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

IN RE: Case No. 502014CP003698XXXXNBIH

TRUST OF SHIRLEY BERNSTEIN, Honorable Judge Rosemarie Scher

Deceased.

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**MOTION OBJECTION-OPPOSITION TO UMC HEARING ON “TED BERNSTEIN'S MOTION TO APPROVE COMPROMISE AND SETTLEMENT; APPOINT A TRUSTEE AND; DETERMINE COMPENSATION FOR GUARDIAN AD LITEM [DE 237]”**

COMES NOW Eliot I. Bernstein, pro se, as a NAMED beneficiary and interested person in the Shirley Bernstein Trust who respectfully submits this “MOTION OBJECTION-OPPOSITION TO UMC HEARING ON “TED BERNSTEIN'S MOTION TO APPROVE COMPROMISE AND SETTLEMENT; APPOINT A TRUSTEE AND; DETERMINE COMPENSATION FOR GUARDIAN AD LITEM [DE 237]” and states as follows:

1. I am Eliot Bernstein pro se and am a named Beneficiary with Standing in the Shirley Bernstein Trust alleged valid by this Court.
2. As this Court is aware, licensed attorney Peter Feaman already notified this Court that the Uniform Motion Calendar ( "UMC" ) Hearing scheduled by attorney Alan Rose on behalf of Ted Bernstein for today's date, May 18, 2017 is improper and should have already been Removed from the Calendar by your Honor in the Simon Bernstein Estate case and similarly this matter is improperly scheduled in this Shirley Bernstein Trust case. See, attached filing of attorney Peter Feaman on behalf of Creditor William Stansbury. ( EXHIBIT 1 - May 11 2017 - 20170511 Feaman Stansbury Reply Response to Trustees Motion for Approval of Settlement)
3. Respectfully, I remind your Honor of the filings to date and the fraud already proven in the Court and remind your Honor of your mandatory Judicial Obligation under "Canon 3, A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY AND DILIGENTLY, D. Disciplinary Responsibilities. (2) A judge who receives information or has actual knowledge that substantial likelihood exists that a lawyer has committed a violation of the Rules Regulating The Florida Bar shall take appropriate action."
4. I further respectfully remind this Court that under Title 18 of the Federal Code, it is a Crime when "18 U.S. Code § 4 - Misprision of felony Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both."
5. Yet, upon information and belief, despite knowing that Ted Bernstein and his lawyers have perpetrated a similar fraud on the US District Court of the Northern District of Illinois which has issued a Summary Judgment against my rights based in part upon the false Orders in this 15th Judicial that I was not a Beneficiary and had no standing in these cases, Your Honor has yet to Report the fraud now proven in your Court to any authority to take action against Attorney Alan Rose and has not Reported these matters to the US District Court of the Northern District of Illinois or the 7th Circuit Federal Appeals Court where my Appeal is pending and yet instead of being able to timely prosecute that appeal I am back here at improper UMC Hearings where further fraud is occurring and your Honor has failed to take action to stop the continuing and ongoing fraud and instead allows Alan Rose to continue the frauds against beneficiaries, interested persons and the Creditor William Stansbury.
6. This Court is and must be aware that it has now found that I, Eliot Bernstein, am in fact ( and always have been ) a Beneficiary With Standing in the Estate of Simon Bernstein as your Honor made this finding and it is embodied in this Court's Order of April 27, 2017 which is attached (See EXHIBIT 2 - Order of April 27, 2017 - 20170427 ORDER SCHER BERNSTEIN Simon Order Denying M.Vacate Denying Motion Disqualify etc 2012-CP-4391.) This factual determination is precisely "part" of the Fraud perpetrated by Attorney Alan Rose, Ted Bernstein and acquiesced by PR and Attorney Brian O'Connell of the Ciklin law firm in the proceedings before prior Judge Phillips on this case with such Fraud lasting over a year while I was Falsely denied rights of Standing and Due Process Opportunity to be Heard based upon the knowingly False pleadings signed by Alan Rose claiming I was not a Beneficiary and that Judge Phillips had already determined this as of Jan. 2016 when in fact there is no such Finding or Order or Record of this by Judge Phillips since attorney Alan Rose knows and knew at all times this was False yet set in motion this course before the Court.
7. As a matter of law, this Court is obligated to now issue Discovery and Schedule Evidentiary Hearings having made the Determination that I am in fact a Beneficiary of Simon's Estate and thus proving that part of my Motion to Vacate the Scheduling Order so hearings on Fraud could be heard first, but instead thus far this Court is permitting Alan Rose to move unadulterated in repeated false, dishonest and fraudulent actions which must now be stopped by use of Injunctive powers as previously petitioned.
8. This Court is well aware that I have filed specific motions showing and proving just this "part" of the frauds in the cases, being a case where Ted Bernstein's "other" law firm and close personal friends at Tescher & Spallina acted as Estate Planners for my parents multi-million dollar assets only to have Admitted Forgery of multiple documents occur by Tescher & Spallina employee Kimberly Moran acting as a Paralegal and Notary Public falsifying Notarized signatures on documents in the Shirley Bernstein Estate case and then the firm deposited such records with the Court as part of a pattern and practice of Fraud on the Court. Similarly Robert Spallina admitted in a December 15, 2015 hearing that he had personally fraudulently forged and created a Shirley Trust document attempting to change beneficiaries to include Ted Bernstein’s family as beneficiaries when he knew that Ted’s family had been disinherited entirely in the Shirley Trust when she died and it became irrevocable. Spallina sent this document to Eliot Bernstein’s minor children’s counsel, Christine C. Yates, Esq. as part of an elaborate fraud to change beneficiaries, a fraud that continues today with Ted’s new counsel Alan Rose, Esq. who was part of the Tescher, Spallina and Ted original team, thus the fraud continues when all of them should have been reported, sanctioned and arrested and forced to put up bonding, etc. for damages that have resulted for now over 5 years. As you are and should be aware, both attorneys Donald Tescher and Robert Spallina were then later charged in an SEC INSIDER TRADING Case where it was found Tescher and Spallina violated fiduciary oaths and duties to their clients as well and where Attorney Robert Spallina is still under Open active Investigation by the FBI to my knowledge and why certain federal offices are copied on this communication herein. Other federal offices are likewise copied for related acts of fraud and crime by the core parties herein now trying to stand before Your Honor at a 5 Minute "UMC" Hearing which is only for Non Contested matters trying to get you to Approve Settlements that were issued and made in Fraud with a Court, with claims that all beneficiaries have consented to these pleadings and falsely operating as if I, nor my adult children have No Standing and I am not a Beneficiary of my father and mothers estates and trusts, which is patently a false claim as I am a named beneficiary in every single instance in the documents alleged to be valid by this Court.
9. This Court has been shown "millions" in assets and accounts held by my parents Simon and Shirley Bernstein which have "gone missing" like volumes and volumes of Files, records and Evidence in this case and yet your Honor has yet to issue any proper Injunctive relief or restraining Order as requested. If my parents interests in Intellectual Properties of my family is considered the Estate may be worth some 300 Billion Dollars as they have an estimated value of over a Trillion Dollars. See the Attached Motion to Vacate Scheduling Order and All Writs Petition in the US District Court, (See EXHIBIT 3 - 20160224 FINAL ESIGNED MOTION FOR INJUNCTION ECF STAMPED COPY )
10. I respectfully notify this Court that if it permits Alan Rose and Ted Bernstein to continue on at this UMC Hearing and grant affirmative relief as requested I will be immediately notifying federal and state authorities and further filing direct Criminal complaints against your Honor as well for this continued Simulated Legal Process, Obstruction of Justice, Fraud on the Court and more.
11. At this UMC Hearing Alan Rose is furthering the Fraud that I am not a Beneficiary with Standing in Shirley's Estate case or Shirley's Trust, both of which is False and fraudulent before this Court and this Court will be Aiding and Abetting this Fraud by granting any affirmative relief to Alan Rose and his Client Ted Bernstein.
12. This Court should be well aware from the recent Testimony and from reviewing all the Case History and Records that another part of the Alan Rose "fraud" is claiming this Court by Judge Phillips somehow "determined" all these matters yet this Court now knows there was No Such Construction Hearing ever held nor any such actions by Judge Phillips and that this is further reason to Report Alan Rose for Misconduct and fraud.
13. Further, that Rose falsely and fraudulently claims I am likewise not a Beneficiary in Shirley's Estate or Trust yet in Shirley's Estate I am a Beneficiary by express terms just like this Court found in Simon's Will despite Rose’s claims as a witness on the stand and in pleadings before the Court to the contrary, that I was Named as a Beneficiary in the Notice of Administration filed and in the Shirley Trust case as soon as Shirley passed away in Dec. of 2010 by operation of law her Trust became Irrevocable and I was instantly a direct Beneficiary under the express terms of the Trust. Of course, being a natural born child of my parents I have standing in any of these matters as at minimum an interested person and any ruling stating otherwise would be precedent setting where children of their parents would no longer have standing in Estate and Trust matters.
14. Alan Rose is now "furthering" and "ratcheting up" the Fraud by NOW claiming in the Motion improperly Noticed for this UMC Hearing that the Trusts for my children 1) now "exist" when he previously admitted these did not exist; and 2) the Trusts are the Trusts dated 7-25-2012 when the Trusts he "SERVED with NOTICE" allegedly were created 9-13-12 the day my father passed away and yet in BOTH instances Rose has Never Disclosed or Turned over copies of these Trusts that somehow "now" at the end of the case he is claiming these "exist" but not providing copies.
15. Just in Alan Rose's Motion for Approval which is attached hereto (see EXHIBIT 4 - 20161109 Simon Estate Case 4391 - Trustee Motion (i) APPROVE COMPROMISE AND SETTLEMENT Appoint Trustee for Trusts Created for Josh Jake Danny Comp for Guardian.pdf) this is shown when he "sues" and "Notices" Trusts allegedly dated and created 9-13-12 in the CAPTION of the case but then in the body of the Motion at Paragraph 7 these same Trusts allegedly were created 7-25-12 but again, does NOT provide a copy or have a copy of these Trusts.
16. To remind this Court of the seriousness of the matters at hand, I remind this Court that one of my Witnesses ready to come forward on appropriate Notice at an appropriate time is a Washington, DC contact currently referred to as "DC No. 1" who has direct relevant testimony to the underlying Iviewit Patent frauds which are and should and must be a part of Simon's Estate which have also been disregarded thus far by the alleged Fiduciaries Ted Bernstein and PR O'Connell.
17. On an equally, if not more, serious level, "DC No. 1" has also advised that I should send all materials on the death of Mitchell Huhem to Federal authorities. Mitchell Huhem, a Motivational Speaker and friend of Donald Trump, or President Trump, of course, allegedly was found deceased in Feb. of 2016 in my parents garage with gunshot wounds to the head the day before I filed the All Writs Injunction in Fed Court when Mitchell Huhem's attorney Laurence Pino of Orlando, Florida who was involved in the illegal sale of the Lions Head Home of my parents in Boca Raton, Fl became aware on the Friday before Mitch Huhem's body was discovered that the creation of the LIONS HEAD LAND TRUST Inc. a fraudulent "SHELL COMPANY" that was used to "transfer" the home was done so Fraudulently and illegally and that Attorney Pino's office was directly involved in the fraud as it had not only been exposed at the Florida Secretary of State Division of Corporations but also was going into my federal papers in the All Writs act Petition. These crimes have since been reported to State and Federal authorities by myself, again the Court has failed to take any corrective actions despite having Prima Facie evidence already presented to the Court of continuing and ongoing frauds on and by the Court which have severely damaged my family and young children.
18. This Court should be aware that Attorney Alan Rose's conduct is directly a "key" part in a proper investigation of Mitchell Huhem's death as a Murder as attorney Alan Rose, in pattern and practice, submitted False Written information about Ted Bernstein's relationship with Mitchell Huhem in April of 2016 which has already been forwarded to the FBI.
19. Thus, this Court should monetarily Sanction Alan Rose for this improper UMC Hearing, strike and deny the motions of Alan Rose altogether and schedule proper Hearings on the Fraud after full Discovery as required by law.

**WHEREFORE,** this Court should monetarily Sanction Alan Rose and Ted Bernstein for this improper UMC Hearing and knowingly false pleadings, strike and deny the motions of Alan Rose altogether and schedule proper Hearings on the Fraud after full Discovery as required by law and further relief as just and proper.

**Dated: May 18, 2017**

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

Eliot Ivan Bernstein, Pro Se

2753 NW 34th Street

Boca Raton, FL 33434

561.245.8588

iviewit@iviewit.tv

**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 18th day of May, 2017.

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

Eliot Ivan Bernstein, Pro Se

2753 NW 34th Street

Boca Raton, FL 33434

561.245.8588

iviewit@iviewit.tv

**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](mailto: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**

May 11 2017 - 20170511 Feaman Stansbury Reply Response to Trustees Motion for Approval of Settlement

**EXHIBIT 2**

Order of April 27, 2017 - 20170427 ORDER SCHER BERNSTEIN Simon Order Denying M.Vacate Denying Motion Disqualify etc 2012-CP-4391

**EXHIBIT 3**

20160224 FINAL ESIGNED MOTION FOR INJUNCTION ECF STAMPED COPY

**EXHIBIT 4**

20161109 Simon Estate Case 4391 - Trustee Motion (i) APPROVE COMPROMISE AND SETTLEMENT Appoint Trustee for Trusts Created for Josh Jake Danny Comp for Guardian.pdf