm conviction that assets of the Trust have been and will continue to be wasted under the trusteeship of Ted Bernstein.

The grounds for removal are numerous and removal is urgently needed to preserve the Trust assets, some or all of which may be called upon to satisfy Mr. Stansbury's claim if and when it turns out that the assets of the Simon Bernstein probate estate are insufficient to satisfy his claim. **No accounting has been provided since the passing of Shirley Bernstein with regard to the Shirley Bernstein Trust, and no accounting has been provided since the passing of Simon Bernstein in the Simon Bernstein Trust. We believe that assets of the Simon Bernstein Trust in addition to not having been accounted for are being wasted. In the absence of an accounting, one cannot know for sure. For example, the personal property at the residence of Simon Bernstein has never been accounted for.**

**There are probably tens of thousands of dollars of assets which, upon information and belief, have been converted or unaccounted for by the Successor Trustee. An insurance schedule prior to Mr. Bernstein's death scheduled certain personal property to be insured. Yet this property has never been accounted for, either by the Trust or in the inventory filed on behalf of the Estate.”**

These allegations by Peter Feaman on behalf of Stansbury made against Ted Bernstein to Brian O’Connell creates further unresolved factual issues before this Court which have never been heard creating further irreconcilable conflicts from Rose and Ted ever representing the Estate and even having conflicts with PR O’Connell as well.

This Court is also referred to Exhibit 7 of the Exhibit book submitted to the Court on Feb. 16, 2017 and attached hereto as EXHIBIT 5, an **Unsigned** Tax Statements for LIC only for years 2007 and 2008 turned over by Tescher and Spallina; Bates #TS0024222008 Payout to Simon Bernstein- $3,756,299. **Nearly $4 Million that year alone but No Records for 2008 to the Present ever turned over and must be relevant to the Lawsuit as encompasses same years yet Ted Alan O Connell have never turned over Docs in Discovery** - Bates #TS002422

**PR O’Connell’s Admissions and lack of knowledge of the Stansbury case and lack of due diligence mandates Denial of the Ted-Rose Motion as Not Supported by any Proper Fiduciary Determination or Waiver of Conflict**

This Court is directed to the Transcripts of Feb. 16, 2017 and March 2, 2017 in their entirety which speak for themselves but is also directed to some specific passages which mandate denial of the Movant’s Motions and Ordering of Discovery, Depositions and further hearings as I have motioned this Court:

Page 147 Lines 3-12

Q. Okay. Are these records they would be relevant to the lawsuit in the claims of Stansbury and the Estate of Simon Bernstein, yes or no?

A. I don't know.

Q. Okay. If you had the records when did you 8 obtain those records?

A. Since I am not sure what records I have, don't know if I have them. I don't know what they say. And I certainly haven't reviewed them as of the last few days.

Page 148 Lines 2-14

Q. Mr. O'Connell, did you obtain copies of
all the Arbitrage International records from the
beginning of the Stansbury lawsuit to the present
to review as part of making your recommendations to
hire Alan Rose and Ted Bernstein, appoint Ted
Bernstein, yes or no?
A. I don't know.
Q. Okay. If -- would you think those would
be relevant to this lawsuit and the claims in the
case?
A. I don't know because I'd have to see them.
Q. Okay.
A. If there are such records.

Page 158 Lines 10-18

Q. Mr. O'Connell, when did you -- did you
 perform a due diligence investigation into Ted
Bernstein's potential liability in the Stansbury
lawsuit?
A. I have not. I have never been presented
with any facts by anyone or even an allegation to
suggest that such a liability might exist.
Q. Well, the complaint actually alleges that
Ted committed the frauds?

Page 159 Lines 21-25 and Page 160 Lines 1-2

Q. But if you did find that out through due diligence that Ted had liability, you would be able to take action on behalf of the beneficiaries to have Ted sued or charged with that, correct? If, yes, if that information exists, if someone provides us with that information, then, of course, we could.

Feman Exam on O’Connell Page 179 Lines 12-18

A. And obviously then take that against what
13 the facts are that you are referencing that might
14 be disclosed in discovery, apply that against the
14:33:26 15 dismissal, release, look at the settlement
16 agreement that was signed, and take an analysis of
17 all of those items, to give you a correct answer to
18 your question.

**Admissions by O'Connell cannot possibly make out sufficient proof for a reasonable determination by him as a Fiduciary for the fair administration of the Estate and all beneficiaries at this time as he does not know what he has reviewed or has seen or has in his possession or turned over and yet walking in as fiduciary.**

Even if Estate somehow is blocked from “contribution” for the Stansbury suit from Ted due to settlement, the Estate still may have causes of action against Ted regarding LIC Arbitrage, Discovery, Accountings etc AND clearly and presently has multiple unresolved central factual questions between Ted Bernstein and Simon’s Est**ate** and Trusts to Deny the Movant’s motions as present and real conflicts exist in the resolving of these factual issues.

It is noted that such Examination by Eliot Bernstein and the hearings in general did not exceed 20 minutes or so per witness with no Discovery or Depositions held in advance yet even in this short time the false and fraudulent conduct of the current Fiduciaries and counsel Alan Rose has quickly unfolded.

**Few Excerpts on Alan Rose and Incorporating by Reference in Entirety the Closing Arguments of Peter Feaman for Stansbury: Overall Facts Support extra-ordinary remedy of Disqualification of the Rose law firm and Alan Rose for the Estate of Simon Bernstein and Denial of all Movant’s motions**

I, Eliot Ivan Bernstein, incorporate by reference the entirety of arguments made in the Feaman closing written statement submitted to this Court timely on 3/9/2017 and include a few excerpts below.

“Then, Mr. Rose stated “everybody that’s a beneficiary of this Estate coming together and signing a written agreement...” Trans. P. 25, lin. 20-22. Mr. Rose also stated to this Court, “Every single person who is a beneficiary of this Estate wants my firm to handle this for the reasons I’m about to tell you. And I don’t think there’s any dispute about it.” Trans. p. 27, In. 19-23. Both of these statements to the Court are false. As testified by Mr. Rose when he was on the stand, he knew that Eliot Bernstein (Mr. Eliot) was a beneficiary of the Estate of Simon Bernstein, yet he continues his false narrative that all beneficiaries are in agreement with his retention by the Estate of Simon Bernstein. They are not.

**Duty of Loyalty -** The most striking or telling portion of Mr. Rose's opening Statement is when he candidly admitted to the Court: “Now I am rooting like crazy that the Estate loses this case in One sense, because that is what everybody that is a beneficiary of my Trust wants. But I could
care less how that turns out, you know, from a legal standpoint.” Trans, p. 40, In, 7-11 His
Florida Bar v. Scott, 39 So.3d 309 (Fla. 2010) is directly on point. There, the Florida Bar held that an attorney violated the Rules of Professional Conduct regarding conflicts of interest by representing multiple clients who all had claims to the same limited funds in a frozen account. **This was a violation even though the client signed a conflict waiver because the conflicts** were directly adverse to the client’s interest and could not be waived (citing Florida Bar Rules 4 1.7(a), 4-1.9(a) and 4-1.16(a)(1)).

Disqualification of a party's chosen counsel is an extraordinary remedy and should only be resorted to sparingly. *Singer Island, Ltd. v. Budget Constr. Co.*, 714 So. 2d 651, 652 (Fla. 4th DCA 1998). Such a motion should be filed only when there are facts clearly calling into question the lawyer's conflicting duty or loyalty.

These are appropriate facts for this extra-ordinary remedy at this time.

**WHEREFORE,** it respectfully prayed for an Order denying the Movant’s motions in their entirety, ordering individually attorney Alan Rose, Trustee Ted Bernstein and PR O’Connell to be separately Enjoined and shall preserve any and all evidence, documents, records, files, statements, Discovery of any kind presently in their Individual possession and Individually Catalog and mark such for Discovery proceedings to be had herein within a reasonable time and the Cataloging of such Discovery be completed in a specified number of days to be determined at further hearings herein and permitting the Motions filed by Eliot Bernstein to modify and amend the current Scheduling Order to be heard at the next scheduled hearing date and further enjoin all such fiduciaries from any further Distribution, waste, loss, destruction, concealment, hiding of any assets and evidence and Discovery herein until further Order of this Court and for such other and further relief as may be just and proper.

**Dated: March 10, 2017**

**By: /S/ Eliot Ivan Bernstein**

Eliot Ivan Bernstein, Pro Se

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to counsel of record and the proper parties on the attached Service List via the Court's e-portal system or Email Service on this 10th day of March, 2017.

**By: /S/ Eliot Ivan Bernstein**

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**SERVICE LIST**

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EXHIBIT 1

Exhibit 73 - Initial June 20, 2012 Feaman Demands on behalf of Stansbury against TED BERNSTEIN, NOT Simon Bernstein.

EXHIBIT 2

Wilmington Trust in a statement dated Aug. 31, 2012

EXHIBIT 3

Email From Former Curator Ben Brown of Sept. 2014 to Eliot Bernstein

EXHIBIT 4

**Peter Feaman letter to PR O’Connell on Ted Wasting Assets, Removal, No Accountings, Missing property Aug. 2014**

**EXHIBIT 5**

**Unsigned** Tax Statements for LIC only for years 2007 and 2008