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, **MOTION FOR EXTENSION OF TIME:**

Deceased. **REHEARING OF APRIL 28, 2017**

**ORDER**

COMES NOW Eliot Bernstein, Appellant Pro se, who respectfully pleads and prays before this Court as follows:

1. I am Eliot Bernstein acting pro se.
2. I raise multiple grounds in good faith to support the request for the extension of time to move for a Rehearing of this Court’s April 28th, 2017 Order issued by Judge Colton under Florida Rules of Civil Procedure 1.530.
3. The 15th day for filing the motion for rehearing which was May 13, 2017 fell on a weekend ( Saturday ) and today, Monday, May 15, 2017 being the first business day after, this motion for an extension of time is timely.
4. I have experienced “electrical” troubles in the household for over two weeks resulting in surges, power outages, flashes of power out and back on often knocking out the computer systems, internet, phones and other appliances causing many delays.
5. These electrical matters increased to such a point where Florida Power and Light (FPL ) crews have been out to the home multiple times in the last 7 plus days resulting in “temporary” solutions to the Electrical issues, including rewiring the entire house directly to a transformer, which continues through today.
6. This most recently resulted in power, phones, electricity and internet being out over the last several days for hours at a time, all while drafts of motions and other responses in this and related cases have gone on causing significant delays.
7. I have attached as Exhibit 1 some of the Work Order receipts for these issues.
8. Further cause is shown by the continuing “sharp practices” of attorney Alan Rose who has proceeded to submit no less than 3 separate filings in the last few days on the same improper motion again in related matters before this Lower Tribunal setting a motion for a UMC when Alan Rose knows the matter be contested, improper for a UMC Hearing and in need of an evidentiary hearing.
9. Even licensed attorney Peter Feaman representing Creditor Stansbury has moved the Lower Tribunal that such motions are improper. From Feaman’s filing in Simon’s Estate, see “Filing # 56303373 E-Filed 05/11/2017 12:25:51 PM,”

“4. Moreover, the Trustee's Motion to approve Compromise and Settlement is governed by§ 733.708, Fla. Stat., which provides that a Court may enter an order authorizing a compromise only if the Court is "satisfied that the compromise will be for the best interest of the interested parties." Such a determination should not be made on a uniform motion calendar hearing since it requires an evidentiary hearing.”

And further,

“6. Therefore, any hearing on the Successor Trustee's Motion to approve and Compromise and Settlement should be an evidentiary hearing, and such hearing should be scheduled only after full disclosure of the settlement details to all interested parties, including  
Stansbury.”

See Exhibit 2, Feaman Motion.

1. That further, in closing statements to the Court for recent hearings before this Court, see “Filing # 53539832 E-Filed 03/09/2017 05:07:58 PM”, licensed Attorney at Law, Peter Feaman, Esq. has shown the Court that Alan Rose has materially and knowingly misled the Court and parties to the action in his testimony before the Court as a witness and in pleadings filed on behalf of his client Ted Bernstein. From that pleading,

“In opening statement by Mr. Rose, the Court heard numerous misstatements of fact and unsubstantiated assertions which are contradicted by the evidence and not supported by the record.”  
Standing

“Then, MT. Rose stated "everybody that's a beneficiary of this Estate coming together and signing a written agreement ... " [Trans. P. 25, ln. 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, ln. 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.”

“Also, in his opening statement, Mr. Rose asserts that the former Curator, Ben Brown, "filed papers" where "he states that he wanted to stay the litigation [Stansbury's] but he states that I (Alan Rose) have "been doing a great job representing him ... " [Trans. P. 27, ln. 9-12] Mr.  
Rose never represented Ben Brown and no such statement was ever made in Mr. Brown's Motion to Stay or in any other comi filing by Mr. Brown.”

“At page 29, line 8, Mr. Rose also misrepresented to the Court, "So they said the beneficiaries with Mr. O'Connell's consent, want Mr. Rose to become the lawyer and we want Mr. Ted Bernstein to become the administrator ad litem." [Trans. p. 29, ln. 8-11] There is no unanimous consent among the beneficiaries for the retention of Mr. Rose and the appointment of Ted Bernstein as AAL.

1. More importantly, Lower Tribunal Judge Scher has issued an Order determining that I, Eliot Bernstein, am in fact a Beneficiary of Simon’s Estate making the conduct of Attorney Alan Rose and his Client Ted Bernstein a fraud upon the Court lasting over a year which has yet to be corrected by Alan Rose or his client or the Court yet forcing additional time, work and items to followup on to correct the various frauds that denied Eliot due process and procedure by Obstructing through Simulated Legal Process his due process rights.
2. Further good cause is shown in that neither Alan Rose nor the Lower Tribunal has taken action to notify other Courts like the US District Court of Illinois or the 7th Circuit of the finding that I, Eliot Bernstein, am in fact a beneficiary in the Estate of Simon Bernstein with Standing despite attorney Rose’s claims that I was not a beneficiary and did not have standing that led to a series of Orders being issued based on the Obstruction through Simulated Legal Process of these false statements and yet the District Court of Illinois has issued a Summary Judgment Order relying upon the fraudulent prior determination by Judge Phillips that I have no Standing and am not a Beneficiary in the Estate of Simon Bernstein.
3. Thus, the continuing process of unraveling and addressing the repeated frauds by Alan Rose and his client further take necessary time away from properly completing this important motion on an alleged Final Judgment.
4. Said motion for rehearing will raise those factual determinations and issues of law overlooked or misapprehended relating to Alan Rose and PR O’Connell’s conduct and the law on fraud and other.
5. Moreover, grounds will be raised in relation to the impropriety of the subject ruling which was made without an evidentiary hearing by a “last minute” Judge Colton who had no background of the cases after Judge Scher’s office herself had Set the Specially Set Hearing which was later changed last minute so the “new surprise Judge Colton” could hear this important motion regarding a mass of fraud instead of simply Re-scheduling the motion so it could be properly heard.
6. Lower Tribunal Judge Scher stated on the Record in prior proceedings dating back to November of last year 2016 that it was going to take her nearly 2 months or so to “review” and get up to speed on the various cases herein and thus a “last minute Judge” who did not even know who the parties were was improper per se other than re-scheduling the matter.
7. Thus, many meritorious grounds will be asserted and an extension of time is requested.

**WHEREFORE**, it is respectfully prayed for an Order granting a reasonable extension of time and for the Court to set the time for Appellant to file the Motion for Rehearing and for such other relief as may seem just and proper.

Respectfully submitted,

Dated: May 15th, 2017

**/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 HEREBY CERTIFY that a copy of the within has been served upon all parties on the attached Service List by E-Mail Electronic Transmission, Court ECF on this 15th day of May, 2017.

**SERVICE LIST**

**SERVICE LIST**

|  |  |  |
| --- | --- | --- |
| Pamela Beth Simon  950 N. Michigan Avenue  Apartment 2603  Chicago, IL 60611  psimon@stpcorp.com | Alan B. Rose, Esq.  Page, Mrachek, Fitzgerald & 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 | 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 |
| 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  kmoran@tescherspallina.com ddustin@tescherspallina.com | Lisa Friedstein  2142 Churchill Lane  Highland Park, IL 60035  Lisa@friedsteins.com  lisa.friedstein@gmail.com  lisa@friedsteins.com | 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  martin@kolawyers.com |
| 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 | Donald Tescher, Esq., Tescher & 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 | Jill Iantoni  2101 Magnolia Lane  Highland Park, IL 60035  jilliantoni@gmail.com |
| Peter Feaman, Esquire  Peter M. Feaman, P.A.  3615 Boynton Beach Blvd.  Boynton Beach, FL 33436  pfeaman@feamanlaw.com  service@feamanlaw.com mkoskey@feamanlaw.com | Kimberly Moran  kmoran@tescherspallina.com | 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 |
| Carley & Max Friedstein, Minors  c/o Jeffrey and Lisa Friedstein  Parents and Natural Guardians  2142 Churchill Lane  Highland Park, IL 6003  Lisa@friedsteins.com  lisa.friedstein@gmail.com | Lindsay Baxley  aka Lindsay Giles  lindsay@lifeinsuranceconcepts.com | 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@ciklinliibitz.com |

**SERVICE LIST**

|  |  |
| --- | --- |
| 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@jrnoiTisseylaw.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  Email: service@feamanlaw.com:  mkoskey@feamanlaw.com | Jill Iantoni  2101 Magnolia Lane Highland Park, IL 60035  jilliantoni@gmail.com |
| 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 | Counter Defendant  Robert Spallina, Esq.  Donald Tescher, Esq.  Tescher & Spallina  925 South Federal Hwy., Suite 500  Boca Raton, Florida 33432 |
| 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@ciklinliibitz.com | 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 |
| 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 | 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 |
| Theodore Stuart Bernstein  880 Berkeley  Boca Raton, FL 33487  tbernstein@lifeinsuranceconcepts.com | Counter Defendant  TESCHER & SPALLINA, *P.A.*.  Wells Fargo Plaza  925 South Federal Hwy Suite 500  Boca Raton, Florida 33432  dtescher@tescherspallina.com |
| Theodore Stuart Bernstein  Life Insurance Concepts, Inc.  950 Peninsula Corporate Circle  Suite 3010  Boca Raton, FL 33487  tbernstein@lifeinsuranceconcepts.com | 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 |
| Pamela Beth Simon  950 N. Michigan Avenue  Apartment 2603  Chicago, IL 60611  psimon@stpcorp.com | 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  561-355-6991  lmrachek@mrachek-law.com |
| Jill Iantoni  2101 Magnolia Lane  Highland Park, IL 60035  jilliantoni@gmail.com | Counter Defendant  Pankauski Law Firm PLLC  120 South Olive Avenue  7th Floor  West Palm Beach, FL 33401 |
| Lisa Sue Friedstein  2142 Churchill Lane  Highland Park, IL 60035  lisa.friedstein@gmail.com  lisa@friedsteins.com | 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 |
| 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 | Hunt Worth, Esq.  President  Oppenheimer Trust Company of Delaware  405 Silverside Road  Wilmington, DE 19809  302-792-3500  hunt.worth@opco.com |
| 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 | Neil Wolfson  President & Chief Executive Officer  Wilmington Trust Company  1100 North Market Street  Wilmington, DE 19890-0001  nwolfson@wilmingtontrust.com |
| William McCabe  Oppenheimer & Co., Inc.  85 Broad St Fl 25  New York, NY 10004  William.McCabe@opco.com | STP Enterprises, Inc.  303 East Wacker Drive  Suite 210  Chicago IL 60601-5210  psimon@stpcorp.com |
| 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 | Ralph S. Janvey  Krage & Janvey, L.L.P.  Federal Court Appointed Receiver  Stanford Financial Group  2100 Ross Ave, Dallas, TX 75201  rjanvey@kjllp.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 |
| ADR & MEDIATIONS SERVICES, LLC  Diana Lewis  2765 Tecumseh Drive  West Palm Beach, FL 33409  (561) 758-3017 Telephone  Email: dzlewis@aol.com  (Fla. Bar No. 351350) |  |

SERVICE LIST

|  |  |  |
| --- | --- | --- |
| Pamela Beth Simon  950 N. Michigan Avenue  Apartment 2603  Chicago, IL 60611  psimon@stpcorp.com | Alan B. Rose, Esq.  Page, Mrachek, Fitzgerald & 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 | 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 |
| 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  kmoran@tescherspallina.com ddustin@tescherspallina.com | Lisa Friedstein  2142 Churchill Lane  Highland Park, IL 60035  Lisa@friedsteins.com  lisa.friedstein@gmail.com  lisa@friedsteins.com | 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  martin@kolawyers.com |
| 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 | Donald Tescher, Esq., Tescher & 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 | Jill Iantoni  2101 Magnolia Lane  Highland Park, IL 60035  jilliantoni@gmail.com |
| Peter Feaman, Esquire  Peter M. Feaman, P.A.  3615 Boynton Beach Blvd.  Boynton Beach, FL 33436  pfeaman@feamanlaw.com  service@feamanlaw.com mkoskey@feamanlaw.com | Kimberly Moran  kmoran@tescherspallina.com | 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 |
| Carley & Max Friedstein, Minors  c/o Jeffrey and Lisa Friedstein  Parents and Natural Guardians  2142 Churchill Lane  Highland Park, IL 6003  Lisa@friedsteins.com  lisa.friedstein@gmail.com | Lindsay Baxley  aka Lindsay Giles  lindsay@lifeinsuranceconcepts.com |  |

EXHIBIT 1

POWER INTERNET OUTAGES

EXHIBIT 2 - FEAMAN MOTION