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,

Deceased.

ESTATE BENEFICIARY WITH STANDING AND INTERESTED PERSON ELIOT I. BERNSTEIN'S OPPOSITION AND RESPONSE TO TRUSTEE'S MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT AND MOTION FOR STAY OF FURTHER PROCEEDINGS UNTIL DISCOVERY COMPLIANCE, DEPOSITIONS AND CONFLICTS OF INTEREST DETERMINED.

COMES NOW ELIOT I. BERNSTEIN and in OPPOSITION AND RESPONSE to the Motion for Approval of Settlement Agreement, states as follows:

1. I am Eliot Bernstein pro se, a Beneficiary of the Estate of Simon Bernstein with standing and an interested party herein.
2. This matter should be Stayed at this time and adjourned pending outcome of future hearings and the sorting out of conflicts of interest and correction of the multiple and various frauds upon the Court, Fraud Upon the Beneficiaries and Interested Parties and until such time as the Court performs its mandatory obligations under law to address the frauds which this Court of Judge Scher has now personally witnessed in these cases involving Ted Bernstein, Alan Rose and at minimum the tacit complicity of PR Brian O'Connell, frauds that have gone on for over a year and which have directly denied Eliot's Constitutionally Protected Due Process and Procedure rights in these matters and impacted other proceedings and litigation similarly including but not limited to federal litigation in the Northern District of Illinois in certain Life Insurance matters and now pending at the US Court of Appeals for the 7th Circuit.

3. Part of these conflicts of interest and the need for the Courts to use its Inherent powers is set out in the federal litigation in Illinois and I have attached as Exhibits filings before the US 7th Circuit Court of Appeals and a Motion for an Injunction filed in the US District Court under the All Writs Act which is also the subject of appeal at the 7th Circuit which not only highlights the conflicts but further provides grounds for this Court to Stay proceedings and use injunctive powers clearly demonstrating "Missing Millions", "Missing Originals", "Missing Witnessses" and related conflicts. See Exhibit 1 Motion to Accept Late Filing at US 7th Circuit; Exhibit 2 Jurisdictional Statement at US 7th Circuit, Exhibit 3, All Writs Act Injunction at US District Court.
4. The Conflicts of interest in this case, however, go deeper as thus far Claimant Stansbury has "settled" with Ted Bernstein in an Undisclosed Settlement not approved by any Court which has improperly allowed Ted Bernstein to settle out "indivdually" claims against himself made by Stansbury while also simultaneously acting in the role as Trustee of the Shirley Trust and PR of the Shirley Estate and further on behalf of other corporate entities thus shifting the burden of liability to the Estate of Simon Bernstein where there has been no production of Records from the Corporate entities and no Hearings on Accountings from the Shirley Bernstein Trust or Estate or any Hearings on Objections to Accountings in the Simon Trust or Estate.
5. The Conflicts are more exaggerated when contemplating that William Stansbury himself is and was at all relevant times the "Trust Protector" for substantial investments at Wilmington Trust which according to Account statements in August of 2012 just weeks before Simon's death reflected approximately $2.8 Million for Simon Bernstein's 49% share in BFI (Bernstein Family Investments) which remains wholly unaccounted for and missing.

6. This is even more exaggerated by the suggestion of William Stansbury that it was likely that Shirley Bernstein's 49% in BFI also had holdings with Wilmington Trust which could make this nearly $6 Million Unaccounted for yet there are no Accountings or Hearings thus far granted by this Court despite these parties and this Court being aware of these actions for more than an adequate period of time, exceeding months at this point.
7. It is anticipated that William Stansbury will continue to cooperate with myself and will provide further Sworn Statements in these proceedings highlighting his knowledge of improprieties, fraud and further that Stansbury has indicated his Counsel Peter Feaman will voluntarily agree to a Deposition statement on his knowledge of fraud and procedural and substantive improprieties including in leading up to the Validity Trial itself and the parties simply need to gather a date for such Deposition which should be timely held as this will also impact the ongoing Illinois litigation.

THIS COURT, JUDGE SCHER PRESIDING, HAVING PERSONALLY WITNESSED AND REVIEWED FRAUD UPON THE COURT INVOLVING TED BERNSTEIN AND HIS ATTORNEY ALAN ROSE SHALL PERFORM MANDATORY OBLIGATIONS, ADDRESS CONFLICTS OF INTEREST; STAY PROCEEDINGS, ORDER DISCOVERY AND DISCOVERY COMPLIANCE PENDING FURTHER HEARINGS TO BE SCHEDULED

8. Judge Scher has Witnessed and has knowledge of proven Fraud before this Court by Ted Bernstein and Alan Rose which has at least been tacitly permitted by PR Brian O'Connell and has gone on for over a year and impacted multiple proceedings.

9. Judge Scher is obligated under law to Order appropriate Discovery to correct these frauds and held proper evidentiary hearings. Part of the fraud to be addressed herein as set out to the US District Court and 7th Circuit is Tescher and Spallina being "orchestrated out" of liability in the Insurance case in Illinois while now being likewise "settled out" by the same conflicted Fiduciaries and thus must be stayed until the fraud is resolved.
10. This Court's Order of April 27, 2017 confirms in part one avenue of the Fraud whereby Ted Bernstein and Alan Rose have falsely put forth a scheme to deny Eliot Bernstein standing and fair opportunities to be heard in the proceedings on the grounds he was not a Beneficiary "of anything" and not a beneficiary in the Estate of Simon Bernstein.
11. This Court of Judge Scher has or should have actual direct knowledge having had sufficient time to review the Records of proceedings on file with the 15th Judicial and the filings of the parties to know and actually know there has been NO CONSTRUCTION HEARING on the Operative Testamentary documents, No Notice of any such hearing and no hearing in fact occurring and that this fraud directly spills over to the entire Shirley Bernstein Trust and Estate case and all matters should be stayed.
12. The Transcripts show PR O'Connell can not point to any Construction Hearing held with Due Process Notice and attorney Peter Feaman should be able to verify this fact which is also obvious from the face of the records.
13. This thus takes the entire fraud into the Shirley Bernstein Estate and Shirley Bernstein Trust and this Court has an absolute obligation to Stay any further matters until addressing this Fraud or face mandatory Disqualification.
14. This Court's Order approving any Settlement by Ted Bernstein and the Shirley Bernstein Trust and or Estate should be vacated at this time.

15. This Court will see and should see that the fraud that kept Eliot Bernstein improperly out of the Estate of Simon Bernstein was furthered in the Shirley Bernstein Trust case.
16. There is no Order of the 4th DCA that controls or addresses these matters and any Order by Judge Phillips is an interlocutory Order which is not Final and subject to correction upon fraud and related grounds.
17. There is no Proper consent in the Record of adult children Josh and Jake Bernstein who have not been Noticed or Summoned to these proceedings.
18. Eliot Bernstein is a named Beneficiary in the Shirley Trust and a beneficiary in the Shirley Estate where direct frauds by Tescher and Spallina have occurred.
19. Eliot Bernstein should have full access to the alleged Settlement agreement and terms before the Court goes further.
20. There is ample evidence to show by clear and convincing standards that the Trustee and his attorney Alan Rose began (or continued) a fraudulent scheme set in motion and continued after the Validity Trial to fraudulently and wrongfully deny Eliot Bernsteint "standing" and the "opportunity to be heard" in the proceedings leading up to the Order and after.
21. As this Court has repeatedly held, "the beneficiary's interest vested upon the death of the decedent, when the trust became irrevocable." See, Hilgendorf v. ESTATE OF THELMA COLEMAN and JENNILYNN K. SMITH, No. 4D15-4870 (4th DCA Oct. 2016).
22. Eliot Bernstein's interest as a beneficiary of the Shirley Bernstein Trust vested when Shirley Bernstein passed in Dec. of 2010.
23. A beneficiary's interest in a trust vests upon the death of the settlor. Sorrels v. McNally, 89 Fla. 457, 105 So. 106, 107 (Fla.1925).

24. As set out in this 4th DCA's 2014 decision in DORIS RICH CORYA, as Trustee of the Sanders Trust, et al v. Roy Sanders, Nos. 4D12-3067 and 4D12-3926 (4th DCA Nov. 2014, "Failure to prepare an accounting is a breach of trust by a trustee. § 736.1001(1), Fla. Stat. (2008). The failure is also referred to as a breach of fiduciary duty. McCormick v. Cox, 118 So. 3d 980, 986-87 (Fla. 3d DCA 2013) (holding that evidence that trustee filed no annual accounting was competent substantial evidence of a breach of fiduciary duty). A breach of trust or fiduciary duty is the equivalent of at least a negligent tort, and, under certain facts, may be an intentional tort. The breach may result in an award of damages against the trustee personally. §§ 736.1002(1), 736.1013(2), Fla. Stat. (2008)." See, DORIS RICH CORYA, as Trustee of the Sanders Trust, et al v. Roy Sanders, Nos. 4D12-3067 and 4D12-3926 (4th DCA Nov. 2014),
25. Eliot Bernstein has properly shown this Court "missing millions" by these fiduciaries and this Court is well aware that there have been no Hearings on Accounting Objections and in many instances No Accountings filed for months beyond proper times, there have been No construction hearings.
26. Judge Scher has personally heard PR O'Connell and others dodge and not have any of the records such as the LIC records or know what he has seen and this pattern repeats in each instance to all the fiduciaries such that this Court must now act to correct the frauds and conflicts of interest or face mandatory Disqualification.

27. Further, the Successor Trustee of the Simon Bernstein Amended and Restated Trust Agreement dated July 25, 2012, Ted S. Bernstein, on May 8, 2017, noticed for hearing his "Trustee's Motion to (i) approve Compromise and Settlement, (ii) Appoint a Trustee for the Trusts Created for D.B., JA.B. and JO.B, and (iii) Determine Compensation for Guardian ad Litem."
28. On May 5, 2017, William Stansbury served his Motion for Summary Judgment on the Successor Trustee's Motion to be Ratified as Successor Trustee, Filing # 56054058 E-Filed 05/05/2017 12:18:17 PM, pointing out that the Court had determined that there is a conflict between Ted Bernstein and the Estate of Simon Bernstein and that Ted Bernstein is adverse to the Estate of Simon Bernstein in connection with the pending litigation in Illinois.
29. In light of the finding by the Court that a conflict exists between Ted Bernstein and the Estate of Simon Bernstein, Eliot respectfully requests this Court to defer ruling on any Motions by the purported Successor Trustee Ted Bernstein concerning the Simon Bernstein Amended and Restated Trust until such time as the Court determines the propriety of Ted Bernstein serving as Successor Trustee.
30. 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."
31. The alleged Successor Trustee's Motion to approve Compromise and Settlement also asserts that the settlement is confidential and offers to provide the Court with an in camera review of it. However, unless all interested parties, including Stansbury, as well as the Court, know the details

of the settlement, it is impossible to determine whether such compromise is in "the best interest of the interested persons," as required under§ 733.708, Fla. Stat.

32. Therefore, any hearing on the Successor Trustee's Motion to approve and Compromise and Settlement should be scheduled only after full disclosure of the settlement details to all interested parties (including Eliot and Creditor William Stansbury), resolution of all conflicts of interests and adverse interests of Ted Bernstein acting as Trustee and resolution and reporting of all frauds this Court has now become aware of.

33. WHEREFORE, in light of the finding by the Court and Stansbury's Motion for Summary Judgment, Eliot respectfully requests this Court to defer ruling on any Motions by the Successor Trustee concerning the Simon Bernstein Amended and Restated Trust until such time as the Court determines the propriety of Ted Bernstein serving as Successor Trustee, with full disclosure of the details of the proposed settlement to all interested persons, resolve all conflicts and adverse interests of Ted Bernstein, resolve all fraud through correction of pleadings and orders gained through fraudulent pleadings and testimony and notification to the proper tribunals and authorities affected by the fraud and stay such matters until Discovery is properly completed and further hearings held and such other relief as this Court deems just and proper. ·

Respectfully submitted,

Dated: June 28, 2017

/s/ Eliot Ivan Bernstein
Eliot Ivan Bernstein
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Boca Raton, FL 33434
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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 and/or Court ECF on this 28th day of June, 2017.

/s/ Eliot Ivan Bernstein
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EXHIBIT 1

UNITED STATES COURT OF APPEALS

FOR THE SEVENTH CIRCUIT

APPEAL NO. 17-1461

SIMON BERNSTEIN IRREVOCABLE INSURANCE TRUST DTD. 6/21/95, et al. , Plaintiffs-Appellees,	) Appeal from the United States) District Court, Northern District of) Illinois, Eastern Division.)
V.	) LC No. 1:13-CV-O3643) John Robert Blakey, Judge
HERITAGE UNION LIFE INSURANCE CO., et al., Defendants-Appellees.	)) **APPELLANT'S MOTION**
APPEAL OF: ELIOT BERNSTEIN, Cross and Counter-Claimant- Appellant.	) **TO ACCEPT LATE**) **JURISDICTIONAL**) **MEMORANDUM AND**) **PERMISSION TO**) **ELECTRONICALLY FILE**) **AND OTHER RELIEF**

COMES NOW ELIOT I. BERNSTEIN, APPELLANT PRO SE, WHO RESPECTFULLY PLEADS AND SHOWS THIS COURT AS FOLLOWS:

1. I, Eliot Ivan Bernstein, am Appellant pro se.
2. I respectfully make this Motion to Accept my late filing of the Statement of Jurisdiction in response to this Court's Orders and further for permission to File Electronically through the ECF system in the future, to accept my Informa Pauperis statement, to exceed the Page limits on my Jurisdiction statement if needed, and for leave to cure any other defects or requirements by this Court.

3. It is respectfully submitted to this Court that good cause is shown in the filing of this motion which I believe has merit and is not frivolous and request that the motions be granted so this Appeal may be fully heard on the merits.
4. As shown herein, in addition to substantial recurring electrical and power problems at Appellant's home spanning over the last 2 months and ongoing causing computers and other work equipment to go out and other Hacking into Appellant's online "repository" of documents and website, Appellant has been continually engaged in unraveling and sorting out massive frauds which is something Appellant repeatedly notified the US District Court about and where Appellant has repeatedly had to seek extensions of time in the Florida State Courts due to repeated sharp practices and fraudulent filings.

CHANGE OF CIRCUMSTANCES, LAW SINCE ENTRY OF ORDER ON APPEAL

5. There has been a substantial change of circumstances since the entry of the District Court's Order on Summary Judgment which was directly predicated in part upon a clearly erroneous factual and legal determination that Appellant Eliot Bernstein was not a "beneficiary" with "standing" in either the Estates or Trusts of Simon and Shirley Bernstein which was then used by the District Court in its Summary Judgement Order on Appeal on "collateral estoppel" grounds which was clearly erroneous on multiple grounds including applying the clearly erroneous "legal

standard" for Collateral Estoppel by applying Illinois law instead of the law of Florida where the Orders occurred as this is a Diversity of Citizenship case for jurisdiction as cited in Appellant's response to the Summary Judgment ("Round 2").

6. Respectfully, this Court should see that Appellant was clearly a "beneficiary" "with standing" and remains such in the Simon Bernstein Estate case where there has Never been an Order of any Court to the contrary, but Appellant also is and always was a "beneficiary with Standing" in the Shirley Bernstein Estate case and by the express terms of the Shirley Trust was an expressly "named" Beneficiary of the Shirley Trust which became "irrevocable" upon her passing which was prior to Simon Bernstein's passing.
7. Appellant had moved for "Injunctive relief" in the State Court of Florida even prior to the "removal" of the "Insurance litigation" herein to Federal Court on or about May 16, 2013.
8. This "Injunctive" relief filed in the State Court was predicated upon the "then discovered" Frauds and forgeries of Dispositive documents filed in the Shirley Bernstein Estate case by attorneys working for and with Ted Bernstein, the alleged "Trustee" and Plaintiff in this action being attorneys at Tescher and Spallina who were the Estate Planners for Simon and Shirley Bernstein and made themselves Personal Representatives of the Estates and Co-Trustees of Trusts.

9. As shown by Appellant's Answer and Counterclaims in this case and by a Motion for Injunctive Relief filed in the US District Court in this action in Feb. of 2016, the "same parties" involved with the frauds in the State of Florida cases are the same as those frauds before the US District Court where no "original" documents have been produced and all key dispositive Documents like the Insurance Policy and alleged controlling Trust have all allegedly become "lost" and "missing".
10. To the contrary, Appellant has alleged this is all part of a fraudulent scheme to "control" the Assets and Disposition of Assets and take away Appellant's "standing" and right to be heard after Appellant has exposed frauds and crimes in both actions and reported same to Federal and State investigative authorities.
11. Attached is a recent Order of Florida 15th Judicial Circuit Judge Scher which confirms that I, **Appellant, Eliot I. Bernstein am in fact a Beneficiary of the Simon Bernstein Estate which thus changes the circumstances and facts upon which the District Court issued its Order.**
12. Further, Judge Scher has also found that Ted Bernstein, who is the Plaintiff in this case, is adverse to the Estate of Simon Bernstein and has a conflict of interest involving the Illinois Insurance action and yet as later shown herein, continues to act "in unity" with the Estate PR Brian O'Connell to "control" Discovery and documents and the frauds and litigation in both this "Insurance" action and the Florida cases.

13. As this Court will note, while I have attempted in good faith to cite to the Docket Entries in the Record of the US District Court of the Northern District of Illinois in both the Jurisdiction Statement and this motion herein, there are references to newly discovered facts and change of circumstances which have occurred after the issuance of the Order being Appealed and this Court's Orders which I believe are important and while I have attached some of these items in hard copy print, it would be burdensome to do so for the entire motion and would further delay the filing of these papers and I request permission to Electronically file in the future and if required by this Court, to supplement my filings Electronically.

UNDISPUTED CLEAR AND CONVINCING PROOF OF ONGOING FRAUD BY PLAINTIFF TED BERNSTEIN, HIS COUNSELS ALAN B. ROSE, ESQ. AND ADAM SIMON, ESQ. AND INTERVENOR PR BRIAN O'CONNELL, ESQ. FOR THE ESTATE OF SIMON BERNSTEIN ACTING IN CONCERT AND ACTIVE CONCEALMENT OF THE FRAUD DIRECTLY IMPACTING THE US DISTRICT COURT'S ORDER ON SUMMARY JUDGMENT "NEWLY DISCOVERED" AFTER ISSUANCE OF THE SUMMARY JUDGMENT ORDER ON APPEAL; FRAUD THAT HAS BEEN CONCEALED FROM BOTH THE US DISTRICT COURT AND NOW THIS 7TH CIRCUIT US COURT OF APPEALS DESPITE APPELLANT'S REQUEST OF FLORIDA 15TH JUDICIAL CIRCUIT JUDGE SCHER TO NOTIFY ALL PROPER AUTHORITIES

14. The U.S. District Court below, Northern District of Illinois, abused its discretion acting clearly erroneously by failing to determine any actual proof or evidence in the Record and submitted on Summary Judgment by the Plaintiffs to support the

False and Fraudulent claim by Ted Bernstein and Counsels Adam Simon and Alan Rose that Appellant Eliot Bernstein is not a beneficiary of the Estate of Simon Bernstein, lacks standing and is barred from that Probate action lacking standing asserted as collateral estoppel which was improperly relied upon by the District Court in granting Summary Judgment dismissing all of Appellant's claims.

15. On Jan. 30th, 2017, Appellant notified the US District Court prior to the actual issuance of the Order now on Appeal in part "about important circumstances in the Florida Courts which I believe are consistent with what I notified this Court about in my All Writs petition ***where there is Direct collusion between the parties in the Florida proceedings which are impacting the Integrity of this Court's proceedings and path to Judgment.*** Specifically, **that in Florida, the Estate of Simon Bernstein and PR Brian O'Connell are now directly acting in Unity with Ted Bernstein and Alan Rose and even permitting Ted Bernstein's attorney Alan Rose to act as the Counsel for the Estate which is a major conflict of interest.** This conflict has also been raised in Florida by the Creditor's attorney Peter Feaman, Esq. and **Hearings are scheduled in a few weeks in Florida to address this Conflict** and it is also important to note **that these hearings are before a new Judge, Judge Scher,** and **all the Orders that the Plaintiffs are relying upon for Collateral Estoppel before this Court** were

issued by a **Judge Phillips who has now left the Bench prematurely and retired."** See, US District Court Docket No. 271 filed Jan. 30, 2017.

16. This Court should note that the "Ted Bernstein" Plaintiffs and the Estate of Simon Bernstein as Intervenor are the only remaining parties left in the case and yet these parties are not only acting in "unity" but doing so in such a "controlled manner" as to further and protect the frauds at play as shown in the All Writs but now further proof has emerged showing this scheme even further where **there is no "real controversy"** left before the District Court but instead an **"inside, secret deal and negotiation" amongst parties acting in fraud and misconduct.**

17. The US District Court was repeatedly apprised of these Conflicts including in the All Writs Act Motion for Injunction of Feb. 2016, Par. 4, providing in part, "**until this Court sorts out conflicts of interest as set out herein and exercises its inherent powers to probe "side deals" compromising the integrity of this Court's Jurisdiction and that such injunction should specifically include** but not be limited to enjoining proceedings before Judge Phillips in Palm Beach County" (emphasis added). See, Case: 1:13-cv-03643 Document #: 214 Filed: 02/24/16 Page 3 of 132 PageID #:3637.

18. Further in the All Writs Motion for Injunction Appellant moved the District Court stating "that sufficient evidence will be shown **to justify this Court exercising its inherent powers to make inquiry of the parties and respective counsels**

about"side agreements" and other "agreements" outside the record of any proceedings impairing the integrity of proceedings in this Court similar to the inquiry discussed in Winkler v. Eli Lilly & Co., 101 F.3d 1196, 1202 (7th Cir. 1996)" (emphasis added). See, Document #: 214 Filed: 02/24/16 Page 11 of 132 PageID #:3645.

19. Thus, the District Court had been moved for relief under **Winkler v. Eli Lilly & Co. 101 F.3d 1196, 1202 (7th Cir. 1996)** and the All Writs Motion itself set out sufficient grounds for relief. Appellant respectfully asserts that further grounds now exist for Injunctive relief and notifies this Court that it will be moving for Injunctive relief under the Rules.

20. The **U.S. District Court's Order on Appeal (Docket Entry No. 273) appears in all material respects in this part of the Order to be *no more than a simple "copy and paste" by the Court of False statements and arguments submitted* by Plaintiffs' attorney Adam Simon which have been regurgitated into an official federal Court Order with no evidence, proof or documents in support, a *"fraud within a fraud" in an ongoing series of frauds*.**

21. Plaintiffs and their attorney Adam Simon had wholly failed to submit ANY Order or Judgment from Florida showing Appellant was not a Beneficiary in the Estate of Simon Bernstein and lacked standing in the Estate of Simon Bernstein. Of course, legally, the Plaintiffs and Adam Simon could not submit such an Order ***as No Such***

Order exists as this never happened in the Florida state Courts but instead Plaintiffs and Counsel Adam Simon simply knowingly "stated False Facts" to the US District Court that this was the case and such an Order existed in efforts to wholly remove Plaintiffs Constitutionally protected Due Process and Procedure Rights .

22. The US District Court below appears to have **bought into this fraud *"hook, line and sinker" without requiring any Proof or evidence*** as the Order on Appeal not only makes reference to these False Facts stated by Adam Simon but instead of Citing to some actual Order or Judgment document from Florida provided in the Summary Judgment filings, the District Court simply cites to the Statement of Facts submitted by Counsel Adam Simon for Plaintiffs.

23. For example, the US District Court states in the Order on Appeal, "First, Eliot cannot sustain cognizable damages related to the disposition of the Estate or the testamentary trust in light of the Probate Court's rulings. The Probate Court found, inter alia, that Simon Bernstein's "children – including Eliot – are not beneficiaries" of the Will of Simon Bernstein or the related testamentary trust. **[240] at 11."** See, US District Court Order Docket No. 273 pages 7-8. The US District Court had made it clear in FOOTNOTE 1 that, " ***The facts are taken from the parties' Local Rule 56.1 statements and the Court's previous rulings [106, 220]. [240] refers to Plaintiffs' statement of material facts."*** Thus, the US

District Court simply ruled based upon a section of False Statement of Facts from Plaintiffs citing to Plaintiffs Statement of Facts **[240] at 11** that had NO Orders attached or submitted used to provide the Findings and language that the District later gives "preclusive effect to" and thus, a fraud within a fraud, a lie within a lie.

SORTING OUT THE FRAUD AND THE FRAUDS WITHIN THE FRAUD, UNPEELING THE ONION:

24. Part of the basis for Appellant to respectfully move this Court to accept the separate Jurisdictional Statement is for this Court to consider, as shown and stated to the US District Court, the painstaking amount of time it takes and has taken to continually unravel the "lie within a lie of a lie" or "fraud within a fraud of a fraud" that this case has been from the outset as pleaded by the Appellant in the original Answer (Docket No. 35 Filed: 09/22/13) and multiple other filings including a Motion for Injunctive Relief under the All Writs Act filed Feb. 24, 2016 (Case: 1:13-cv-03643 Document #: 214 Filed: 02/24/16) and of course Docket No. 271 above and other filings.
25. I respectfully request this Court to **carefully examine Appellant's Motion for Injunction under the All Writs Act filed by Appellant Feb. 24, 2016** as it is not only **relevant to this Court's Jurisdiction to hear this Appeal** having moved for Injunctive relief at the District Court, but further provides a roadmap to the **Documented "Missing Millions" Unaccounted for in these cases, "Missing**

Originals" and documents and Discovery in general, "Missing Witnesses", pervasive frauds herein and "sharp practices" by the parties against Appellant including the pervasive "conflicts of interest" which have been "controlling the withholding of Discovery" and "Discovery used as a Weapon" throughout these related proceedings.

26. This Court is respectfully referred to Exhibit 10 of Plaintiffs' Summary Judgment motion (1 of 2 "Probate Orders submitted by Plaintiffs) which is a "Final Judgment" on "validity" of Testamentary instruments from Judge Phillips in Florida issued Dec. 16, 2015 while the parties were awaiting the first Summary Judgment determination from the US District Court (Summary Judgment filings "No 1 from summer of 2015).

27. Paragraph 2 of that Final Judgment provides: "Based upon the evidence presented during the trial, the Court finds that the Testamentary Documents, as offered in evidence by Plaintiff, are genuine and authentic, ***and are valid and enforceable according to their terms."*** See, Adam Simon and Plaintiffs "Round 2" Summary Judgment filing Exhibit 10, Case: 1:13-cv-03643 Document #: 240-11 Filed: 05/21/16 Page 3 of 6 PageID #:4193.

28. **Instead of the Plaintiffs actually attaching the Will of Simon Bernstein *so the US District Court could see the "terms" of the Will of Simon Bernstein,*** Plaintiffs attorney Adam Simon simply made False Statements of Fact in the Statement of

Facts submitted on Summary Judgment "Round 2" and in the Memorandum supporting the motion quoting from Attorney at Law Adam Simon presently licensed as follows:

"**The Probate Orders entered after trial include findings that (i) Eliot is not beneficiary of the Estate of Simon Bernstein; (ii) appoint a guardian ad litem for Eliot's children; and (iii) Eliot has no standing in the Probate Actions on behalf of himself, the Estate or his children.**" See, Case: 1:13-cv-03643 Document #: 241 Filed: 05/21/16 Page 11 of 17 PageID #:4263

29. Further from Adam Simon, "**The Probate Orders bar Eliot from the Probate Actions to represent his own interests,**" See, Case: 1:13-cv-03643 Document #: 241 Filed: 05/21/16 Page 11 of 17 PageID #:4263

ATTORNEY ADAM SIMON ACTING FOR TED BERNSTEIN CONTINUING FALSE AND FRAUDULENT STATEMENTS NOW USED BY THE US DISTRICT COURT IN THE ORDER ON APPEAL WHICH BEGAN WITH TED BERNSTEIN'S COUNSEL ALAN B. ROSE MAKING FALSE AFFIRMATIVE STATEMENTS OF FACT AND FRAUD UPON THE COURT IN FLORIDA:

30. This "fraud" that Appellant was not a "beneficiary" in the Simon Bernstein Estate case that Ted Bernstein's attorney Adam Simon has used before the US District Court below began with Ted Bernstein's attorney Alan Rose falsely claiming this to then "new" Judge Phillips in Florida in an after hours filing on the eve of a

Status Conference in the Simon Bernstein Estate case. See Ted Bernstein and Attorney Alan Rose Status Conference filing in Florida as follows:

Ted and Rose in Filing # 32030300 E-Filed 09/14/2015 05:18:25 PM

"TRUSTEE'S OMNIBUS STATUS REPORT AND REQUEST FOR CASE MANAGEMENT CONFERENCE"

"**Introduction - The overarching issue in these cases is Eliot Bernstein. He is not named as a beneficiary of anything**; yet he alone has derailed these proceedings for more than two years and has harassed and attacked the prior judges, fiduciaries and their counsel." (See, full document to be uploaded upon Permission to file Electronically or supplement this filing)

31. As shown in my All Writs filing, this lead to Appellant being denied fundamental rights to be heard and due process even in the "Scheduling" of the alleged "one day" "Validity Trial" that has then been used before this Court to wrongly dismiss all my claims and remove me from the action which had been scheduled in the Shirley Bernstein Trust case which was not even "Noticed for Status Conference" and thus in direct violation of Florida Procedural Laws. See, All Writs Motion Feb. 2016.
32. On or about Jan. 4, 2016 just a few weeks after this "Validity Trial", Ted Bernstein's attorney made the following False and clearly Fraudulent Affirmative

Statement of Fact in a Motion to the Florida Court to remove my "standing" in the cases as follows:

"**As a result of upholding these documents, the Court has determined that Eliot Bernstein, individually, is not a beneficiary of either Simon's or Shirley's Trusts or Estates.** Instead, his three sons are among the beneficiaries of both Simon's and Shirley's Trusts, in amounts to be determined by further proceedings. **Eliot lacks standing to continue his individual involvement in this case.**" See, Jan. 4, 2016 Motion by Ted Bernstein-Alan Rose to be submitted Electronically upon permission or to be supplemented.

33. This statement, however, by this attorney at law Alan Rose, was clearly False and Fraudulent as Judge Phillips had Never done the Acts being claimed as already occurring and none of these alleged acts or findings are in existence in the "Final Judgment" (See, Adam Simon and Plaintiffs "Round 2" Summary Judgment filing Exhibit 10 Probate Order, Case: 1:13-cv-03643 Document #: 240-11 Filed: 05/21/16 Page 3 of 6 PageID #:4193.) and the Transcript of the Validity Trial. Instead, this is simply a FALSE and Fraud Upon the Court scheme and narrative that continued for over a year in the Florida Courts and as alleged in the Appellant's All Writs Motion for Injunctive relief is part of the wrongful scheme to gain "collateral estoppel" advantage in these proceedings.

ACTUAL WILL LANGUAGE OF SIMON BERNSTEIN

34. While Appellant maintains various legal arguments and objections to any determination of "validity" of Testamentary Wills and Trusts from the Florida proceedings, ARTICLE I of the Simon Bernstein Will upheld and used by Plaintiffs for "collateral estoppel" actually provides by its express terms:

> ARTICLE I. TANGIBLE PERSONAL PROPERTY
>
> I give such items of my tangible personal property to such persons as I may designate in a separate written memorandum prepared for this purpose. I give to SHIRLEY, if SHIRLEY survives me, my personal effects, jewelry, collections, household furnishings and equipment, automobiles and all other non-business tangible personal property other than cash, not effectively disposed of by such memorandum, **and if SHIRLEY does not survive me, I give this property to my children who survive me**, **[emphasis added]** divided among them as they agree, or if they fail to agree, divided among them by my Personal Representatives in as nearly equal shares as practical, and if neither SHIRLEY nor any child of mine survives me, this property shall pass with the residue of my estate."

35. Thus, being a natural born child and son to Simon Bernstein who has survived him, the express language of the Will itself which Judge Phillips held to be enforceable "by its terms" establishes Appellant as a "beneficiary" in the Estate of Simon Bernstein with Standing. See, Will of Simon Bernstein 2012 to be submitted upon permission to file Electronically.

ACTUAL WILL LANGUAGE OF SHIRLEY BERNSTEIN HAS SAME LANGUAGE MAKING APPELLANT A "BENEFICIARY" WITH STANDING IN THE SHIRLEY BERNSTEIN ESTATE WHERE

APPELLANT WAS EXPRESSLY NAMED AS A BENEFICIARY IN THE NOTICE OF ADMINISTRATION:

36. The actual Will language of the Shirley Bernstein "Will" which was "validated" by the Probate Order (Exhibit 10) advanced by Plaintiffs and Adam Simon expressly makes Appellant a beneficiary with Standing.

WILL OF
SHIRLEY BERNSTEIN
Dated May 20, 2008

I, SHIRLEY BERNSTEIN, of Palm Beach County, Florida, hereby revoke all my prior Wills and Codicils and make this Will. My spouse is SIMON L. BERNSTEIN ("SIMON"). My children are TED S. BERNSTEIN ("TED"), PAMELA B. SIMON, **ELIOT BERNSTEIN [EMPHASIS ADDED]**, JILL IANTONI and LISA S. FRIEDSTEIN.

ARTICLE I. TANGIBLE PERSONAL PROPERTY

I give such items of my tangible personal property to such persons as I may designate in a separate written memorandum prepared for this purpose. I give to SIMON, if SIMON survives me, my personal effects, jewelry, collections, household furnishings and equipment, automobiles and all other non-business tangible personal property other than cash, not effectively disposed of by such memorandum, **and if SIMON does not survive me, I give this property to my children who survive me,** divided among them as they agree, or if they fail to agree, divided among them by my Personal Representatives in as nearly equal shares as practical, and if neither SIMON nor any child of mine survives me, this property shall pass with the residue of my estate.

37. Thus, while there was an "Order" issued in Florida claiming I am not a Beneficiary of the Shirley Bernstein Estate (but No Order in the Simon Bernstein Estate), this Order was clearly erroneous and the product of fraud and Appellant is pursuing motions to vacate in the Florida Courts and will further seek a narrowly tailored Injunction in these federal proceedings.

38. In both the Simon Bernstein Estate and Shirley Bernstein Estate, Appellant was formally Noticed as a Beneficiary in both Notices of Administration. See, documents to be filed Electronically or supplemented.

39. Likewise, in a "resignation letter" by Estate Planner and Ted Bernstein attorney Donald Tescher from Jan. of 2014 after forgeries in the Shirley Estate case were discovered, Donald Tescher stated affirmatively that Appellant was in fact a Beneficiary of the Shirley Bernstein Trust yet Donald Tescher was never produced or called as a Witness in the "validity" Trial despite this letter and despite signing the Notice of Administration in the Simon Bernstein Estate naming Appellant a Beneficiary.

NEWLY DISCOVERED EVIDENCE OF FEB. 9, 2017 AFTER ISSUANCE OF DISTRICT COURT ORDER ON APPEAL WITH ESTATE OF SIMON BERNSTEIN PR BRIAN O'CONNELL ADMITTING THE LANGUAGE MAKING APPELLANT A BENEFICIARY IN THE SIMON BERNSTEIN ESTATE IN STATEMENT CONCEALED AND WITHHELD BY TED BERNSTEIN AND ALAN ROSE SINCE AT LEAST DEC. 22, 2016

40. While Appellant submits to this Court and the Florida Courts the involved attorneys "had to know" the express language of the Wills made Appellant a Beneficiary with Standing, "newly discovered evidence" emerged on Feb. 9, 2017 after issuance of the Summary Judgment Order on Appeal in a filing by Ted Bernstein Attorney Alan Rose in relation to Hearings in the Florida Court for Ted Bernstein and Alan Rose to "act for the Estate" working hand in hand with PR O'Connell despite being "adverse" in this Insurance case.

41. This evidence consisted of a Statement by the PR which is "undated" but which by the submission from Alan Rose shows this Statement was "emailed" to Creditor Attorney Peter Feaman as of Dec. 22, 2016 (See Exhibit 1) **yet** withheld **from Appellant until Feb. 9, 2016 and concealed from this Court and the US District Court to this very day.**

42. The language of PR O'Connell in this undated "Statement" in part is as follows: "Based upon the Will upheld during a probate trial conducted last December, resulting in a Final Judgment dated December 16, 2015, ***Simon Bernstein's children are the named devisees of certain personal property***," (emphasis added) . Appellant, as a natural child of Simon Bernstein, is a beneficiary with standing under at least this express language in the Will.

APPELLANT MOVED TO VACATE CERTAIN SCHEDULING ORDERS BASED UPON THE FRAUD AND A NEW ORDER OF FLORIDA JUDGE SCHER UPHOLDS APPELLANT'S STATUS AS A BENEFICIARY IN THE

ESTATE OF SIMON BERNSTEIN WITH STANDING WHERE FLORIDA JUDGE SCHER HAS "WITNESSED" THE MULTIPLE FILINGS AND ACTS OF TED BERNSTEIN'S ATTORNEY ALAN ROSE FALSELY CLAIMING APPELLANT IS NOT A BENEFICIARY OF ANYTHING:

43. In several of the new Hearings in Florida that Appellant notified the District Court below were about to occur in Appellant's Jan. 30, 2017 filing (Docket No. 271) the following exchanges have occurred in the Transcript of Proceedings. As will be shown to the Court, ***Attorney Alan Rose has only "changed his story" in Florida after being exposed for repeated fraud***:

PROCEEDINGS BEFORE THE HONORABLE ROSEMARIE SCHER THURSDAY, FEBRUARY 16, 2017

http://iviewit.tv/Simon%20and%20Shirley%20Estate/20170216%20HEARING%20TRANSCRIPT%20JUDGE%20SCHER%20CLEAN%20COPY.pdf 2:38 p.m. - 4:46 p.m.- Simon Bernstein Estate

P. 33 – Rose Addressing the Court

"14 MR. ROSE: I would just state for the
15 record that he has been determined to have no
16 standing in the estate proceeding as a
17 beneficiary.
18 THE COURT: I thought that was in the
19 Estate of Shirley Bernstein.
20 MR. ROSE: It's the same ruling --
21 (Overspeaking.)
22 THE COURT: Please, I will not entertain

23 more than one person.

24 MR. ROSE: By virtue of Judge Phillips'

25 final judgment upholding the documents, he is

P. 34

1 not a beneficiary of the residuary estate. He

2 has a small interest as a one-fifth beneficiary

3 of tangible personal property, which is –

4 THE COURT: I understand."

ESTATE OF SIMON L. BERNSTEIN PROCEEDINGS BEFORE THE HONORABLE ROSEMARIE SCHER VOLUME II THURSDAY, MARCH 2, 2017 1:35 - 3:39 P.M. TRANSCRIPT EXCERPTS

http://iviewit.tv/Simon%20and%20Shirley%20Estate/20170216%20and%2020170302%20Hearing%20Transcripts%20Combined%20WITH%20EXHIBITS%20JUDGE%20SCHER%20CLEAN%20COPY.pdf

Page 127 – Eliot addressing the Court

"9 forthcoming. **And I think we'll be able to show**

13:42:51 10 that there's been fraud on this Court. The

11 other date in that hearing **if you look at the**

12 transcript Mr. Rose claimed that I had no

13 standing, and you overruled that, or whatever

14 you call it, you did.

13:43:03 15 **THE COURT: I did."**

Page 138 – Court Addressing Eliot

"13:51:55 10 **THE COURT: You don't have to. You have**

11 standing. You are sitting there. I have
12 allowed it. I have allowed it. You are a
13 tangible beneficiary whatever assets remain
14 outside of the Simon trust. I think everyone
13:52:08 15 is on the same page. If it's a dollar or if
16 it's ten dollars, that's where you have -- now,
17 I have no idea the dollar figures in any of
18 this.
19 MR. ELIOT BERNSTEIN: None of us do."

44. As will be further shown when Appellant moves for a Stay and Injunctive relief in these federal proceedings, there has Never been any "Construction Hearings" in Florida on the meaning of any of the documents including the alleged "power of appointment" exercised by Simon Bernstein nor any hearing on the Shirley Bernstein Trust where multiple documents to this day have never been produced. While parts of this new Order from Judge Scher are on Appeal by Appellant, the new Order does Find as follows:

April 27, 2017 Scher Order stating APPELLANT ELIOT BERNSTEIN IS A BENEFICIARY:

"Elliot Bernstein joins Stansbury's opposition to the appointment of Mrachek Firm. **Elliot is a residuary beneficiary of any tangible property of the Estate.** All other beneficiaries (Trust Beneficiaries) approve the retention of the Mrachek Firm." (See Attached Order Exhibit 2).

APPELLANT REQUESTS LEAVE TO SUPPLEMENT FILINGS AS NEW FILINGS BY TED BERNSTEIN'S ATTORNEY ALAN ROSE SHOW TED BERNSTEIN DIRECTLY ACTING TO "CONTROL" THE HIRING AND PAYMENT OF THE ESTATE'S COUNSEL TO "CHALLENGE" TED BERNSTEIN IN THIS VERY FEDERAL CASE OVER "INSURANCE"

45. Appellant seeks leave to supplement these filings and file Electronically to show the "Inherent Conflicts of Interest" which continue despite Appellant's Motion for Injunctive Relief in Feb. of 2016 showing the District Court the inherent conflicts of interest and need for use of the "inherent powers" an Eli "probe" of side deals and agreements. See, All Writs Injunction Motion Feb. 2016.

46. In what is inherently conflicting and bizarre, it has been the Creditor William Stansbury who has been forced to pay for the Estate of Simon Bernstein's counsel in this Federal case over the Insurance even though the Creditor and Estate are adverse in a separate action in Florida where the Creditor seeks nearly $3 million in damages.

47. The All Writs Injunction motion filed by Appellant had already shown the US District Court that there is a "secret" undisclosed "settlement" between Creditor Stansbury and Ted Bernstein who settled for himself "individually" with Stansbury while also acting in conflict as the Trustee of the Shirley Bernstein Trust and on behalf of certain Simon Bernstein entities who were also sued by Stansbury.

48. In documenting many "Missing Millions" in the All Writs filed with the US District Court in Feb. 2016 which was "Denied" by "Minute Order" but not

"stricken" from the Record as a pleading, this Writ showed there has never been Any Accounting in the Shirley Bernstein Estate or Trust and Appellant asserts this is part of the reason for the scheme to deny Appellant's "standing" in order to "silence" Appellant from exposing the frauds, crimes and missing assets.

49. These conflicts have continued by the same parties who have "controlled' Discovery and access to documents throughout, Documents which should answer the very central issues in this action of "where is the Trust", what is the "right Trust" and "where is the Insurance Policy". See All Writs Motion Feb. 2016.

50. The Conflicts persist where again Ted Bernstein and Estate PR O'Connell while "adverse" in this action are working in "unity" in the Florida courts where now the PR of the Estate has sought to "hire" Ted Bernstein's Attorney Alan Rose and Mrachek law firm while being "adverse" here in Illinois yet where the Estate did not oppose Ted Bernstein and Alan Rose coming in to "control" the Illinois Insurance litigation attorney for the Estate in this case on a motion by the Creditor Stansbury to be "discharged" from further paying for the Illinois Insurance counsel of the Estate.

51. In its recent Order of April 2017, Judge Scher specifically made findings of this Conflict involving Ted Bernstein and the Estate in the Illinois insurance case as follows: "The Court finds Mr. O'Connell to be credible. Conserving the Estate's assets by not having to pay the Personal Representative to be involved in the

Stansbury litigation is a laudable goal; **nonetheless, the Court cannot ignore the fact that the Estate and Ted are adverse in the Illinois lawsuit.** Moreover, Mr. O'Connell is capable of representing the Estate. **While the Illinois action is still pending, the Court declines to appoint Ted as Administrator Ad Litem.**" (emphasis added). See attached Exhibit 2.

52. Appellant asks this Court to take notice that not only is Appellant in the process of filing other motions to vacate in the Florida Courts based on various frauds as the "onion is peeled back" layer by layer, Appellant will also be filing to Remove both Ted Bernstein in all capacities as Trustee in Florida and PR Brian O'Connell also to be removed as PR of the Estate of Simon Bernstein on multiple grounds of misconduct and fraud including but not limited to the fraud in Denying Appellant's status as Beneficiary and concealing this fraud from the Federal Courts and statutory grounds in Florida for failing to account and other grounds shown in the All Writs Motion of Feb. 2016.

53. Appellant points out to this Court as shown to new US District Court Judge Blakey in the All Writs Motion for Injunction of Feb. 2016 that prior Judge St. Eve had "stayed Discovery" due to no proof that Ted Bernstein was a proper Trustee and yet somehow while never determining this, Discovery then was opened and closed and Appellant has repeatedly moved for opening Discovery on specific topics.

54. Par. 20 of the Writ provided, “On Jan. 13, 2014 in Docket Entry 71, prior Judge St. Eve issued a Minute Entry Order which provided in part as follows, “Discovery is hereby stayed until the proper Trustee is determined” thus acknowledging that determination of a “proper Trustee” is an issue in the case, which Case: 1:13-cv-03643 Document #: 214 Filed: 02/24/16 Page 9 of 132 PageID #:3643 Page 9 of 132 remains disputed. The Trustee/Trust/Beneficiaries/Policy issues remains undetermined presently and this Court’s jurisdiction is imminently threatened by the permanent loss of evidence, documents and discovery by the parties orchestrating proceedings in Florida where this evidence and the parties in possession of such evidence should be enjoined herein.” See, Case: 1:13-cv-03643 Document #: 214 Filed: 02/24/16 Page 9 of 132 PageID #:3643.

55. Appellant will show this Court that the District Court’s Order was clearly erroneous, used improper standards switching the burden of proof on Summary Judgment, was an abuse of discretion and further clearly improperly as even taking the District Court’s claim that Plaintiffs in this case have said I am a ⅕ “beneficiary of the Insurance proceeds thus I can not show “damages” if the Plaintiffs win, this is erroneous as it fails to consider the “delay” damages by the wrongful coverup of operative documents and related damages to be fully briefed on Appeal.

56. Until the frauds and inherent conflicts are resolved and addressed by the Courts, no further action should continue and Appellant will be filing for a formal Stay and Injunctive relief in the federal actions according to the Rules including seeking an "inquiry" of the conflicted counsels.

APPELLANT HAS REQUESTED FLORIDA JUDGE SCHER TO NOTIFY THIS COURT AND ALL AUTHORITIES OF THE ONGOING FRAUDS UPON THE COURT IN RECENT LETTER MOTION OPPOSING ANOTHER "UMC" (UNIFORM MOTION CALENDAR - NON EVIDENTIARY) HEARING BY TED BERNSTEIN AND ALAN ROSE ON CLEARLY CONTESTED ITEMS IN THE SHIRLEY TRUST AND ESTATES, A LETTER COPIED TO US. DEPT OF JUSTICE CIVIL RIGHTS SECTION HEAD, US ATTORNEY IN SDNY, AND "DC NO. 1"

57. It is further noted for this Court that Appellant has specifically requested Florida Judge Scher who has been a "Witness" to the frauds upon the Court by Ted Bernstein and Alan Rose and inherent conflicts of interest to notify proper authorities including the US District Court and this US 7th Circuit Court of Appeals.

58. Upon information and belief, neither Attorney Adam Simon for Ted Bernstein, nor Alan Rose for Ted Bernstein, nor PR Brian O'Connell for the Estate of Simon Bernstein, nor Chicago counsel Stamos have Notified the US District Court nor this US 7th Circuit Court of Appeals of the fraud or sought to correct the fraud by correcting the erroneous statements and pleadings that Appellant Eliot I. Bernstein is in fact a Beneficiary with Standing thus far in at least the Simon Bernstein

Estate. A copy of this Letter request also transmitted to Federal Investigative authorities is attached as (See Exhibit 3).

ADDITIONAL REASONS TO ACCEPT LATE FILING; ONGOING ELECTRICAL OUTAGES, EMAIL AND WEBSITE DOCUMENT HACKING

59. I was granted permission to file Electronically in the District Court and respectfully request permission of this Court to do so for future filings in this Appeal.

60. I note for this Court that I did not receive the initial Orders sent US Mail from this very Court and only received any of the Orders by Mail for the first time on April 11, 2017 just entering the Jewish Passover time and other religious holidays.

61. I have no knowledge of why this Court's prior Orders were not received by the US mail and notified one of the Clerk's about this who also maintained another Order that I had also not received and appeared not to have been sent to me at that time.

62. I contacted the 7th Circuit Clerk's Office to notify the Court that I did not receive these original Orders by the US Mail and then had received Orders on or about April 11, 2017.

63. I further notified one of this Court's Clerks that to my knowledge I am now on the ECF filing system with the 7th Circuit and would be submitting this Motion to accept my Statement of Jurisdiction and also for further extensions of time to cure any other deficiencies in the Appeal filings in this case.

64. I was not aware until after business hours on the day of this Court's most recent deadline of May 26, 2017 that while I had "registered" with the ECF for this 7th Circuit Court of Appeals, I was not actually able to "submit" filings as I apparently needed to file a separate motion to get permission to file Electronically which I now request.

65. This Court's April Order had indicated a filing deadline of April 17, 2017 and I spoke with the Clerk's Office again on April 18, 2017 after also getting access to Pacer information from the District Court of the Northern District of Illinois under Case No. 1:13-CV-O3643 to first discover that there were several entries relating to this Appeal on file with the District Court that was requiring action on my part and yet I never received any of the filings Electronically through the District Court either despite having been granted permission and was able to File electronically and receive documents and notices Electronically in the underlying case for well over three years.

66. That on April 09, 2017 Appellant's home power began massive surges resulting in ongoing power outages that resulted in our oven almost catching on fire and blown out and other electrical items being destroyed including computer and network equipment.

67. Thus, in addition to not receiving Court documents via the US Mails and not receiving Electronic Notice and Documents via the US District Court of the

Northern District of Illinois, that my Home has been experiencing serious and significant power and electrical "abnormalities" for over 2 months frequently knocking out the Internet and home computers and causing substantial delays in the processing of documents and responses to matters both in this Illinois insurance case and the related Florida State Court Trust and Estate cases.

68. I have had to file multiple motions for Extensions of time in both the 4th District Court of Appeals in Florida and the 15th Judicial Circuit where these Florida state Court cases are pending and have received extensions for multiple filings thus far.

69. That Florida Power & Light was contacted about the problems that almost set the home oven on fire and sent workers to the home who immediately removed our home from the power box and plugged our power into the neighbor's power box through a "temporary line" above ground and opened a ticket for service to take out what appeared to be faulty wiring in our yard.

70. Despite reconnecting the power to the neighbor the surges continued and continued to disrupt power, often for hours of the day and during such time all power, internet, phones, etc. used for working on filings was down. FPL then connected the home directly to the transformer and again the power surges continued and it was discovered that the transformer wires were melted and in contact with each other causing part of the problem.

71. The Internet Comcast Box was blown out and had to be replaced leaving us with 3 days of no Internet services.
72. The transformer was fixed and our home was re-connected directly to the power source and yet the problem still continues and FPL now is investigating the wiring to our home as also faulty.
73. These problems have caused us massive loss of time to work as Appellant works from home. Appellant can produce Witnesses who have been to our home that has seen these electrical problems first hand and Appellant has submitted proof of multiple Electrical work "Tickets" with FPL to the State Courts of Florida.
74. In addition to all of the electrical and power issues, Appellant has further been receiving Notices from a company called Canaca located in Canada that hosts my website and mail where I maintain an online storage and "Docket system" for the filings and pleadings in multiple cases including this Illinois insurance action.
75. Canaca has been notifying me of multiple "spamming" events through my website that I have no knowledge of and also discovered that somehow my Password and email system was hacked where I have had substantial delays in receiving Electronic notices of Court filings via email at iviewit@iviewit.tv .
76. This has also caused further delays as I use this online website docketing system to organize and review and refer to Court filings in order to respond to new motions for file motions of my own and have discovered certain document entries which

appear to be tampered with by either having the wrong Dates associated with the filing or being in the wrong time period which has resulted in significant time to check, double check and cross check filings for accuracy.

77. This constant and continuous checking and cross-referencing of documents and filings is further exaggerated by the pervasive Frauds Upon the Court and actual proven frauds in Documents filed by parties and attorneys connected with Plaintiff Ted Bernstein and perhaps others all of which has been extremely difficult and time consuming with repeated electrical and internet outages many of which have specifically targeted and impacted my home computer systems.

78. In fact just 10 days or so before this Illinois Insurance action was first "removed" to Federal Court in the US District Court of the Northern District of Illinois on or about May 16, 2013 , I had just filed for Emergency Injunctive "Freeze" Assets and Documents relief on May 6, 2013 in the Florida Estate case of my deceased mother Shirley Bernstein and separately in the Florida Trust case after I discovered that Plaintiff Ted Bernstein's counsels Tescher & Spallina had begun filing "forged" and fraud documents in the Shirley Estate case in October of 2012 falsely using my then recently Deceased father Simon Bernstein to file documents in that case to try and "close" the Estate when in fact Simon had passed away in September of 2012.

79. This lead not only to Florida State Court Judge Colin stating on the record in Sept. of 2013 that he had enough information to read certain attorneys, Robert Spallina, Esq., Mark Manceri, Esq. and Donald Tescher (who failed to appear) and fiduciaries (Spallina, Ted Bernstein and Tescher) their "Miranda Warnings" but also lead to a Criminal prosecution and guilty plea by Tescher & Spallina Paralegal and Notary Public Kimberly Moran after the Governor Rick Scott's Office of Florida began an investigation upon my complaint of Notary fraud in the case and then referred it to the Palm Beach County Sheriff for investigation where it was learned she had forged six parties names on documents submitted to the FL court by the law firm of Tescher & Spallina, PA in my mother's estate case, including forging my deceased father's signature and my own.

80. This time period of October of 2012 when the Shirley Estate frauds were occurring shortly after the passing of my father Simon Bernstein in Sept. of 2012 is also the same time period that Plaintiff Ted Bernstein's counsel and Estate and Trust co-drafter and planner Robert Spallina was falsely and fraudulently filing to Collect the Insurance proceeds in this case as the alleged "Trustee" of the alleged "lost" missing Trust without informing the Carrier that Murder allegations had been made by Plaintiff Ted Bernstein on the night of Simon Bernstein's passing at the Hospital and that an open Palm Beach Sheriff Investigation (PBSO) was pending.

81. Somehow, both Tescher and Spallina who not only were the "Drafters" and Estate and Trust Planners for Simon and Shirley Bernstein, Co-Trustees and Co-PR's in my father's estate and trust and counsel to their close friend and business associate Ted Bernstein who was alleged Successor Trustee and Successor PR of my mother's estate and trust but both Tescher and Spallina were also involved in the frauds and the most obvious parties to have Maintained Records relevant to this case were allowed to be Dismissed from this Insurance action which I opposed without ever being allowed to be Deposed or required to provide Discovery which I have sought in the District Court on multiple occasions but denied thus far.
82. As noted in my Jurisdictional Statement, I did move for Injunctive Relief in the District Court under the All Writs Act specifically seeking Injunctive relief to preserve and protect Documentary evidence and records from all of the involved parties but was denied.
83. As noted in my pleadings before the District Court and the Jurisdiction Statement herein, I also have extensive Insurance Industry experience and now state to this Court that to my knowledge and research thus far, this is a case of first impression and occurrence in that it allegedly involves Insurance Carriers who have allegedly "Lost" the Actual Policy at issue despite being a highly regulated industry with rigorous Record Retention requirements.

84. **This is <u>"unheard of"</u> in the Industry** and I can produce other witnesses from the Insurance Industry that would support this and yet, "somehow", all of the Carriers were also let out of the District Court case with no Depositions or additional Discovery which was objected to by Appellant who repeatedly moved the District Court to reopen Discovery.

85. It is just as unlikely that there are "**No Original Documents**" produced from any of my Father's affairs and cases having had multiple businesses, earned millions of dollars and having multiple "professional" Attorneys and Fiduciaries involved and just as unlikely that there are so many "**missing"** and "**lost**" Documents from my Father's businesses and life and I submitted a further Declaration to the District Court about the extensive Record Keeping practices of my father Simon Bernstein and his businesses which is why my claims and version is the most "reasonable" and that "**reasonable jurors**" would likely agree that this action is really about Fraud and intentional record hiding, spoilation or destruction as set out in my Summary Judgment responses and the related claims advanced in my pleadings which I sought to Amend more than once but was also Denied by the District Court.

86. During all of this time up to the present and as raised originally in my Motion for Injunctive Relief under the All Writs Act filed in Feb. 2016, Appellant, who is Pro Se and not a law firm has been assailed with a mass of court pleadings due, court

appeals due and hearings, in the 14 cases relating to these matters in the Florida Courts and has been late or needed extensions in virtually all of them as a result of these issues.

87. I received No Notice from the District Court whatsoever that "somehow" I was "removed" from receiving Filings by the District Court electronically and thus have no idea why I did not receive this Court's Orders electronically from the District Court which are on the Docket below.

88. Thus, in addition to moving this Court to accept as late my Jurisdictional Statement, I further move for a reasonable extension of time to cure any other deficiencies in my filings and to further brief the Jurisdictional issues if necessary.

89. This Court should be aware that there is massive "fraud" in the underlying proceedings and also in the related Florida Court Estate and Trust cases that impact not only the merits of each case but even my ability to timely respond to matters as there is a constant "unraveling" of existing frauds, including PROVEN forgery of dispositive documents, discovery and admission of new frauds by fiduciaries and counsel, including but not limited to additional frauds on the court, and related items that take significant amounts of time on a regular basis to address in each of approximately 14 individuals legal actions involving the Estates and Trusts of my family and all while not being a law firm but rather a Pro Se litigant.

90. In fact, as I have alleged, the mere "filing" of the underlying action which is the subject of this Appeal which was a State Court filing in Cook County in April of 2013 until "removed" to Federal Court in May of 2013 by one of the involved "Insurance Carriers" is itself an act in "fraud" and "fraud upon the court" that has never been fully addressed or properly addressed by the District Court of the Northern District of Illinois.

WHEREFORE, for all of the foregoing reasons, Appellant prays for an Order accepting my Jurisdictional Statement as late, accepting my informa pauperis statement, granting permission to file Electronically in the ECF system for future filings, granting permission to exceed the page lengths where necessary herein and for such other and further relief as may be just and proper.

Declaration

I, Eliot I. Bernstein, declare, certify and state under penalties of perjury that the foregoing is true.

DATED: June 15, 2017

/s/ Eliot Ivan Bernstein
Cross and Counter-Plaintiff, Appellant PRO SE
Eliot Ivan Bernstein
2753 NW 34th St.
Boca Raton, FL 33434
Phone (561) 245-8588
iviewit@iviewit.tv
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CERTIFICATE OF SERVICE

The undersigned, Eliot Ivan Bernstein, Pro Se certifies that he filed an APPELLANT'S JURISDICTIONAL MEMORANDUM, INDIGENT FORMS AND APPELLANTS MOTION TO ACCEPT LATE FILING AND OTHER RELIEF via Postal Mail with the Clerk of the 7th Circuit Court of Appeals, and served copies of same upon those listed below by Postal Mail on this 15th day of June, 2017.

SERVICE LIST

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EXHIBIT 1

Ashley Bourget

From: Peter M. Feaman <pfeaman@feamanlaw.com>
Sent: Thursday, December 22, 2016 3:53 PM
To: Alan Rose
Cc: boconnell@ciklinlubitz.com; Foglietta, Joy A; tbernstein@lifeinsuranceconcepts.com; dzlewis@aol.com
Subject: RE: 57.105 Motion -- follow up

We believe or Motion is very well grounded in fact and law.

Peter M. Feaman
PETER M. FEAMAN, P.A.
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From: Alan Rose [mailto:ARose@mrachek-law.com]
Sent: Thursday, December 22, 2016 3:49 PM
To: Peter M. Feaman
Cc: 'boconnell@ciklinlubitz.com'; 'Foglietta, Joy A'; 'Ted Bernstein (tbernstein@lifeinsuranceconcepts.com)'; 'dzlewis@aol.com'
Subject: 57.105 Motion -- follow up

Peter:

In light of the attached Notice of No Conflict or Waiver by the PR of the Estate and, paragraph 4 from the attached filing from long ago by the Curator, who clearly states that our work saved the Estate from incurring fees, we implore you to drop the nonsense and withdraw the Motion to Vacate and the Motion to Disqualify my law firm.

These are frivolous motions, and we will be seeking severe sanctions against your client and your law firm for these actions.

Stansbury's case will tried next year, by me or someone else, and then he will have his answer. In meantime, for the sake of the grandchildren, withdraw these motions and lets get to the merits.

Happy holidays.

Alan

Alan B. Rose, Esq.
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561.355.6991

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

IN RE: CASE NO. 502012CP004391XXXXNBIH

ESTATE OF SIMON L. BERNSTEIN,
_____/

PR'S STATEMENT OF ITS POSITION THAT THERE IS NO CONFLICT AND HIS WAIVER OF ANY POTENTIAL CONFLICT

I, Brian O'Connell, am the court-appointed Personal Representative ("PR") of The Estate of Simon L. Bernstein ("Estate"). Based upon the Will upheld during a probate trial conducted last December, resulting in a Final Judgment dated December 16, 2015, Simon Bernstein's children are the named devisees of certain personal property, but the sole residuary beneficiary of the Estate is the current trustee of the Simon L. Bernstein Amended and Restated Trust dated July 25, 2012 ("Trust"). That role is currently being fulfilled by Ted S. Bernstein, as Successor Trustee ("Trustee").

There are certain persons who have asserted potential claims against the Estate. The largest such claim is an independent action styled *William E. Stansbury, Plaintiff, v. Estate of Simon L. Bernstein and Bernstein Family Realty, LLC, Defendants*, in the Circuit Court of the 15th Judicial Circuit in and for Palm Beach County, Florida, Case No.: 50 2012 CA 013933 MB AN (the "Stansbury Lawsuit"). In that action, Stansbury is suing the Estate for more than $2.5 million, asserting claims for breach of oral contract; fraud in the inducement; civil conspiracy; unjust enrichment; equitable lien; and constructive trust. Each of these claims arises from Stansbury's employment with and involvement in an insurance business in which the principal shareholders were Ted Bernstein and Simon Bernstein.

The Stansbury Lawsuit was filed in July 2012, while Simon was alive. After Simon died, the Estate was substituted as the party defendant, and the former personal representatives hired counsel to defend the Estate. The primary defendant in that action was LIC Holdings, Inc. ("LIC"), along with its wholly-owned company, Arbitrage International Management, LLC, f/k/a Arbitrage International Holdings, LLC ("AIM"). Stansbury also maintained claims against the Shirley Bernstein Trust Agreement Dated May 20, 2008 ("Shirley Trust"), and Ted S. Bernstein, Individually ("Ted").

The law firm of Mrachek, Fitzgerald, Rose, Konopka, Thomas & Weiss, P.A. ("Mrachek") served as counsel for LIC, AIM, Shirley Trust and Ted Mrachek beginning in April 2013, formally appearing on April 15, 2013. As I was not appointed PR until sometime in July of 2014, I had no involvement or knowledge of this matter at that time.

I have been advised that Mrachek represented those defendants and the position taken is not in conflict or adverse to the Estate's position. After mediation in June 2014, LIC, AIM, Shirley Trust and Ted settled with Stansbury. The Estate, then under the control of a Curator, did not settle with Stansbury. After my appointment, to avoid unnecessary expense, settlement efforts were made. Those efforts, including through a mediation held on July 25, 2016, were unsuccessful.

Some of the direct and indirect beneficiaries of the Estate I am administering advised me, in light of the Mrachek firm's prior and extensive involvement in the Stansbury Lawsuit, the beneficiaries wanted Mrachek to represent the Estate in the Stansbury Lawsuit. I agreed to that request, and agreed that Mrachek was retained to represent the Estate.

Additionally, I agreed to Trustee, Ted, being appointed to serve as administrator ad litem with regard to overseeing the defense of the Estate in the Stansbury Lawsuit for at least three two reasons: (i) Ted agreed to serve in that role for no additional compensation, whereas any time I spend will cost the Estate a reasonable fee for my services; (ii) Ted has direct knowledge of the facts and circumstances surrounding the Stansbury lawsuit, because he was part of LIC and AIM at the relevant time, he was Simon's son, and he was extensively involved in the Stansbury Lawsuit already as a defendant and as a corporate representative of LIC and AIM; (iii) I have no personal knowledge or involvement in this matter; and (iv) there is no reason to believe Mrachek and Ted will not adequately and vigorously defend the Estate's interests.

It is also in the best interest of the Estate (not only the beneficiaries but any creditors and claimants with the possible exception of Stansbury) to have the Stansbury Lawsuit resolved as quickly and efficiently as possible, because this Estate administration must remain open and ongoing until the Stansbury Lawsuit is resolved, and the expenses of defending the claim will cost the Estate money and time until the case is finally determined.

To the extent there is a waivable conflict of interest, as PR of the Estate I would waive any such conflict.

BRIAN O'CONNELL, Personal Representative

EXHIBIT 2

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA
PROBATE DIVISION "IH"

Case No. 50 2012-CP-4391 XXXX NB

IN RE: THE ESTATE OF:
SIMON BERNSTEIN,
Deceased.
_____/

ORDER DENYING MOTION TO VACATE
AND
DENYING MOTION TO DISQUALIFY FOR INAPPROPRIATE JURISDICTION, ALTERNATIVELY, DENYING ON ITS MERITS, AND
ORDER DENYING APPOINTMENT OF TED BERNSTEIN AS ADMINISTRATOR AD LITEM

THIS MATTER came before the Court February 16, 2017, March 2, 2017, and March 16, 207 on the following matters:

1. October 7, 2016, D.E. 496, Stansbury's Motion to Vacate in Part the Court's Ruling on September 7, 2016, and/or Any Subsequent Order, Permitting the Estate of Simon Bernstein to Retain Alan Rose and Page, Mrachek, Fitzgeral, Rose, Konopka, Thomas & Weiss, P.A. as Legal Counsel and Motion for Evidentiary Hearing to Determine Whether Rose and Page, Mrachek are Disqualified from Representing the Estate Due to an Inherent Conflict of Interest.

2. November 28, 2016, D.E. 507, Stansbury's Motion to Disqualify Alan Rose and Page, Mrachek, Fitzgerald, Rose, Konopka, Thomas & Weiss, P.A.[1] as Legal Counsel for the Estate of Simon Bernstein Due to an Inherent Conflict of Interest.

3. Evidentiary Hearing on Trustee's Motion to Approve Retention of Counsel and to Appoint Ted S. Bernstein as Administrator Ad Litem to Defend Claim Against the Estate by William Stansbury, D.E. 471, Objection to Trustee's Motion to Appoint Ted S. Bernstein as Administrator Ad Litem to Defend Claim Against Estate by William Stansbury, D.E. 475, and Order Granting Retention of Counsel and Deferring on Administrator Ad Litem, D.E. 495

[1] Hereafter, "Mrachek Firm" unless quoted separately from an Order or document.

Present before the Court were Peter Feaman, Esquire on behalf of William Stansbury (hereafter "Stansbury"); Alan Rose, Esquire on behalf of Ted Bernstein, Trustee, Brian O'Connell as Personal Representative of the Estate of Simon Bernstein, Eliot Bernstein as interested party. The parties presented their testimony and evidence. Thereafter, pursuant to the Court's March 3, 2017 Order, the parties were to submit written closing arguments and proposed orders no later than March 9, 2017[2].

The Court carefully evaluated and weighed the testimony presented, considering the intelligence, frankness, credibility, plausibility, character, and competence of each witness, all the while being cognizant of the interests of the parties in the outcome of the case. Based on the forgoing, giving the evidence and testimony the weight it deserves, the Court has resolved any conflicts in the evidence. After evaluating the witnesses' testimony, exhibits, and the applicable law, and being otherwise informed in the premises, the Court makes the following findings of fact:

1. On July 24, 2014, "the parties having agreed to the appointment," this Court entered an Order Appointing Successor Personal Representative, Brian M. O'Connell, Esquire, D.E. 219. The letters issued on July 24, 2014 give Brian O'Connell, as the Personal Representative of the Estate of Simon Bernstein, the "full power to administer the estate according to law; to ask, demand, sue for, recover . . . ."
2. Pursuant to Fl. Stat. 733.612(19), ***without court order***, a personal representative acting reasonably for the benefit of the interested persons may properly employ persons, including, but not limited to, attorneys. Moreover, pursuant to 733.612(20) the Personal Representative, ***without court order,*** has the power to prosecute or defend claims or

[2] On March 10, 2017 Eliot Bernstein filed a motion to accept a late filing in excess of the given page limit. While the Court acknowledges the late filing and will give it the weight appropriate, this Court will not condone or excuse violations of its Order.

proceedings in any jurisdiction for the protection of the estate and of the personal representative.

3. On September 1, 2016 the parties presented to the Court on Successor Trustee's [Brian O'Connell's] Motion to Approve Retention of Counsel AND, to Appoint Ted S. Bernstein as Administrator Ad Litem to Defend Claim Against Estate by William Stansbury.

4. On September 29, 2016, D.E. 495, this Court entered its Order Approving Retention of Counsel and Deferring Ruling on Appointment of Ted S. Bernstein as Administrator Ad Litem to Defend Claim Against Estate by William Stansbury. This Order states, "The Court, having reviewed the Motion and the record, ***having been advised in the Motion that the PR and the beneficiaries of the Estate believe this relief will result in a benefit to the Estate, having been advised that William Stansbury has filed a written objection to Ted S. Bernstein serving as Administrator. . . .***" (emphasis added).

5. Notwithstanding the Personal Representative's statutory right to retain counsel without court approval, the September 29, 2016 Order then grants in part and defers in part, stating as follows:

> 2. The Court approves the retention of the law firm Mrachek, Fitzgerald, Rose, Konopka, Thomas & Weiss, P.A. ("Mrachek-Law") to serve as counsel for Brian O'Connell, as Personal Representative of the Estate of Simon L. Bernstein, for the purpose of defending the Estate in an independent action brought by William Stansbury. The reasonable costs and attorneys' fees incurred by Mrachek-Law in defending the claim shall be paid by the Estate.
>
> 3. Unless Stansbury withdraws his objection, the Court will need to conduct an evidentiary hearing on that portion of the motion which seeks the appointment of an administrator

ad litem. The Court will determine at the evidentiary hearing whether to appoint Ted S. Bernstein as administrator ad litem under Rule 5.120, which provides that when necessity arises, "the court may appoint an administrator ad litem . . . without bond or notice for that particular proceeding." Until the evidentiary hearing, the Court defers ruling on the administrator ad litem issues.

6. Noteworthy is the fact that in the Court's Order appointing the Mrachek Firm, no objection from Stansbury was noted; the only objection noted is to appointment of Ted as administrator ad litem to which an evidentiary hearing would be required.
7. The 2012 independent action brought by William Stansbury referenced in the Court's Order cited above is a 2012 case pending in the Civil Division, 50-2012-CA-013933, Division AN, wherein Stansbury seeks to recover in excess of $2.5 million from the Estate of Simon Bernstein based upon alleged misconduct of Simon Bernstein. (After Simon's death the Personal Representative of the Estate was substituted as the real party in interest.)
8. Stansbury's claims arise from Stansbury's part ownership and employment with LIC Holdings, Inc. ("LIC") and Arbitrage International Management, LLC ("AIM"), two companies founded by Simon and Ted Bernstein. Stansbury has asserted claims against the Estate of Simon Bernstein for breach of contract, fraudulent inducement, conspiracy, equitable lien, and constructive trust. Stansbury is a claimant, not a creditor, against the Estate. On June 23, 2014 in the independent civil case, 50-2012-CA-013933, the Court entered an Order of Dismissal with Prejudice of Certain Parties and Claims; specifically, the Court dismissed Defendants, Ted S. Bernstein, individually, LIC Holdings, Inc., Arbitrage International Management, LLC, f/k/a Arbitrage International Holdings, LLC and the Shirley Bernstein Trust Agreement dated May 20, 2008, D.E. 214.
9. Pending ending in Illinois is the case of *Simon Bernstein Irrevocable Insurance Trust Dtd. 6/21/95, Ted Bernstein, et al. v. Heritage Union Life Insurance Company, et al.*, Case No. 13

CV 3643, United States District Court for the Northern District of Illinois (the "Insurance Litigation"). This case commenced after Simon's death and seeks to have the Court determine the rightful owners of Simon's 1.7 million dollar life insurance death benefit proceeds. Ted Bernstein, individually, and as an alleged Trustee of a purported lost trust document, and his siblings, Pamela Simon, Jill Iantoni, and Lisa Friedstein, as Plaintiffs, seek to recover the $1.7 million dollar life insurance proceeds for the ultimate benefit of Simon Bernstein's adult children.

10. The Simon Trust is the primary beneficiary of the Estate via a pour over will. The beneficiaries of the Trust are Simon's ten grandchildren. Initially, the Estate was not a party to the Insurance Litigation. The Illinois Court denied Stansbury the right to intervene in the Insurance Litigation. Subsequently, the Estate, at the request of Stansbury in the instant probate litigation, intervened. Stansbury is funding the Estate's costs and fees in the Illinois litigation based on this Court's dated May 23, 2014. Clearly, Stansbury, as a claimant of the Estate, seeks to benefit from the Estate's collection of the insurance proceeds *if* Stansbury prevails in his civil independent action against the Estate.

11. Stansbury argues that Mrachek Firm represented Ted in his deposition in the Insurance Litigation in Illinois. Illinois counsel for Ted as the Plaintiff attended the deposition. Apparently, O'Connell agreed not to attend the trial to save money. Mrachek Firm never filed a notice of appearance in the Illinois Court. It is undisputed that Elliot and Stansbury were present during that deposition. Ted was examined extensively by counsel for the Estate. Mrachek Firm objected approximately four times. The deposition was taken prior to the trial in Palm Beach County to determine the validity of the will and trusts. There is no indication that Mrachek Firm was acting in any capacity other than on behalf of Ted as Trustee in an effort to protect any interests in the validity dispute.

12. On October 7, 2016, D.E. 496, in the instant probate action Stansbury filed his Motion to Vacate in Part the Court's Ruling on September 7, 2016, and/or Any Subsequent Order, Permitting the Estate of Simon Bernstein to Retain Alan Rose and Page, Mrachek, Fitzgerald, Rose, Konopka, Thomas & Weiss, P.A. as Legal Counsel and Motion for Evidentiary Hearing to Determine Whether Rose and Page, Mrachek are Disqualified from Representing the Estate Due to an Inherent Conflict of Interest.

13. In D.E. 496, Stansbury's Motion to Vacate, Stansbury states as follows:

> 1. Stansbury filed a lawsuit styled *William E. Stansbury v. Ted Bernstein, et al,* Case No. 50 2012 CA 013933 MB AA, Palm Beach County, Florida against Simon Bernstein ("Simon"), Ted Bernstein ("Ted") and several corporate defendants in August of 2012 to collect compensation, and other damages due Stansbury arising out of an insurance business in which Stansbury, SIMON and TED were principals. Stansbury asserted claims against Simon and Ted both as agents of the corporate defendants and in their individual capacities (the claims against TED and the companies have settled). The Shirley Bernstein Trust was dropped as a Party.

14. After Simon died, the Estate was substituted into the lawsuit; Ted Bernstein serves as Trustee of the July 25, 2012 "Simon Trust". It is undisputed that Stansbury has settled the claims against Ted, individually, and as to the corporate defendants. It is undisputed that Mrachek Firm represented some of the dismissed corporate defendants in the civil independent lawsuit set forth above.

15. Mrachek Firm represents Ted Bernstein, as Trustee of the Simon Trust, the sole residuary beneficiary of the Estate with the exception of certain personal property, in the current probate litigation involving the Estate of Simon, 50-2012-CP-4391. The Simon Trust is a pour over trust and Simon's ten grandchildren are the beneficiaries of the Simon Trust.

16. On November 28, 2016, D.E. 507, Stansbury filed his Motion to Disqualify Alan Rose and Page, Mrachek, Fitzgerald, Rose, Konopka, Thomas & Weiss, P.A. as Legal Counsel for the Estate of Simon Bernstein Due to an Inherent Conflict of Interest.

17. Elliot Bernstein joins Stansbury's opposition to the appointment of Mrachek Firm. Elliot is a residuary beneficiary of any tangible property of the Estate. All other beneficiaries (Trust Beneficiaries) approve the retention of the Mrachek Firm.

18. Stansbury's Motion to Vacate, D.E. 496, and Stansbury's Motion to Disqualify, D.E. 507, are ***not*** based on perceived conflict arising out of the Mrachek Firm and alleged association or representation of William Stansbury, Plaintiff in the civil suit. ***It is undisputed that the Mrachek Firm never represented Stansbury, obtained any confidential information from Stansbury, or attempted to use, obtained, or are in possession of privileged information regarding Stansbury and now must be disqualified.*** In fact, there was no evidence that Mrachek has obtained or used any information that would prejudice a current or former client.

19. Stansbury is objecting to the Personal Representative's choice of counsel for the Estate based on a perceived conflict from Mrachek's Firm's representation of Ted as Trustee of the Simon Trust.

20. With regard to the Motion to Vacate Judge Phillip's Order, the Court finds, without court order, the Personal Representative has the right to retain counsel to defend lawsuits. Independent of the same, after a hearing wherein no objection was raised, Judge Phillips granted the retention of the Personal Representative's choice of counsel. This Court denies the motion to vacate.

21. With regard to the Motion to Disqualify, the parties have all stipulated and agreed that the undersigned judge should decide this matter versus the civil judge in the probate proceeding.

The parties' rationale is that since the prior judge approved the retention of counsel by the Personal Representative, this Court should make the decision on whether to disqualify Mrachek Firm from another judge's case. Stansbury is objecting ***as the Plaintiff*** in the civil lawsuit to the Defendant's choice of counsel. Specifically, Stansbury, Plaintiff, objects to the Defendant, Estate's choice of counsel via the Personal Representative of the Estate. Elliot believes there has been a continuing fraud being perpetrated by the Court and Ted; Elliot joins Stansbury's objection.

22. Despite the parties' stipulation allowing this Court to decide whether Mrachek Firm should be disqualified from representing the Estate in the civil case, this Court is hard pressed to see how this Court can rule on a matter in a separate case without the other judge's approval / acquiesce of the same. This Court hereby finds this Court is not the proper forum and the matter should be heard in the civil litigation. However, if in fact the other Court chooses to accept this Court's findings in order to conserve judicial resources and the efficiency of justice, since this Court heard in excess of six hours of evidence and testimony, this Court would deny the motion to vacate and to disqualify on the merits.

23. Stansbury has alleged disqualification of Mrachek Firm is appropriate under Florida Rule Regulating the Florida Bar, 4-1.7(a):

Rule 4-1.7. Conflict of Interest; Current Clients

(a) Representing Adverse Interests. Except as provided in subdivision (b), a lawyer must not represent a client if:
(1) the representation of 1 client will be directly adverse to another client; or
(2) there is a substantial risk that the representation of 1 or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.
(b) Informed Consent. Notwithstanding the existence of a conflict of interest under subdivision (a), a lawyer may represent a client if:

(1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;
(2) the representation is not prohibited by law;
(3) the representation does not involve the assertion of a position adverse to another client when the lawyer represents both clients in the same proceeding before a tribunal; and
(4) each affected client gives informed consent, confirmed in writing or clearly stated on the record at a hearing.
(c) Explanation to Clients. When representation of multiple clients in a single matter is undertaken, the consultation must include an explanation of the implications of the common representation and the advantages and risks involved.

24. Again, Stansbury is not asserting Mrachek Firm ever represented Stansbury. The Personal Representative of the Estate, Brian O'Connell, executed the PR's Statement of Its Position That There is No Conflict and His Waiver of Any Potential Conflict. Mr. O'Connell also testified that it is his opinion that the Estate would be best served by the Mrachek Firm being retained.

25. The comment Rule 4-1.7 states as follows:

Conflict charged by an opposing party

Resolving questions of conflict of interest is primarily the responsibility of the lawyer undertaking the representation. In litigation, a court may raise the question when there is reason to infer that the lawyer has neglected the responsibility. In a criminal case, inquiry by the court is generally required when a lawyer represents multiple defendants. Where the conflict is such as clearly to call in question the fair or efficient administration of justice, opposing counsel may properly raise the question. Such an objection should be viewed with caution, however, for it can be misused as a technique of harassment. See scope.

26. The Court has reviewed all the testimony, case law, positions of the parties, and considered the position of the Estate as expressed by the Personal Representative, an experienced Estate and Probate Attorney.

27. The Estate's goal in the Stansbury litigation is to defend against Stansbury's claim and minimize Stansbury's recovery. The Mrachek Firm has extensive knowledge of this lawsuit. Given Stansbury is the Plaintiff in that lawsuit, the Court embraces the Comment to Rule 4-1.7 and heeds its warning. The Court finds no conflict in affirming the Personal Representative's choice of counsel, the Mrachek Firm, to defend the Estate in the Stansbury litigation. Additionally, this Court finds that if in fact there is a conflict, it has been waived by the Personal Representative.

28. The Court now turns to the question of whether Ted Bernstein should be appointed by the Court as an Administrator Ad Litem on behalf of the Estate in the Stansbury litigation.

29. Florida Statute 733.308 Administrator ad litem states as follows:

> When an estate must be represented and the personal representative is ***unable to do so***, the court shall appoint an administrator ad litem without bond to represent the estate in that proceeding. The fact that the personal representative is seeking reimbursement for claims against the decedent does not require appointment of an administrator ad litem.

(emphasis added).

30. Brian O'Connell testified in Court that it is his position that the appointment of Ted would be in the best interest of the Estate for the following reasons: Ted has the most knowledge of the claims; Ted will not charge the estate and Mr. O'Connell would charge for his time; the appointment is limited to the civil litigation and has no overlap with the Insurance Litigation in Illinois; Mr. O'Connell's busy schedule would delay the litigation's progress; and, he would still be intricately involved with any negotiations on behalf of the Estate. There is no indication that Mr. O'Connell is unable to represent the Estate.

31. The parties stipulated to the March 13, 2017 deposition of Brian O'Connell coming into evidence. Stansbury's counsel, Mrachek Firm, and Elliot all had the opportunity to question Mr. O'Connell regarding his positions regarding the Estate being represented by Ted as administrator ad litem. Additionally, all parties questioned Mr. O'Connell regarding his

position on whether the Estate should continue in the Insurance Litigation. It is Mr. O'Connell's position that the Estate should continue its positions in the Insurance Litigation.

32. The Court finds Mr. O'Connell to be credible. Conserving the Estate's assets by not having to pay the Personal Representative to be involved in the Stansbury litigation is a laudable goal; nonetheless, the Court cannot ignore the fact that the Estate and Ted are adverse in the Illinois lawsuit. Moreover, Mr. O'Connell is capable of representing the Estate. While the Illinois action is still pending, the Court declines to appoint Ted as Administrator Ad Litem.

IT IS ORDERED AS FOLLOWS:

The Court **DENIES** Stansbury's motions seeking to vacate the retention order of September 7, 2016, and to disqualify the Mrachek Firm. The Court **DENIES** appointment of Ted Bernstein as Administrator Ad Litem.

DONE AND ORDERED in Chambers, North County Courthouse on April 27, 2017.

HONORABLE ROSEMARIE SCHER

cc: All parties on the attached service list

IN RE: Estate of SIMON L. BERNSTEIN
File No.: 502012CP004391XXXXNB IH
Notice of Hearing for 3/21/17
_____/

SERVICE LIST

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Eliot Bernstein 2753 N.W. 34th St. Boca Raton, FL 33434 iviewit@iviewit.tv	Pamela Beth Simon 950 N. Michigan Ave., Apt. 2603 Chicago, IL 60611 psimon@stpcorp.com	Lisa Friedstein and Carley Friedstein, Minor c/o Jeffrey and Lisa Friedstein Parent and Natural Guardian 2142 Churchill Lane Highland Park, IL 60035 Lisa@friedsteins.com Lisa.friedstein@gmail.com
Jill Iantoni and Julia Iantoni, a Minor c/o Guy and Jill Iantoni, her Parents & Natural Guardians 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com	Brian M. O'Connell, Esq. Ashley Crispin Ackal, Esq. Ciklin Lubitz & O'Connell 515 N. Flagler Dr., 20th FL West Palm Beach, FL 33401 service@ciklinlubitz.com probateservice@ciklinlubitz.com	Robert Spallina, Esq. rspallina@comcast.net

EXHIBIT 3

Eliot Ivan Bernstein

From: Eliot Ivan Bernstein <iviewit@gmail.com>
Sent: Thursday, May 18, 2017 6:05 AM
To: Rosemarie Scher (CAD-divisionfh@pbcgov.org); Cindy Hoekstra (philadelphia.complaints@ic.fbi.gov); 'tom.wheeler@usdoj.gov'; joon.kim@usdoj.gov; Frank Brady aka Kevin McKeown @ Expose Corrupt Courts (CorruptCourts@gmail.com); Serena H. Olsen (serenaholsen@gmail.com); nicolemerritt611@gmail.com; John Pacenti ~ Reporter @ Palm Beach Post (jpacenti@pbpost.com); 'Alan B. Rose Esq. (arose@pm-law.com)'; 'Anderson, Charlene'; 'arose@mrachek-law.com'; 'Brian M. O'Connell PA ~ Partner @ Ciklin Lubitz Martens & O'Connell (boconnell@ciklinlubitz.com)'; 'Charles D. Rubin ~ Managing Partner @ Gutter Chaves Josepher Rubin Forman Fleisher Miller PA (crubin@floridatax.com)'; 'ddustin@tescherspallina.com'; 'Diana Lewis @ ADR & MEDIATIONS SERVICES, LLC - Fla. Bar No. 351350 (dzlewis@aol.com)'; 'Don Tescher'; 'JILL BERNSTEIN IANTONI (jilliantoni@gmail.com)'; 'John J. Pankauski (courtfilings@pankauskilawfirm.com)'; 'john@pankauskilawfirm.com'; 'Kimberly Moran ~ Legal Assistant / Notary Public @ Tescher & Spallina, P.A. (kmoran@tescherspallina.com)'; 'L. Louis Mrachek Esq. @ PAGE, MRACHEK, FITZGERALD, ROSE, KONOPKA, THOMAS & WEISS, P.A. (lmrachek@mrachek-law.com)'; 'Lindsay Baxley aka Lindsay Giles @ Life Insurance Concepts (lindsay@lifeinsuranceconcepts.com)'; 'Lisa Friedstein'; 'Mark R. Manceri, Esquere @ Mark R. Manceri, P.A. (mrmlaw@comcast.net)'; 'mrmlaw1@gmail.com'; 'Pamela Beth Simon (psimon@stpcorp.com)'; 'Peter Feaman (mkoskey@feamanlaw.com)'; 'Peter Feaman, Esq. ~ Attorney at Law @ Peter M. Feaman, P.A. (pfeaman@feamanlaw.com)'; 'Robert Spallina'
Cc: 'Andrew Dietz @ Rock-It Cargo USA, Inc. (andyd@rockitcargo.com)'; Barbara Stone (bstone12@hotmail.com); Barbara Stone Gmail (bstone575@gmail.com); 'CANDICE BERNSTEIN (tourcandy@gmail.com)'; Candice Schwager (attycandie@gmail.com); Candice Schwager ~ Attorney at Law @ Schwager Law Firm (schwagerlawfirm@live.com); 'Caroline Prochotska Rogers Esq. (caroline@cprogers.com)'; 'Eliot I. Bernstein (iviewit@iviewit.tv)'; iviewit@gmail.com; JoAnne M. Denison Esq. (jmdenison@gmail.com); Kevin R. Hall (kh.itconsultingsalesoffices@gmail.com); 'Michele M. Mulrooney ~ Partner @ Venable LLP (mmulrooney@Venable.com)'
Subject: Improperly Scheduled UMC Hearing brought by Attorney Alan Rose for Ted Bernstein; Judicial Obligations to Report Fraud and Misconduct of Attorneys, etc.
Attachments: 20170511 Feaman Stansbury Reply_Response to Trustees Motion for Approval of Settlement.pdf; 20170427 ORDER SCHER BERNSTEIN Simon Order Denying M.Vacate Denying Motion Disqualify etc 2012-CP-4391.pdf; 20160224 FINAL ESIGNED MOTION FOR INJUNCTION ECF STAMPED COPY.pdf; 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

Tracking:

Recipient	Read
Rosemarie Scher (CAD-divisionfh@pbcgov.org)	Read: 5/18/2017 7:33 AM
Cindy Hoekstra (philadelphia.complaints@ic.fbi.gov)	
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Hon. Judge Rosemarie Scher,
North County Courthouse
3188 LPGA Boulevard
Palm Beach Gardens, Fl 33410

Re: Improperly Scheduled UMC Hearing brought by Attorney Alan Rose for Ted Bernstein; Judicial Obligations to Report Fraud and Misconduct of Attorneys, etc.

Honorable Judge Rosemarie Scher:

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 17, 2017 is improper and should have already been Removed from the Calendar by your Honor. See, attached filing of attorney Peter Feaman on behalf of Creditor William Stansbury. (May 11 2017 - 20170511 Feaman Stansbury Reply Response to Trustees Motion for Approval of Settlement.pdf)

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."

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."

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.

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

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.

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.

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 attached - 20160224 FINAL ESIGNED MOTION FOR INJUNCTION ECF STAMPED COPY.pdf .)

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.

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.

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.

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.

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.

Just in Alan Rose's Motion for Approval which is attached hereto (see - 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.

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.

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.

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.

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.

Respectfully,

Eliot I. Bernstein

Eliot I. Bernstein
Inventor, really cool shit that changed your world!
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EXHIBIT 2

UNITED STATES COURT OF APPEALS

FOR THE SEVENTH CIRCUIT

APPEAL NO. 17-1461

SIMON BERNSTEIN IRREVOCABLE INSURANCE TRUST DTD. 6/21/95, et al. , Plaintiffs-Appellees,	) Appeal from the United States) District Court, Northern District of) Illinois, Eastern Division.)
V.	) LC No. 1:13-CV-03643) John Robert Blakey, Judge
HERITAGE UNION LIFE INSURANCE CO., et al., Defendants-Appellees.	))) **APPELLANT'S**
APPEAL OF: ELIOT BERNSTEIN, Cross and Counter-Claimant- Appellant.	) **JURISDICTIONAL**) **MEMORANDUM:**))))

APPELLANT - CROSS AND COUNTERPLAINTIFF ELIOT I. BERNSTEIN, PRO SE, hereinafter referred to as Appellant, respectfully submits the following Jurisdictional Memorandum in response to this Court's Order of May 14, 2017 Order and shows this court as follows:

Appellant asserts that this Court has federal Appellate Jurisdiction under 28 USC Sec. 1291 and 28 USC Sec. 1292(a)(1) as set out further herein.

BACKGROUND AND PROCEDURAL SUMMARY

This Statement of Jurisdiction is submitted in response to this Court's Order upon an Appeal of a Memorandum Opinion and Order of the District Court of the Northern District of Illinois, Hon. Judge Robert Blakey, presiding, dated Jan. 30, 2017 which Decided various Summary Judgment motions including Dismissing all of Appellant's claims in the nature of fraud, negligence, breach of fiduciary duty, conversion, abuse of legal process, legal malpractice, and civil conspiracy and also denying Summary Judgment to an Intervenor brought on behalf of the Estate of Simon Bernstein in relation to certain proceeds Deposited into the District Court Registry by an Insurance Carrier totaling just under $2 Million US Dollars allegedly from a Life Insurance Policy for Appellant's Deceased father Simon Bernstein. See, Docket Entry #273.

As further discussed, this Order was in relation to "the Second Round" of Summary Judgment motions brought by Plaintiffs, this time moving for Summary Judgment dismissing Appellant's claims entirely after the US District Court had found substantial issues of material fact in denying Summary Judgment to the Plaintiffs initial filing.

All of the critical and undeniable material issues of fact raised by Appellant leading up to the Denial of Plaintiffs' Summary Judgment in their favor (on Summary Judgment "Round 1") remained material issues of fact in this "second round" of motions and remain open and existing material issues of fact to this day.

Plaintiffs had never overcome any of these issues of material fact in filing their motion against Appellant in Round 2, notably, that there is no "Trust" produced by Plaintiffs as the alleged Beneficiary of a Life Insurance Policy where Plaintiffs claim the Trust as "lost" or "missing" but Appellant alleges is intentionally "secreted", "withheld" or "destroyed". More importantly, there has been and remains no actual Life Insurance Policy (contract) produced by either the Plaintiffs or the involved Carriers where again Plaintiffs claimed this Policy is "lost" or "missing" despite having gone through a "Reinstatement" shortly prior to the passing of the Insured Simon Bernstein yet where again Appellant has claimed the Policy has been intentionally "secreted", "destroyed" or "withheld" and where this is a "first of its kind" case to Appellant's knowledge where a Carrier has "lost" a Life Insurance Policy being part of a highly regulated industry with rigid Record Keeping requirements. Despite having no actual "Policy" produced with full contractual provisions, riders, amendments and terms and conditions, all Carriers were "let out" of the case by the US District Court (prior Hon. Judge St. Eve) after depositing approximately $1.7 Million into the Court Registry on an Interpleader complaint. The current US District Court (Hon. Judge Blakey) has repeatedly denied any Depositions and Discovery against the Carriers and denied Appellant's motions to be brought back into the case as parties "necessary" for a full determination on the merits despite evidence

in the Record that the Plaintiffs and their lawyers had communications about seeking or having a "friendly carrier".

APPELLANT SOUGHT INJUNCTIVE RELIEF AT THE US DISTRICT COURT ON A MOTION UNDER THE ALL WRITS ACT FILED IN FEB. 2016 AND INTENDS TO APPLY AGAIN FOR A STAY AND INJUNCTIVE RELIEF UNDER THE RULES AND RESPECTFULLY URGES THIS COURT TO CAREFULLY EXAMINE THIS MOTION AS A "ROADMAP" TO THE CASE HEREIN

On Feb. 24, 2016 under District Court Docket Entry 214, Appellant had filed a detailed motion for a properly narrowly tailored Injunction under the All Writs act detailing in part how the core parties (and fiduciaries) involved in the District Court action through "extortive, abusive, orchestrated actions of continued abuse of process in the Florida Probate Courts and by the Florida Probate Courts in conspiracy and or acting in concert with fiduciaries, counsel and others that are interfering and threaten to further interfere with this Court's jurisdiction and the ability to orderly decide the claims before it as there is a real and serious imminent threat and danger that critical evidence, documents, records, Discovery and real and personal properties will be permanently lost imminently preventing this Court from properly adjudicating claims before it while these parties are simultaneously hiding millions of dollars of assets as shown later herein wholly

Unaccounted for and retaliating against and threatening Appellant." See, Par. 15, Case: 1:13-cv-03643 Document #: 214 Filed: 02/24/16 Page 7 of 132 PageID #:3641.

This motion went on to detail how both Ted Bernstein, the primary Plaintiff in this action claiming to be the "Trustee" of a "lost Trust" which is the "Beneficiary" of a "lost" Life Insurance Policy was also acting in concert with Fiduciary Personal Representative Brian O'Connell of the Estate of Simon Bernstein, to manipulate, control and orchestrate the Discovery and proceedings in the State Court of Florida to gain advantage through improper collateral estoppel by rushing to judgment. While these parties at least on paper appear to be "adversaries" in the District Court, Appellant showed multiple orchestrated actions where BOTH Fiduciaries had intentionally failed to obtain Florida Court Ordered Discovery from the outgoing PRs and Co-Trustees attorneys Tescher and Spallina who were also the Estate Planners and Drafters for Simon and Shirley Bernstein and who, presumably, **as part of due diligence and common professional practices, would at least have actual copies of the operative documents, Trusts and Life Insurance policies now "alleged" to be "lost" and "missing" in this action.** Tescher and Spallina had been allowed by the Florida Courts to "resign" from the Florida cases after Appellant filed several Emergency Motions for Injunction and Freezing of Assets after Tescher and Spallina's office had been caught "forging"

and "falsifying" Notaries and documents under Simon Bernstein's name and others in the Shirley Bernstein Estate case using Simon Bernstein to sign documents while then Deceased to such a degree that the Florida Judge had said twice on the record he had **sufficient information to read their "Miranda Warnings".**

The All "Writs Motion for Injunction further detailed "**Missing Millions" unaccounted for, "Missing Originals" from related Trusts and Business entities, "Missing Discovery", "Missing Witnesses", failure to provide Accountings for years required by Florida Statutes** and further showed how fiduciary Ted Bernstein and PR Brian O'Connell had not only failed to obtain Court Ordered Discovery from Tescher and Spallina in the Florida State Court cases but had failed to seek Depositions and Discovery from Tescher and Spallina on the central operative documents claimed "lost" in this Insurance Action and **further sought to Enjoin and Preserve Evidence in aid of the District Court's jurisdiction.** See, Docket Entry 214, Feb. 24, 2016.

While the District Court had Denied the Motion for Injunction under the All Writs finding in part improper Notice procedure used by Appellant, the District Court did not "strike" the pleading as requested by Plaintiffs and kept the All Writs Motion pleading in the Record. See Docket Entry 218, Feb. 25, 2016. The District Court then held several "status" conferences where direct inquiry was made by the District Court into the "status" of Florida proceedings leading Appellant to believe

there would be a basis to "renew" or "rehear" the All Writs Motion for Injunction at a later date.

PRIOR HON. JUDGE ST. EVE HAD "STAYED" DISCOVERY UNTIL A "PROPER TRUSTEE" WAS DETERMINED BUT LATER OPENED DISCOVERY FOR A BRIEF TIME DESPITE NEVER DETERMINING A PROPER "TRUSTEE"

Just part of the Appellant's application for Injunctive relief before the US District Court notified and reminded Hon. Judge Blakey in Paragraph 20 as follows: "On Jan. 13, 2014 in Docket Entry 71, prior Judge St. Eve issued a Minute Entry Order which provided in part as follows, "**Discovery is hereby stayed until the proper Trustee is determined**" thus acknowledging that determination of a "proper Trustee" is an issue in the case, Case: 1:13-cv-03643 Document #: 214 Filed: 02/24/16 Page 9 of 132 PageID #:3643 Page 9 of 132 which remains disputed. The Trustee/Trust/Beneficiaries/Policy issues remains undetermined presently **and this Court's jurisdiction is imminently threatened by the permanent loss of evidence, documents and discovery by the parties orchestrating proceedings in Florida where this evidence and the parties in possession of such evidence should be enjoined herein."** See, Case: 1:13-cv-03643 Document #: 214 Filed: 02/24/16 Page 9 of 132 PageID #:3643. (emphasis added).

ONLY EVER SO "MINIMAL" DEPOSITION OF TED BERNSTEIN ON THE "SEARCH" FOR THE ALLEGED LOST TRUST, POLICY WHILE NO OTHER

Hon. Judge St. Eve had issued this "stay" upon Plaintiffs Ted Bernstein not being able to produce a "Trust" which he sued under as alleged "Trustee" claiming lost or missing. Only a very brief Deposition of Ted Bernstein occurred in this case where Appellant was afforded "minimal" time at all to question Ted Bernstein on the alleged "Search" for the "Missing Trust" and documents while multiple other parties should have Depositions on this topic alone such as Tescher & Spallina, Heritage, Jackson, Reassured America, PR Brian O'Connell and others.

Appellant's claims in the nature of civil conspiracy, breach of fiduciary duties, negligence and abuse of process specifically referenced "delay" of inheritance and delay and denial of proper inheritance rights thus countering any finding that Appellant had not plead or shown "damages" as "delay damages" particularly in Life Insurance cases have been recognized by many Courts and thus Appellant will seek to fully brief the issues upon showing this Court that it has proper Subject Matter Jurisdiction to hear this Appeal.

Appellant appeared by Telephone in the regular course for a "Status Hearing" on Jan. 25, 2017, having been granted permission throughout the case to do so as Appellant lives in Boca Raton, Florida, a considerable distance from Chicago,

Illinois. This "Status Hearing" was set by the District Court on the Court's own Motion rescheduling a prior Status Hearing scheduled for Dec. 9, 2016. See, Docket Entry No. 270: "MINUTE entry before the Honorable John Robert Blakey: On the Court's own motion, the status hearing previously set for 12/9/2016 is reset for 1/25/2017 at 9:45 a.m. in Courtroom 1725. Mailed notice (gel,) (Entered: 12/06/2016)"

At the Jan. 25, 2017 Status Hearing, the Court "announced" that it had made a Decision on the Summary Judgment motions granting the Motion to Dismiss Appellant's claims and Denying the Estate's motion for Summary Judgment but the Decision was not ready yet, that there would be a long written analysis or words to that effect and the parties would receive the Decision soon. The Court then Scheduled ALL PARTIES to appear for a Feb. 21, 2017 Status Hearing to Schedule a Trial. **At no time on Jan. 25, 2017 on the Status Conference Call Appellant appeared on did the Court Announce or indicate that Appellant was "Removed" from the case, and in fact Appellant asked the Court to clarify what was ruled upon and again did not Notice Appellant that he was not to Appear on Feb. 21, 2017 Status to Schedule a Trial along with the other parties and instead the District Court again reminded All of the parties of the upcoming Status Conference to "Schedule a Trial".**

Appellant made a Jan. 30th, 2017 filing with the District Court under Docket No. 271 notifying the Court of: difficulties Appellant experienced in the last Conference call, Appellant's request to "ensure" the integrity of documents by a recent filing by Plaintiff's attorney Adam Simon due to multiple instances of "false" and "fraudulent" documents in the related actions, notifying the Court of upcoming Hearings in Florida before a new Judge Scher as Judge Phillips who had issued the Orders relied upon by the District Court for "collateral estoppel" had now recently and suddenly "retired" prematurely, and further notifying the Court of "collusion" between the PR of the Simon Bernstein Estate and primary Plaintiff in this action Ted Bernstein and counsel Alan Rose who were continuing to act in "unity" and raising **Conflicts of Interest** as had been **raised by Appellant on multiple occasions in the District Court particularly in a Motion for Injunctive Relief under the All Writs Act filed with the District Court** in Feb. of 2016. See, Docket Entry No. 271; All Writs Act Injunctive Relief Petition in the District Court Docket Entry No. 214, 215, 216.

Appellant did receive a copy of the Memorandum Opinion and Order which came out later on the same day Jan. 30, 2017 being on the Electronic ECF System with the District Court as Appellant had been granted permission to File Electronically in the District Court and receive Electronic Notices which typically is much easier being Pro se and not having to go to the Mail to file each document. The **express**

terms of the Summary Judgment Memorandum **did not Notify Appellant that he was somehow being "fully removed" from the case** and simply ended with: "Conclusion For the foregoing reasons, Plaintiffs' motion for summary judgment on Eliot Bernstein's claims [239] is granted, and the Estate's motion for summary judgment [245] is denied." See Docket Entry No. 273.

THE SUMMARY JUDGMENT DID NOT ADDRESS APPELLANT'S STATUS AS A DEFENDANT SUED IN THE INTERPLEADER

It is noted that Appellant was "sued" into the District Court action as a Defendant in an Interpleader action filed by insurance Carrier Jackson upon Removal to Federal Court by Jackson as Appellant is a natural child to Simon Bernstein with a potential claim to the proceeds and the Summary Judgment motions did not address or discuss in any way Appellant's status as a Defendant in the Interpleader. Appellant had raised on multiple occasions in the District Court that **this status as a Defendant in the "Interpleader" action was Prejudicial as Appellant** became limited in pursuing Counterclaims, Cross claims and causes of action and should have been included as a proper Party in Plaintiffs' original actions. See, Docket Entry No. 17 of June 26, 2013 Jackson Answer and Counterclaim for Interpleader action and Docket No. 273, the Memorandum Opinion and Order.

INSURANCE CARRIERS CHANGING "OWNERSHIP" IN LESS THAN 45 DAYS OF BEING SUED, NO "SUCCESSOR" INFORMATION PROVIDED AND RELEASED FROM THE ACTION WITH NO ACTUAL "POLICY" PROVIDED OVER OBJECTIONS OF APPELLANT:

As this Court will see, the Insurance Carrier sued by the Plaintiffs in the Cook County State Court "breach of contract" action was Heritage Union Life Insurance Company allegedly of Jacksonville, Illinois, being allegedly a Minnesota Corporation. See, Case: 1:13-cv-03643 Document #: 1-1 Filed: 05/16/13 Page 1 of 5 PageID #:4, showing Heritage sued as of April 5, 2013.

Despite being a natural child and natural Heir of Simon Bernstein, Appellant was not Named as a Party Plaintiff in the original Cook County State Court action Complaint that was Removed to Federal Court. Appellant had no knowledge that this action had even been filed **and in fact, none of the 5 children of Simon Bernstein were named as Parties or referenced in the original Cook County action** as at least Ted Bernstein was involved in this original action together with attorney Adam Simon suing under an alleged Simon Bernstein Irrevocable Insurance Trust Dated 6/21/95 with Ted Bernstein ***claiming to be "Trustee" of a Trust which to this very day has never been Produced to the Court or parties, another allegedly "Missing" - "Lost" document in the Estates and Trusts of Simon and Shirley Bernstein.***

Yet, the Carrier who "removed" the action to Federal Court that Appellant was sued by in this Interpleader action is Jackson National Life Insurance Company, allegedly a Michigan corporation who claims to be "Successor in Interest" to "Reassure America Life Insurance Company", a Dallas, Texas company who

allegedly is the "Successor in Interest" to Heritage. This occurred just over a month later on May 16, 2013 yet none of the Jackson filings show any Documentary proof of acquiring Reassure America or Heritage or the Successor information. See, Docket Entries No. 1, 4. 7. 17.

While the District Court Docket in some instances refers to "Heritage" as the filing party, the actual filing party is "Jackson". See, example, Docket Entries No. 9, 10.

Further, "Jackson" filed a Notice of Appearance by Attorney Alexander David Marks (Docket Entry No. 3), while "Heritage" filed an Attorney Appearance Notice for Frederic A. Mendelsohn (Docket Entry No. 12).

Allegedly, an "AGREED ORDER" to Tender "Insurance Proceeds" into the Court was made on June 25, 2013, **BEFORE APPELLANT HAD EVEN BEEN "SUMMONED" TO APPEAR IN THE CASE**. SEE Docket Entry No. 16.

Appellant was first Summoned into the case the next day, June 26, 2013. See **6-26-13 Docket Entry With NO Docket Entry Number** after Docket Entry No. 18.

NOTE: NO CARRIER OR PARTY TO THE DISTRICT COURT ACTION **HAS TENDERED OR PROVIDED AN ACTUAL LEGALLY BINDING LIFE INSURANCE POLICY,** EITHER ORIGINAL, COPY OR OTHERWISE THAT IS ALLEGED TO BE THE SIMON BERNSTEIN LIFE INSURANCE POLICY NO. 100928,

Yet somehow the District Court below "accepted" the funds into the Registry as "Policy Proceeds" prior to Appellant's entry into the case. To Appellant's

knowledge, **this would be the first time in Industry History** that a Life Insurance carrier and Reinsurer "lost the policy" as the Industry is highly regulated with extensive Record Retention Rules.

Appellant asserts this is all part of the "insurance fraud" scheme which has been reported to Federal and State authorities. As shown by the Docket and Records of the case, there has been virtually **NO DISCOVERY allowed** on Record Retention practices and where the Policy is or has been although Appellant has repeatedly sought Discovery in the District Court.

Both Ted Bernstein suing as alleged "Trustee" of an alleged "lost" Trust and Attorney Adam Simon failed to notify the District Court or the Cook County Court that Ted Bernstein's "other" Attorney Robert Spallina had attempted to claim the Policy proceeds first as "Trustee" of the same "lost trust" without Notifying the Insurance Carrier of allegations of possible "Murder" of Simon Bernstein made by Ted Bernstein at the Hospital on the Night of Simon Bernstein's Passing and "Investigated" by the Palm Beach County Sheriff's Office on Ted Bernstein's Request and the Palm Beach Coroner's office and Spallina was denied his claim by the carrier as he could not produce a trust showing he was Trustee;

The underlying original "action" was filed as a "breach of contract" action that was "removed" to Federal Court which was first filed in Cook County by attorney Adam Simon on behalf of Ted Bernstein who was now acting as the alleged "Trustee" of the alleged "Simon Bernstein Irrevocable Insurance Trust dated 6-21-95" not Spallina.

Par. 12 of the Complaint in Cook County falsely claims that "the BERNSTEIN TRUST, by and through its counsel in Palm Beach County, Fl, submitted a death

claim to HERITAGE" yet fails to state that this "counsel", one Robert Spallina, actually filed to get the death benefits paid acting also as "TRUSTEE" of this "Bernstein Trust" **which is also allegedly "missing" and "lost".** See Case: 1:13-cv-03643 Document #: 1-1 Filed: 05/16/13 Page 2 of 5 PageID #:5

Par. 13 further goes on to state, "The Policy, ***by its terms,*** obligates HERITAGE to pay the death benefits to the beneficiary of the policy . . ." See,

Par. 14 continues that "HERITAGE has breached its obligations under the policy by refusing and failing to pay the Policy's death benefits to the BERNSTEIN TRUST as beneficiary under the policy . . ." See, Case: 1:13-cv-03643 Document #: 1-1 Filed: 05/16/13 Page 3 of 5 PageID #:6

Upon information and belief, **at no time did Attorney Spallina notify the Carrier that allegations of possible "Murder" had been made by his client Ted Bernstein on the night of Simon's Bernstein's passing** such that not only was Appellant "blocked" by Hospital Security from initially getting back in to see Simon at the Hospital as he lay dying in a Code Blue recessation state, but **further that the Palm Beach Sheriff's Office hours later showed up at the Simon Bernstein home to "Investigate" the allegations of Murder which had not been "closed" at the time the death benefits were sought and Ted summoned the coroner to conduct an autopsy.**

The original Complaint ***also does not allege that both the Policy and Trust were "lost" or "missing".*** See, Case: 1:13-cv-03643 Document #: 1-1 Filed: 05/16/13.

SIMON BERNSTEIN HOME COMPUTERS "WIPED CLEAN" ON THE NIGHT OF HIS PASSING ALLEGED AS A POSSIBLE "MURDER" WHILE OTHER DOCUMENTS GO OUT OF THE "HOME SAFE" ON THE NIGHT OF PASSING ALLEGEDLY TO TED BERNSTEIN VIA RACHEL WALKER; SIMON'S BODY THEREAFTER "GOES MISSING" AFTER BEING SENT FOR AUTOPSY AND REPORTS COME BACK WITH ELEVATED HEAVY METALS LEVEL BUT OF A 113 YEAR OLD MAN

See, All Writs Motion for Injunction (Docket Entry No. 214) and related filings for details on Simon Bernstein's Home Computers found "wiped clean" on the night of his passing and his Body then "going missing" for a week after Palm Beach Sheriff's Office (PBSO) investigating possible "Murder" which was not reported by Plaintiff Ted Bernstein or his stable of counsels to the Insurance Carriers.

This action has a complicated procedural history being first originally heard before US District Judge Hon. St. Eve starting on or around May of 2013 and then US District Judge Hon. Robert Blakey who was Assigned the case beginning on or around January 15, 2015. Throughout this time, related Estate Probate and Trust actions have been ongoing in the State of Florida in the Fifteenth Judicial Circuit in Palm Beach County where Appellant moved residency to several years ago from California at the specific request of his now deceased parents Shirley and Simon Bernstein who wanted to be close to Eliot, his wife and three children, Simon and

Shirley, who are originally from the Chicago, Illinois area for many years until moving to Boca Raton, Florida.

Simon Bernstein was a successful businessman in the Insurance industry since the 1970s, had earned tens of millions of dollars during his lifetime, set up multiple companies and eventually moved to Boca Raton, Florida with his wife Shirley who was also Appellant's natural mother.

Successes and Properties of Simon and Shirley Bernstein

Through these successes, Simon and Shirley Bernstein came to own several insurance businesses, trust companies, fully paid for real estate including an Oceanfront condo in Boca Raton, FL and Estate home in the prestigious St. Andrews Golf and Country Club where "Billionaires" are members, along with owning multiple luxury cars outright, millions of dollars in jewelry, art and furnishings, being "Private Banking" clients at leading US financial firms and having millions of dollars invested in blue chip stocks and other investments. Prior to his passing, Simon Bernstein had the fully paid for St. Andrew's Home appraised at approximately $3.8 Million and the Oceanfront "Shirley" Condo appraised at approximately $1.8 million dollars. The luxury cars included a fully paid Bentley and a fully paid leased Porsche. Simon and Shirley often travelled by Private Jet during their lifetime including with Appellant's children who were "minors" at the time and their lifestyle remained five star until the day they died.

Simon in the years before his death in 2012 in 2007-2008 declared income of $3,756,299 in 2008 and $2,374,392 in 2007 and this from only one of his many companies, LIC Holdings, Inc.

Direct Knowledge of Record Keeping Practices of Simon Bernstein

As stated in pleadings and in part by a sworn Declaration before the District Court, at one point in time, Appellant had been a "Top Seller" of Insurance through his independent agency as well working alongside his father Simon Bernstein's companies and became intimately familiar with the meticulous Record Keeping practices required to be successful in the Insurance industry that his father taught him and was directly familiar with Simon's multiple Record Keeping and Storage locations and practices in the Boca Raton, Florida area in the years prior to his passing. Simon was a leading Estate planner for Insurance products for his clientele primarily composed of millionaires and several billionaires and created sophisticated trusts and estate plans in conjunction with his products for his clients.

Other Business Agreements with Simon Bernstein and "Iviewit Technologies"; Simon Bernstein's "Missing Stock:

For further information, see All Writs Injunction Docket No. 214, Feb. 2016 as these interests and allegations help explain in part the purpose of the fraud schemes at play.

Appellant Eliot Bernstein later went on to become an "Inventor" of Backbone Technologies known as "Iviewit" involving the scaling of Digital and Video Imaging across the Internet and all other wired and wireless mediums, a business was formed with he and his father as partners and his father Chairman of the Board for several years.

Eliot Bernstein later entered into other Business agreements with his father in relation to the Intellectual Properties as Simon Bernstein became the seed Investor with a 30% IP interest and 30% Shareholder interest in the Iviewit companies and where the technologies had been valued in the hundreds of billions of dollars to "Priceless" over the lifetime of the Intellectual Property after being tested by Leading engineers and industry experts including at Lockheed Martin, the Intel Corporation, Real3D Inc, AOLTW, Warner Bros., Sony and others who all signed various licensing contracts with Appellant and his father's companies dating back to the late 1990s through early 2000's. The Intellectual Properties (Patents, Trademarks, Copyrights and Trade Secrets) were then discovered to be being stolen from the Iviewit Companies by some of the very lawyers retained to protect the Intellectual Properties and do the Corporate work to license them and these matters have since been the subject of open Federal investigations relating to the Thefts and Fraud at the US Patent Office where Appellant was specifically directed by Harry I. Moatz who headed the Office of Enrollment and Discipline (OED of

the USPTO) to file Fraud charges for Fraud against the United States and the true and proper inventors and owners of the IP, as the attorneys had filed fraudulent IP applications alleging themselves and others as the inventors on IP applications. Where the Intellectual Properties have both massive Military and Civilian use across the globe they are now responsible for creating and distributing over 90% of all digital video and imaging transmissions sent worldwide. Because of the massive thefts and fraud, Appellant's companies were intentionally forced out of business and Appellant, other Shareholders and patent interest holders have not yet been able to monetize the IP Royalties as the Intellectual Properties were fraudulently placed into the names of others and subsequently suspended by the USPTO based upon ongoing investigations into the frauds committed by the attorneys who were USPTO Patent Bar members. These rogue attorneys at law have converted the royalty streams to themselves and their law firms through multiple Antitrust Violations, including Patent Pooling Schemes that Bundle & Tie the technologies into "standards" such as MPEG, blocking Appellant from market. Due to this most dangerous situation Appellant was cast into, Simon and Eliot Bernstein entered into agreements to provide for Eliot's family's welfare and safety while there are ongoing Federal investigations to regain the IP. Simon and Shirley therefore set up a monthly income stream to cover all of Eliot's family living expenses which had been in effect for many years prior to their deaths, they

set up multiple trusts and companies for he and his children to protect the assets put in their names and their estate plans have provisions to have maintained this for many years after their deaths. [NOTE: A source known as **"DC No. 1"** and by multiple other names is available upon proper Notice as a **Witness** in regard to the **Patent Frauds, IP frauds** and other Federal and State Corruption issues relevant herein. This source is also known, upon information and belief and in part direct knowledge, to have **special Security Access** to **Federal Courthouses, Chambers of US Judges**, US Attorneys, **26 Federal Plaza of the FBI, NY, NY, Signal Intelligence information,** the "***bizarrely stalled FBI Investigation***" into the Iviewit Patent thefts, and is alleged to have worked with multiple Federal Agencies including the Treasury Department (IRS), US Postal Inspector's Office, DOJ, and to have worked Federal Cases in the Chicago area, Boston area, NYC area and to have been able to use the Address of 1600 Pennsylvania Avenue, Washington, DC in Federal Court papers with no known sanctions.]

Specific Estate Planning by Simon Bernstein for the Benefit of Eliot Bernstein and Family:

Pleadings already exist in the Record showing that Appellant's Family Mini-van was "Car Bombed" Iraqi style while pursuing rights to the Stolen Intellectual Properties while Shirley and Simon Bernstein were alive (see, www.iviewit.tv) and further that Plaintiff Ted Bernstein, Appellant's brother, who was living with

his children in his parents' home and virtually broke prior to this Car bombing and closely involved with the last "arrangements" on the Mini Van ultimately Car bombed in Boynton Beach, Florida and who later became and remains close friends and business associates with the very same International law firms and others implicated in the Patent frauds against his brother Appellant and then he suddenly acquired a $5 Million plus Intra-Coastal home in Palm Beach County after the bombing. Two of the law firms involved in the IP thefts are Proskauer Rose and Foley-Lardner who are now also directly implicated in the estate and trust proceedings in the Florida Courts and this District Court, as a Proskauer Will for Simon Bernstein and Trust from the year 2000 is involved and may be a beneficiary of the lost policy, as well as a Foley Lardner LLP trust that is missing yet is alleged to be the Plaintiff in this matter before this Court. No direct Discovery against these law firms was permitted or scheduled thus far in District Court proceedings or in any of the related Florida State Court proceedings. Simon's friend and Iviewit accountant, Gerald Lewin, CPA, is also implicated in the IP thefts and was the party to who brought his "friends" from Proskauer Rose in, Estate planner Albert Gortz and others, groundfloor to be a part of this revolutionary technology discovered by Appellant and all are small shareholders in the companies. As a result of dangers to Appellant's family from the Attempted Murder of his family, resulting Investigations and forced closing of the companies,

Appellant and Simon Bernstein entered into specific agreements and Planning designed to protect their families in the event Appellant or any of his family were murdered.

These business agreements between Appellant and Simon Bernstein included specific Estate Planning for Appellant's family and minor children and Simon and Shirley further wanted Appellant's family to live close to them in Boca Raton so a company was set up to Purchase Appellant's family home in Appellant's children's names and held in separate trusts created for the minor children at the time by Simon and Shirley in Boca Raton where Appellant and his wife and children enjoyed a close, loving and special relationship with Simon and Shirley until their passing. Thus, Appellant has a direct basis to be aware of the Record Keeping practices his father Simon Bernstein during his lifetime, but also reason to know and believe that Appellant is among the Beneficiaries of the various Estate Planning instruments by Simon and Shirley and someone whose family has claim to the Life Insurance proceeds.

Plaintiffs Ted Bernstein and Pamela Bernstein Simon with Direct Involvement in the Simon Bernstein Companies and Significant Insurance Contacts:

Plaintiffs Ted Bernstein and Pamela Bernstein Simon both worked significantly with Simon Bernstein for years and have decades of contacts in the Insurance industry.

JURISDICTIONAL STATEMENT

Jurisdiction of the District Court:

Federal Jurisdiction in the District Court was obtained under the Diversity statute 28 USC Sec. 1332(a) after the Insurance Carrier Heritage "removed" the State Court action in Cook County to federal Court filing an Interpleader action. Appellant was named as a Defendant in the Interpleader action as a surviving child of Simon Bernstein who may have claim to the alleged Life Insurance policies at issue. Appellant should have been a named Plaintiff in the action with his other siblings but was Surreptitiously left off the filing as part of the alleged fraud by his siblings who initiated the action, Ted Bernstein and Pamela Simon.

Appellate Jurisdiction of the 7th Circuit Court of Appeals:

Appellant asserts federal appellate Jurisdiction under 28 U.S.C. Sec. 1291 as of right to review the Summary Judgment Decision and Minute Entry Orders thereafter as a "final" decision and for effectively being "out of court". Appellant further asserts appellate Jurisdiction under 28 USC Sec. 1292(a)(1).

28 U.S.C. Sec. 1291

Under 28 U.S.C. § 1291, the court of appeals has jurisdiction over "all final decisions of the district courts . . . except where a direct review may be had in the Supreme Court."Firestone Tire & Rubber Co. v. Risjord, 449 U.S. 368, 373 (1981). Section 1291 has been interpreted to confer appellate jurisdiction over a

district court decision that "ends the litigation on the merits and leaves nothing for the court to do but execute the judgment." Coopers & Lybrand v. Livesay, 437 U.S. 463, 467 (1978) (citations omitted).

Yet, as the US Supreme Court held in EISEN v. CARLISLE & JACQUELIN, "Restricting appellate review to "final decisions" prevents the debilitating effect on judicial administration caused by piecemeal appellate disposition of what is, in practical consequence, but a single controversy. While the application of 1291 in most cases is plain enough, determining the finality of a particular judicial order may pose a close question. No verbal formula yet devised can explain prior finality decisions with unerring accuracy or provide an utterly reliable guide for the future. 9 **We know, of course, that 1291 does not [417 U.S. 156, 171] limit appellate review to "those final judgments which terminate an action . . .**," Cohen v. Beneficial Loan Corp., 337 U.S., at 545 , but rather that the requirement of finality is to be given a **"practical rather than a technical construction.**" Id., at 546. The inquiry requires some evaluation of the competing considerations underlying all questions of finality - "the inconvenience and costs of piecemeal review on the one hand and the danger of denying justice by delay on the other." Dickinson v. Petroleum Conversion Corp., 338 U.S. 507, 511 (1950) (footnote omitted).", See, EISEN v. CARLISLE & JACQUELIN, 417 U.S. 156 (1974).

A district court decision may also be considered final where its result is that **appellant is "effectively out of court."** Moses H. Cone Mem'l Hosp. v. Mercury Constr. Corp., 460 U.S. 1, 9 (1983) (citations omitted); see also Blue Cross and Blue Shield of Alabama v. Unity Outpatient Surgery Center, Inc., 490 F.3d 718, 723-24 (9th Cir. 2007) (stating that "Moses H. Cone applies whenever there is a possibility that proceedings in another court could moot a suit or an issue, even if there is no guarantee that they will do so" and holding that "lengthy and indefinite stays place a plaintiff effectively out of court.").

In this action, Appellant did not even know that he was "effectively out of court" by the written terms of the Summary Judgment Order on Appeal and in fact Appellant was on a Status Conference Call with the District Court and parties on or about Jan. 25, 2017 at which time the District Court effectively "announced" that a Decision had been reached on the second round of Summary Judgment motions, that a detailed written opinion would be forthcoming and that Trial dates would be established at the next Status Conference. At no time on this date was it announced to Appellant that he should not "appear" and be present to participate in the next Status Conference on picking a Trial date.

See, District Court Docket Entry: 272 Date: 01-25-2017

MINUTE entry before the Honorable John Robert Blakey: Enter Memorandum Opinion and Order. For the reasons stated in the accompanying Memorandum

Opinion and Order, Plaintiffs' Motion for Summary Judgment 239 is granted and Intervenor's Motion for Summary Judgment 245 is denied. The status hearing previously set for 2/21/2017 at 9:45 AM in Courtroom 1725 to stand, at which time the parties shall be prepared to set a trial date. Mailed notice (gel,) (Entered: 01/30/2017)

It was not until the subsequent Status Conference on 2-21-17 where Appellant appeared by phone in the usual course as Appellant resides in Boca Raton, Florida and only after Appellant attempted to be Heard consistent with Due process on the scheduling of Trial and case management that the District Court questioned why Appellant was even on the phone as Appellant was "no longer in the case" or words to that effect.

The District Court then abruptly "terminated" the Call with Appellant and Appellant would later find that he was "Terminated" on the Docket page as well. See, Docket Case: 1:13-cv-03643. **It became crystal clear on 2-21-17 that the District Court deemed Appellant "effectively out of the case"** as Appellant was abruptly terminated from the Call with the District Court **denying Appellant's Opportunity to be heard entirely** having only recently Discovered "new evidence" from the State Court proceeding in PR Brian O'Connell issuing a formal Statement acknowledging that the Children of Simon Bernstein are beneficiaries ("devisees" is the word of choice) and that this had been withheld and concealed

from the US District Court by Ted Bernstein's counsel Alan Rose and PR O'Connell and Peter Feaman, counsel for the Creditor since at least Dec. 22, 2016 when this Statement was allegedly emailed to the Creditor's attorney by Ted Bernstein's attorney. See, annexed Motion to Accept Late Filing and other relief. Appellant would then later find out after finally receiving some of this Court's Orders in the US Mails after substantial delay that Appellant had also been "blocked" or "terminated" from the ECF system by the US District Court (or otherwise being "hacked") as Appellant was not receiving ANY of this Court's Orders posted to the District Court Docket electronically in March of 2017.

As the annexed Motion to Accept late filing shows, this case is for all practical purposes "over" and "completed" as the only parties remaining, the Ted Bernstein Plaintiffs and the PR of the Estate of Simon Bernstein as Intervenor are acting in "unity" and "collusion" in the Florida Courts even to the extent of Ted Bernstein's attorney Alan Rose moving in the Florida Court to "control" who the Estate is paying for this Chicago federal litigation, all indicative of "hidden" and "secret" "side deals' amongst the Parties with no real controversy left before the US District Court.

For these reasons and the reasons set out in the annexed Motion to accept Late filing and related relief, the case should be deemed "final" for purposes of Federal Appellate Jurisdiction and to further judicial economy and further the sorting out

of the frauds upon both the US District Court and this 7th Circuit as no party with knowledge of the falsehoods propagated that Appellant Eliot Bernstein is not a Beneficiary with Standing in the Simon Bernstein Estate have come forward before this Court or the District Court to notify and correct.

28 USC Sec. 1292(a)(1)

28 U.S.C. S 1292(a)(1) confers jurisdiction not only over orders concerning injunctions, but also over matters inextricably bound up with the injunctive order from which appeal is taken. Transworld Airlines v. American Coupon Exch., 913 F.2d 676, 680 (9th Cir.'90).

In addition, other non-appealable orders may be reviewed along with the injunction order if they are closely related and considering them together is more economical than postponing consideration to a later appeal, or if the injunction turns on the validity of the other non-final orders. Resolution Trust Corp. v. Ruggiero, 994 F.2d 1221, 1225 (7th Cir. 1993); Artist M. v. Johnson, 917 F.2d 980, 986 (7th Cir. 1990), rev'd on other grounds sub nom., Suter v. Artist M., 503 U.S. 347 (1992); Elliott v. Hinds, 786 F.2d 298, 301 (7th Cir. 1986); Parks v. Pavkovic, 753 F.2d 1397, 1402 (7th Cir. 1985). The Supreme Court, however, has questioned the expansion of the scope of an interlocutory appeal to include other orders not independently appealable. See Swint v. Chambers County Commission, 314 U.S. 35, 49-50 (1995). Nevertheless, the court reiterated that it will continue to exercise

jurisdiction over other rulings so long as those rulings are "inextricably bound" to the injunction, and will be reviewed as well as the injunction but only "to the extent necessary". Tradesman International, Inc. v. Black, 724 F.3d 1004, 1010-14 (7th Cir. 2013); Jaime S. v. Milwaukee Public Schools, 668 F.3d 481, 492-93 (7th Cir. 2012).

As shown in **Anil GOYAL, Plaintiff–Appellee, v. GAS TECHNOLOGY INSTITUTE United States Court of Appeals,Seventh Circuit 2013**

"We have appellate jurisdiction to review the district court's grant of Goyal's motion to quash the lien because the order operated in substance as an interlocutory injunction under 28 U.S.C. § 1292(a)(1). See Union Oil Co. of California v. Leavell, 220 F.3d 562, 566 (7th Cir.2000) (even though district judge "did not use the magic word 'injunction,' " the order was injunctive in nature and appeal was therefore within appellate court's jurisdiction); In re City of Springfield, 818 F.2d 565, 567 (7th Cir.1987) (orders are "injunctions" under section 1292(a)(1) "if they effectively grant or withhold the relief sought on the merits and affect one party's ability to obtain such relief in a way that cannot be rectified by a later appeal"). Although the district court did not label its order granting Goyal's motion to quash as an injunction, the order had the effect of an injunction because it both required Gomberg to return the transferred funds and quashed an assignment to him of an equitable legal right—the lien. See Home Fed. Sav. &

Loan Ass'n of Centralia v. Cook, 170 Ill.App.3d 720, 121 Ill.Dec. 345, 525 N.E.2d 151, 153–54 (Ill.App.1988) (attorney liens create an "equitable assignment of a portion of the recovery, as opposed to a mere promise to pay" and can assert priority over other creditors); see also Eastman v. Messner, 188 Ill.2d 404, 242 Ill.Dec. 623, 721 N.E.2d 1154, 1156 (Ill.1999) (defining liens in Illinois as involving an equitable assignment of debt with a right to priority over other creditors). We therefore have appellate jurisdiction under 28 U.S.C. § 1292(a)(1). Further, in Elliott v. Hinds, 786 F.2d 298, 301 (7th Cir. 1986) "Cases applying § 1292(a)(1) have held that other incidental orders or issues non-appealable in and of themselves but in fact interdependent with the order granting or denying an injunction may also be reviewed, but only to the extent that they bear upon and are central to the grant or denial of the injunction." Shaffer v. Globe Protection, Inc., 721 F.2d 1121, 1124 (7th Cir. 1983). See also Bittner v. Sadoff Rudoy Industries, 728 F.2d 820, 826 (7th Cir. 1984). Thus if we determine that injunctive relief is permissible on the Count I constitutional claims then we should reach the issue of whether the relief is otherwise precluded with respect to the defamation aspects of the count on the grounds that no cause of action exists under section 1983. On the facts of this case it would be inconsistent with Shaffer and Bittner to find as a matter of law that injunctive relief was available against the defendants while ignoring the additional impediment to such relief created by the trial court's

foreclosure of one of the substantive theories upon which the injunction could be based. This aspect of the appeal justifies the invocation of the doctrine that "a court of appeals may, in the interest of orderly judicial administration, review matters beyond that which supplies appellate jurisdiction." Scarlett v. Seaboard Coast Line Railroad Co., 676 F.2d 1043, 1052 (5th Cir. 1982) (citing Deckert v. Independence Shares Corp., 311 U.S. 282, 287, 61 S.Ct. 229, 232, 85 L.Ed. 189 (1940)). See Bittner, 728 F.2d at 826 (approving Scarlett).

It is unquestioned that the Motion for Injunctive Relief under the All Writs Act filed by Appellant in Feb. of 2016 is interdependent upon the Order on Summary Judgment and other interlocutory Orders herein and thus this Court has proper federal appellate jurisdiction. The All Writs Motion set out in further detail the fraudulent schemes at play and breaches of fiduciary duties and nature of the damages all relevant to Appellants' counterclaims and status as a Defendant in an interpleader action. This motion further provided the basis for Appellant to Amend his pleadings which Appellant sought and was improperly denied and further improperly denied Discovery which was relevant to the Summary Judgment determination removing Appellant from the case. Jurisdiction may also be found under the orderly judicial administration interest as set out above and will serve judicial economy and bring a central focus to the case.

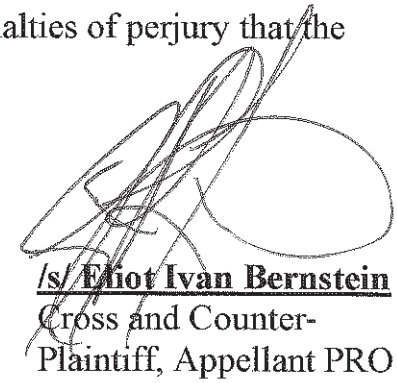
Appellant reserves the right to supplement this Statement as law and justice allows and fully seeks to brief the Appeal on the merits.

WHEREFORE, it is respectfully prayed for an Order upholding federal appellate jurisdiction herein and for such other and further relief as may be just and proper.

Declaration

I, Eliot I. Bernstein, declare, certify and state under penalties of perjury that the foregoing is true.

DATED: June 15, 2017



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CERTIFICATE OF SERVICE

The undersigned, Eliot Ivan Bernstein, Pro Se certifies that he filed an APPELLANT'S JURISDICTIONAL MEMORANDUM, INDIGENT FORMS AND APPELLANTS MOTION TO ACCEPT LATE FILING AND OTHER RELIEF via Postal Mail with the Clerk of the 7th Circuit Court of Appeals, and served copies of same upon those listed below by Postal Mail on this 15th day of June, 2017.

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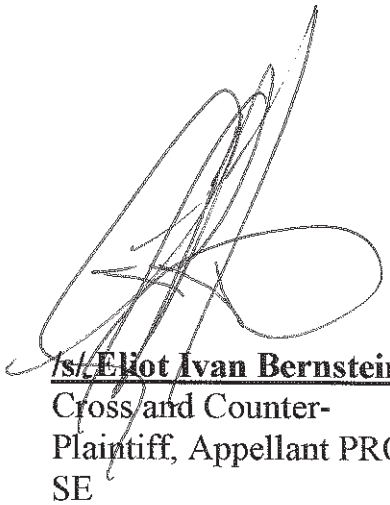

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EXHIBIT 3

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SIMON BERNSTEIN IRREVOCABLE INSURANCE TRUST DTD 6/21/95,	)	
Plaintiff,	)	**Case No. 13 cv 3643**
	)	**Honorable John Robert Blakey**
v.	)	**Magistrate Mary M. Rowland**
HERITAGE UNION LIFE INSURANCE COMPANY, Eliot I. Bernstein, Individually, and on behalf of the Minor Children JEZB, JNAB, and DEAOB, ET AL.	)	
	)	**PETITION-MOTION FOR INJUNCTION:**
	)	**Under the All Writs Act (AWA), Anti-Injunction Act (AIA) and Other relief**
	)	**Third-Party Plaintiffs / Counter-Plaintiffs-Petitioners Eliot I. Bernstein, Individually and On behalf of Minor Children**
	)	**Filers:**
	)	**Eliot Ivan Bernstein, Third-Party Defendant and Counter-Plaintiff.**

Comes now Eliot Ivan Bernstein, being duly sworn, declares and says under oath and penalties of perjury as follows, on information and belief:

INTRODUCTION

1. I am over the age of 18 years and reside at 2753 NW 34th St, Boca Raton, Florida 33434, and am acting pro se herein.
2. I make this Affidavit-Petition in good faith in support of an Emergency Motion for Injunctive Relief against all parties this District Court presently has jurisdiction over and for at least temporarily restraining the Florida Probate Court of Judge John Phillips by an appropriately tailored Order under the Anti-Injunction Act and All Writs Act under 28 USC Sec. 2283 and 28 USC Sec. 1651(a) respectively until such time as this Court holds a Hearing and or Conference where Orderly Production of Discovery, Preservation of evidence, documents, records is obtained and where other issues such as the conflicts of interest and potential misconduct by the parties before this Court can be determined, determination of "side agreements" impacting the integrity of this Court's litigation such as discussed in Winkler v Eli Lilly can be heard, and such other matters as to this Court seems just and proper.
3. As this Court will see, with the newly discovered fraudulent company Lions Head Land Trust, Inc., with at least Ted Bernstein and his counsel Alan Rose who appeared for Ted Bernstein at a Deposition held for this Court just being discovered last week Feb. 18, 2016 as another vehicle of fraud to hide and secret away the transfer of assets valued in the millions is present, along with a series of orchestrated proceedings in the parallel litigation in the State Court including but not limited to attorneys Alan Rose and Steven Lessne submitting motions at a 5 Minute UMC motion calendar for attorneys fees in the hundreds of thousands ***without submitting any Billing statements to support***, and being a flurry of motions to "wrap up" the Probate cases despite literally millions of dollars in assets never being accounted for there is a very real and imminent danger that the critical evidence, documents, records and Discovery necessary in aid

of this Court's own jurisdiction and integrity of this Court's own proceedings will be permanently lost thus requiring this Court to now act with an appropriately tailored injunctive Order herein against parties already under this Court's jurisdiction.

4. I am specifically seeking to enjoin the parties under this Court's jurisdiction, Ted Bernstein, Brian O'Connell and the Estate of Simon Bernstein, Alan Rose as Ted Bernstein's attorney who represented him at a federal court Deposition herein and remains his Palm Beach attorney, Pamela Simon, David Simon, Adam Simon, Jill Iantoni, Lisa Friedstein and Florida State Probate Judge John Phillips of the North Branch of Palm Beach County temporarily pending further Order of this Court and at least until proper evidence, documents and Discovery are both preserved and produced, until this Court sorts out conflicts of interest as set out herein and exercises its inherent powers to probe "side deals" compromising the integrity of this Court's Jurisdiction and that such injunction should specifically include but not be limited to enjoining proceedings before Judge Phillips in Palm Beach County this Thursday, Feb. 25, 2016 at 3:15 PM Est and as this Court further deems proper.

5. I further assert in good faith that this Court should find sufficient cause for such extra-ordinary exercise of the injunctive powers at least by the time it reaches that part of this complaint that describes the new fraudulent company Ted Bernstein and Alan Rose are involved in secreting and hiding from the public record secreting multi-million dollar asset listed at $3.4 million allegedly sold for $1.1 Million by recent deed transfer to a false company titled Lions Head Land Trust, Inc, although there are further sections which describe with specificity and by "piece-meal" discovery the Millions in assets presently unaccounted for by these parties herein further justifying injunctive relief to schedule Orderly and proper discovery proceedings.

6. Just one "piece-meal" disclosed item of documentary evidence shown later herein documents approximately $2.8 Million in just one of Simon Bernstein's accounts at the time of his passing which ***to this day has never been accounted for*** which also does not include millions from other accounts and the millions of worth of Shirley Bernstein where ***in 5 years there has never been an accounting*** yet the core parties who brought this original action to your Court try to portray my parents as virtual paupers where all their records and financials and critical documents are "lost" which is a fraud itself.
7. As shown throughout this complaint, the Discovery Abuses in the parallel State proceedings which justify exercise of this Court's injunctive powers at this time are such that there has never been any coherent, complete disclosure of "Original" Trusts, Wills and related instruments nor any coherent presentation of the Estates and how these were managed despite sophisticated lawyers working in these cases Billing hundreds of thousands of dollars a clip.
8. I submit that the ***naked human eye*** upon reviewing the piece-meal production of "copies" and magically timed surfacing of alleged "duplicate Originals" of the operative Trusts and other instruments herein can detect multiple signatures that appear "too identical', "too evenly placed" on the page and multiple "identical" "Initials" such as "SB" that appear to be too perfectly aligned such that preservation of Original documents and all evidence becomes even more important in a case where proven, admitted to, documented fraud and forgery of important instruments in the Florida Court has already been established yet instead of the Court notifying any investigative authorities I am retaliated against for seeking truth and integrity in these proceedings.
9. Because the amount and level of fraud is so pervasive and complex that is alleged to take place in and upon the Florida Court by Court Officers, Fiduciaries and Counsel and can not be stated

in a few sentences and takes painstaking time to address, the remaining sections provide of this case while also supporting the motion for use of the Injunctive powers of this court also further provides background facts to the depth of the assets at stake, the depth of the fraud and claims and part of the basis upon which I will respectfully seek further Leave of this Court to amend my counter-cross complaints filed herein September 22, 2013 and further leave to Add parties but due to the continuing nearly daily distractions by the sharp, abuse of process practices in the Probate Court my proposed Amendments to my Cross-counterclaims are presently only in draft form and I respectfully seek leave of this Court to file and submit a proposed Amended Counter-cross complaint which not only seeks to add claims such as claims under 42 USC Sec. 1983 but also parties as well.

10. I ask this Court to note, however, that even in the process of submitting this Motion-Petition-Complaint herein, I have experienced significant "downtime" at my website where the host Service provider that always responded timely in the past now does not respond sometimes for days and where the basic internet services into my home have been "down" at critical times where deadlines are in play and thus even this submission has been significantly delayed.
11. I further point out that Ted Bernstein who is the one that suggested at the hospital that our father Simon Bernstein may have been poisoned and murdered also said he would be handling things with the authorities and had friend attorneys to do so and was on calls with a lawyer both from Greenberg Traurig and Robert Spallina and where Ted's "storyline" of how and why he is "in charge" as "Trustee" has changed from day one while the delay denial of operative documents began day one in a case where my father's body goes "missing" for a week allegedly out for autopsy at one location and where Simon Bernstein's home computer containing years of valuable business records alone is found "wiped clean" on the night of his passing and where

the Coroner's Report comes back on a 113 yr old male while certainly Simon Bernstein was not that age at the time of passing. See, Email of Ted's Calls Sept 14, 2012[1].

12. As referenced later in this complaint herein, Greenberg Traurig has been publicly identified as being in the middle of major lawsuits for involvement in the multi-Billion Stanford Ponzi scheme where Stanford monies and accounts exceeding a Million dollars for my parents is just one of many items Unaccounted for where Discovery abuse has further occurred.

13. I have attempted to organize this complex set of facts in the most logical and orderly manner under these emergency circumstances where my family grows in increasing imminent danger as described herein.

14. I have read the Local Rules and believe I have complied in good faith and provided advance Notice of this Emergency Application to the involved parties Electronically by Email on Friday, Feb. 19, 2016 as follows:

> Service Case #13-cv-03643 - Notice per Local Rule of Application on Emergency Motion / Injunction US District Court Hon. John Robert Blakey
> CONFIDENTIAL:
>
> Parties, Attorneys and To Whom It May Concern:
>
> I am writing to give you all as current parties and / or attorneys and representatives for current parties in the Illinois federal court litigation and other parties to be added to the federal court litigation as much advance reasonable notice as possible that I intend to contact Judge Blakey's Courtroom Deputy, Gloria Lewis, at (312) 818-6699, to make a request to set a hearing on an emergency motion which will seek Injunctive relief against all parties currently under jurisdiction of the District Court of Illinois with a further request to enjoin at least temporarily all proceedings in the Court of Probate Judge John Phillips and also add other parties to the action and other relief.
>
> I will be requesting that this application be heard no later than this Tuesday, Feb. 23, 2016 Motion Calendar in Judge Blakey's Court and since my actual filings may not be electronically uploaded until later today and over the weekend that such request be deemed an Emergency and thus appropriate to hear as soon as practical.

[1]September 14, 2012 Emails Ted Tescher Spallina and Greenberg Traurig's Jon Swergold
www.iviewit.tv/20120914SpallinaTescherTedGreenbergTraurigSwergoldDayAfterSimonDies.pdf

Please advise of your availability to hear this motion for this coming Tuesday, Feb. 23, 2016.

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15. I assert in good faith that hearing this Motion on an Emergency basis is proper due to a series of extortive, abusive, orchestrated actions of continued abuse of process in the Florida Probate Courts and by the Florida Probate Courts in conspiracy and or acting in concert with fiduciaries, counsel and others that are interfering and threaten to further interfere with this Court's jurisdiction and the ability to orderly decide the claims before it as there is a real and serious imminent threat and danger that critical evidence, documents, records, Discovery and real and personal properties will be permanently lost imminently preventing this Court from properly adjudicating claims before it while these parties are simultaneously hiding millions of dollars of assets as shown later herein wholly Unaccounted for and retaliating against and threatening myself with the Baker Act, Jail, Contempt and now a Guardianship on my children simply for seeking my inheritance, seeking the truth, reporting crimes as discovered against the fiduciaries and counsel primarily and now the Florida Courts are in high gear retaliating against the exercise of my First Amendment rights to suppress my whistleblowing that has uncovered and proven massive frauds against me committed on and by the Florida courts and its officers, fiduciaries and others.

16. I respectfully remind this Court and Your Honor that it is my original fingerprint on the February 2009 Petition to the White House, White House Counsel's Office[2]. USAG, FBI and a other investigative agencies and further that I have been interviewed with federal agents including but not limited to now "missing" FBI Agent Stephen Luchessi originally out of West Palm Beach FBI in Florida who went missing with the Iviewit case files causing my case to be elevated to the former Inspector General of the Department of Justice Glenn A. Fine who assigned a Miami field agent to my case, Harry I, Moatz the former Director of the Office of Enrollment of the US Patent Office who had me file charges of Fraud on the US Patent Office committed by my IP counsel that were members of the Federal Patent Bar that have led to a multi year suspension of my Intellectual Properties while investigations continue) and other federal agents like Ron Gardella out of the US Attorney's Office in the SDNY (now retired, I believe), others in the SDNY US Attorney's offices and other investigative bodies as well.
17. The purpose for reminding Your Honor of these matters is to demonstrate that I have never been charged by any of these federal authorities for making a false frivolous statement or received adverse treatment yet in the Palm Beach County Probate proceedings I am being vilified and retaliated against just for pursuing my rights and those of my children of our inheritance herein and Technology rights while certain parties under this Court's jurisdiction have attempted to have CPS take my children on a false report that came back unfounded which was initiated on the same day I notified this Court last May 2015 of threats against my life and this Court referred me to 9/11 services, attempted through threat to Baker Act me for reporting/discussing fraud and crime to a "Mediator" out of Judge Phillips Court, and now are seeking to jail me and impose Guardianship against me this Thursday for topics like the Car bombing of my Mini-Van

[2] February 13, 2009 Letter to Honorable President Barrack Obama
http://www.scribd.com/doc/255176532/February-13-2009-Iviewit-Letter-to-Barrack-Obama-to-Join-Us-Attorney-Eric-Holder-in-Iviewit-Federal-RICO-Shira-Scheindlin#scribd

in 2005 which was reported to the FBI and other authorities and other matters that have been reported to federal authorities thus retaliating against me being a Whistleblower of the Fraud on the Court and Fraud by the Court and its officers et al. and exercising First Amendment rights.

18. There have also been threats to take the home that my parents provided for my wife and children under a specific agreement to relocate to Boca Raton, Fl from California to be close to my parents and thus it is not unreasonable to suggest if I am falsey Baker acted or jailed the likely next moves are to take the home while I am cast away leaving my wife and children alone while I somehow have lost my "standing" at a 5 Minute UMC hearing in the State Court where no Construction Hearing has ever occurred on any of the operative documents and has elevated to even being blocked from filing responses to the motions in the Florida Probate Court, meanwhile literally years of no Accountings and Abusive discovery and "lost" items from sophisticated parties continues.

Emergency: Imminent Permanent Loss of Critical Evidence. Documents, Discovery Necessary in Aid of this Court's Jurisdiction:
Status in the District Court, New and Recent Discovery of Undisclosed Conflicts of Interest, Feb. 18, 2016 Discovery of Fraudulent "Shell" Company to Hide Assets-Owner etc.

19. While the parties are awaiting determination from this Court on the Summary Judgement motions filed by Plaintiffs, at least 2 scheduled Court Conferences with this Court have been re-scheduled, yet still remaining before this Court even aside from the Summary Judgment motions are Petitioner Eliot Bernstein's Answer and Counterclaims filed September 22, 2013 asserting causes of action in Fraud, Fraud upon the Beneficiaries and Court, Abuse of Legal Process, Civil Conspiracy and Breach of Fiduciary Duties amongst others.

20. On Jan. 13, 2014 in Docket Entry 71, prior Judge St. Eve issued a Minute Entry Order which provided in part as follows, "Discovery is hereby stayed until the proper Trustee is determined" thus acknowledging that determination of a "proper Trustee" is an issue in the case, which

remains disputed. The Trustee/Trust/Beneficiaries/Policy issues remains undetermined presently and this Court's jurisdiction is imminently threatened by the permanent loss of evidence, documents and discovery by the parties orchestrating proceedings in Florida where this evidence and the parties in possession of such evidence should be enjoined herein.

21. This Court itself, Hon. John G. Blakey, presiding, issued a Minute Entry Order on May 22, 2015 under Docket Entry 185 that further provided in part as follows, "Bernstein's representations to the contrary notwithstanding, at this time the Court is unable to say that anyone has a clear right to the proceeds deposited by Heritage Union Life Insurance Company, let alone what each interested party's share should be."

22. The same core parties and nucleus of operative facts are present in this US District Court litigation as the Probate matters in Florida and I further seek leave to file for Declaratory relief herein on the Trusts and Operating companies which are non-probate, and suggest judicial economy in this complex case with parties from multiple jurisdictions will ultimately be served by this Court taking jurisdiction over the Construction and validity of all the Trusts herein which are non-probate anyway and for Construction and Validity of the operative Wills as will be shown if I am granted leave to Amend my cross-counter complaint.

23. As will be shown, just on Discovery abuses alone where Discovery and the Denial of Discovery has been used as a "weapon" by the Plaintiffs and other parties in the related proceedings in the State Probate Court of Florida, there is a real and imminent danger that the Integrity of this Court's judgment and path to judgment will be fundamentally impaired by the permanent loss of evidence and discovery materials justifying the exercise of the extra-ordinary relief under the All Writs Act and Anti-Injunction Act.

24. This evidence and documents and Discovery which "***should answer***" the outstanding questions before this Court of where the Original Trusts are, where the Original Policies are, where the Original records and where business records are that go along with Simon Bernstein's life who made millions per year in the Insurance industry for decades and all items are directly relevant to the Life Insurance claim and my counter-crossclaims.
25. Instead, in the Florida Probate Court Simon Bernstein is falsely being portrayed as nearly a "pauper" with virtually no assets left and "Missing" and "losing" all (or substantially all) Business documents and dispositive documents meticulously kept for Decades, at least according to Plaintiffs and the counsels working with Plaintiffs.
26. Yet proper Discovery and Depositions would and should prove the contrary which is why this Court must act to preserve this evidence in the hands of multiple parties and some unknown parties where Discovery is necessary to specify the appropriate party and entity.
27. Further, that sufficient evidence will be shown to justify this Court exercising its inherent powers to make inquiry of the parties and respective counsels about"side agreements" and other "agreements" outside the record of any proceedings impairing the integrity of proceedings in this Court similar to the inquiry discussed in Winkler v. Eli Lilly & Co., 101 F.3d 1196, 1202 (7th Cir. 1996).
28. This Court should be well aware of the "missing" and "lost" Trusts and Policies and business records which surround the original claim filed in this Court by the core party Plaintiffs and attorneys acting on their behalf which itself cut out Eliot Bernstein and his children as named, necessary parties tortiously attempting to deprive and deny rights of inheritance and expectancy to Eliot Bernstein and his children without their knowledge, which will be established as a pattern and practice that started the minute Simon Bernstein passed.

29. The need for proper Discovery and production and depositions should be plain and obvious to further aid this Court in it's own exercise of jurisdiction rendering a properly tailored Injunction under the All Writs Act and Anti-Injunction Act proper at this time.

Florida Probate Proceedings Scheduled for Thursday, Feb. 25, 2016, Judge Phillips at 3:15 PM EST on Guardianship, Gag Orders, Jail-Contempt against Eliot etc Should be Temporarily Enjoined under All Writs Act, Anti-Injunction Act

30. While I respectfully assert to this Court that ultimately the entirety and or virtual entirety of proceedings in the Florida Probate Courts are part of an orchestrated series of abusive and Constitutionally defective set of actions including continuing and ongoing Discovery abuse, this immediate appearance before Judge John L. Phillips in the North Branch of Palm Beach County should now be at least temporarily enjoined for all the reasons set forth herein until further Order of this Court.

31. As will be shown herein, the entirety of these parallel proceedings in the Florida State Probate Court has been ripe with Discovery Abuse each step of the way, where documents, discovery and evidence are either completely denied and ignored, substantially delayed for years, fraudulently altered and forged and entered into the record and turned over in a "piece-meal" orchestrated fashion thwarting and frustrating any fair justice where, like in this District Court with the same core parties where "magical" draft trust documents appear at critical times yet No Originals turned over for inspection or comparison and no law firms can be identified to have produced them.

32. It is further noted that the original Curator attorney Ben Brown of the Simon Bernstein Estate never received Original productions from resigning attorneys Tescher & Spallina except for documents on Eliot Bernstein's home and Ben Brown specifically complained about the piece-

meal fashion records were turned over such as records from JP Morgan etc. and unsigned tax returns. See, Ben Brown emails on Production and missing TPP.[3]

33. Tescher & Spallina did turn over 7,000+ (seven-thousand) plus pages Bate Stamped copies of alleged documents but these were copies on a Zip drive turned over to the Curator at least according to Spallina after Judge Colin orchestrated for them to have at least 10 months to create / fabricate/ forge, redact records and evidence after my original May 6, 2013 Emergency Motion[4] to seize all Records was filed after a series of fraudulent documents were discovered in the Estate of my mother Shirley Bernstein. The Emergency Motion of May 2013 was incorporated by reference in my September 2013 Answer and Cross-Counter claims in this District Court where I specifically pleaded for Discovery[5].

34. Many of these documents were "fluff" pages where the actual Account Statements were missing, not in sequential order etc and where several instances of irregularities in the Bates Stamps numbers themselves exist.

35. Further, that Ben Brown had claimed to have obtained IRS Certified Returns he ordered months earlier for Simon Bernstein as Curator in 2014 and then suddenly died at a young age of 50 after resigning as Curator and to this day, successor PR Brian O'Connell's office has Never obtained or Disclosed such IRS records from Ben Brown or independently obtained these from the IRS despite claiming they had ordered them months ago upon his getting his Letters as these records are critical as shown herein, just another example of Discovery Abuse throughout this case justifying use of the All Writs Act, Anti-Injunction Act at this time.

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[3]Ben Brown Emails Re TPP, JP Morgan and Production
www.iviewit.tv/BenBrownEmailsForFedInjunctionBlakey.pdf

[4]May 06, 2013 Emergency Petition
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20130506%20FINAL%20SIGNED%20Petition%20Freeze%20Estates%20Orginal%20LOW.pdf

[5]September 22, 2013
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20130922%20Eliot%20Answer%20and%20Cross%20Claim%20Northern%20District%20Illinois%20Simon%20v%20Heritage%20Jackson%20Insurance.pdf

36. Such records are critical for a variety of reasons and it is asserted such Discovery will help show the manipulation and frauds upon even this District Court by the core parties herein under this Court's jurisdiction.

New Conflicts of Interest emerge showing prior Judge Colin with substantial business interests with La Salle Bank-Trust who should be added to the District Court action and further Undisclosed Conflicts with PR Brian O'Connell for the Simon Bernstein Estate who is already under this Court's Jurisdiction

37. New evidence has only recently been discovered in these last weeks January-February 2016 as a result of investigations by the Palm Beach Post and Investigative Reporter John Pacenti[6] into conflicts of interest and improper seizing of persons and property under Guardianship / Probate programs run by Palm Beach Judges Martin Colin and David French[7] in other cases also involving Brian O'Connell and a former attorney for Ted named John Pankauski alleging a host of criminal and civil misconduct, which have revealed Judicial Financial Disclosures of Judge Martin Colin demonstrating a long term financial business relationship during all relevant years herein and involving several hundred thousand dollars of Loans with LaSalle Bank / LaSalle Trust which were never Disclosed in the underlying Probate cases related herein.

38. La Salle Bank -Trust and-or whoever is the proper "successor" is directly implicated in the actions presently before this federal Court where I have raised in Summary Judgement that La Salle should be added as a party and Discovery is needed with respect to the original Life Insurance policy on the breach of contract action as La Salle is named as the Primary

[6] January 14, 2016 "Judge's finances show history of unpaid debt, IRS liens, foreclosures" By John Pacenti - Palm Beach Post Staff Writer
http://www.mypalmbeachpost.com/news/news/judges-finances-show-history-of-unpaid-debt-irs-li/np4rH/
[7] Guardianship Series - Guardianship a Broken Trust http://www.mypalmbeachpost.com/guardianships-colin-savitt/
and Guardianship Probate Series Palm Beach Post Compiled PDF
http://www.iviewit.tv/Pacenti%20Articles%20Compiled%20as%20of%20Feb%2002%202016L.pdf (Large and Sun Sentinel re Colin and wife Savitt
http://www.sun-sentinel.com/opinion/editorials/fl-editorial-guardianship-law-20160129-story.html#ifrndnlocgoogle

Beneficiary of the alleged "lost" Life Insurance Policy owned by deceased Simon Bernstein brought to this Court by the same operative parties who have conveniently left LaSalle out of these federal proceedings in the same manner I and my minor children were left out as necessary parties in the action before this federal court. See, Summary Judgement Eliot Bernstein[8].

39. I note that the carrier Jackson in this Court suggested that Bank of America was the proper "successor" in interest in this case and information shows Bank of America is the entity that acquired LaSalle Bank where Judge Colin is shown by his own Financial Disclosures to have hundreds of thousands in Loans with La Salle at least for years 2008 to the end of 2014 thus during all relevant times herein.

40. In the recent weeks leading up to the present, a series of Investigative Journal articles have been published by the Palm Beach Post showing a widespread abuse in the Palm Beach Court system specifically involving Judge Martin Colin where allegations of Double-billing by "inside" law firms, the "taking" of Guardian's Assets *"prior to Court approval"*, and Undisclosed conflicts of interest are alleged.

41. The allegations by the Palm Beach Post are remarkably similar to claims I have made for years while orchestrated Discovery abuses have occurred from the first days after my father Simon Bernstein's passing.

> "The savings of incapacitated seniors flow into the household of Palm Beach County Circuit Judge Martin Colin. This occurs courtesy of Colin's wife — Elizabeth "Betsy" Savitt. She serves as a professional guardian, appointed by judges to make decisions for adults who no longer can take care of themselves. . . . . Savitt has **taken money** from the elderly people whose lives she controls without first getting a judge's approval as well as **double-billed** their accounts, a Palm Beach Post investigation has uncovered in court records.

[8] 20150608 Amended Redo Summary Judgement
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150608%20FINAL%20AMENDED%20REDO%20Response%20to%20Summary%20Judgement%20ECF%20STAMPED%20COPY.pdf

Families of some of the seniors say the judge's wife and her attorneys drum up **unnecessary litigation** that runs up fees, benefiting herself, the judge and her lawyers. Savitt doesn't appear before her husband, but Judge Colin does oversee other guardianship cases where he is responsible for safeguarding the finances and well-being of these "wards" of the court. Colin's colleague, Circuit Judge David French who lunches with him regularly, has overseen almost two-thirds of Savitt's cases. Some lawyers who have opposed Savitt in Judge French's courtroom say he didn't disclose that Savitt is the wife of a fellow judge or his social connections to the couple. . . . . .The lawyers Savitt has hired to represent her also practiced before her husband in other cases, where he had the power to approve their fees. A former Florida Supreme Court chief justice and a law professor say this constitutes, at minimum, an appearance of impropriety and should be investigated.
"This conflict puts the whole courthouse under a cloud because it raises so many questions and there are no answers forthcoming. And that is why we have a judicial canon on the appearance of impropriety, so there are no questions like this," Nova Southeastern law Professor Robert Jarvis said." See,

"His wife's job as a professional guardian leaves Judge Colin compromised, handcuffing him from fully doing his job, The Post found. He's recused himself from 115 cases that involve his wife's lawyers in the last six months of 2015 after The Post started asking questions in its investigation.

"When you have a judge suddenly recuse himself of so many cases, it certainly sends up a red flag," Jarvis said. "How did a judge allow himself to be put in such a position? I have never heard of a judge doing such a thing."

"Savitt often hires attorneys Hazeltine, Ellen Morris and John Pankauski prolific practitioners in elder law. They or members of their firms practiced in front of Colin before he began recusing himself from their cases last year. From 2009 to 2014, Colin's recusals totaled 30. Since the beginning of July, he's taken himself off 133 cases — 115 involving his wife's lawyers.

Hazeltine, **Morris** and Pankauski **or their firms** — as well as the guardians they represent — have had fees in non-Savitt cases repeatedly approved by Judge Colin, The Post found."

"Judge Colin and his wife have socialized with one of the judges she appears in front of regularly, The Post has learned.

Colin and Circuit Judge David French eat lunch together nearly every day. Colin and French co-hosted a **trivia night**[9] in May for the South Palm Beach Bar Association. The event was co-sponsored by Pankauski's firm. French did not return repeated attempts for comment.[10]"

[9] Trivia Night Invatation https://www.documentcloud.org/documents/2623271-trivia-night.html and http://www.bellersmith.com/blog/4th-annual-trivia-night

[10] February 02, 2016 Palm Beach Post Series "Guardianship a Broken Trust" by Reporter John Pacenti http://www.mypalmbeachpost.com/guardianships-martin-colin/

http://www.mypalmbeachpost.com/guardianships-martin-colin

42. In this case, BOTH Judges Colin and French were involved in the underlying Estates with Judge Colin "assigned" to the Shirley Bernstein case and Judge French originally "assigned" to the Estate of Simon Bernstein case and where later the French case was improperly assigned to Colin by Colin with no necessary hearing to transfer had by French, as it was scheduled on the day before Christmas when the court was closed, leaving Eliot and Candice at an empty court building and then when rescheduled Colin appeared in French's stead and ruled for French to transfer the case to himself.

43. In another blatant conflict, I consulted extensively with attorney Pankauski also mentioned in the Post articles as involved in cases with Judge Colin's wife Savitt and her attorney Hazeltine regarding the estate and trust cases and was in the process of trying to raise a Retainer when Pankauski turned around and showed up at a Hearing with Ted Bernstein and continued to represent Ted Bernstein in front of Judge Colin for several months. Judge Colin had denied a motion to Disqualify attorney Pankauski written by attorney Peter Feaman, Pankauski being prominently mentioned above in the Palm Beach articles[11].

44. Even more important is that when I first filed my original May 6, 2015 "Emergency Motion" after first learning of the extensive Fraudulent documents being used in the Shirley Bernstein Estate case involving attorneys Tescher & Spallina and their paralegal Kimberly Moran, Judge Colin who was only "assigned" to Shirley Bernstein's case simultaneously came in and Denied the Motion as an Emergency in ***both*** the Shirley Bernstein case and then "stepped over" to

[11] June 23, 2014 Motion Remove Pankauski
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140623%20FINAL%20SINGED%20PRINTED%20Motion%20to%20Remove%20Rose%20Theodore%20and%20Pankauski%20Low.pdf
and
June 30, 2014 Motion to Remove Pankauski
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140630%20FINAL%20SIGNED%20PRINTED%20MOTION%20TO%20REMOVE%20JOHN%20PANKAUSKI%20ESQ.pdf

Judge French's case for Simon Bernstein and issued the Order denying this Motion[12] as an Emergency in the Simon Bernstein case.

45. Despite filing this Emergency Motion in May of 2013 in the State Probate Court in Florida to in part seize and obtain the DISCOVERY and DOCUMENTS in the case to be secured for forensic review, *over 3.5 years later the Documents and Records and evidence have not been fully produced or seized or disclosed and to this day there are named Trusts in existing Trusts that I have never seen before and Trusts for my children created on the day my father died that I am being sued as Trustee of in the Shirley Trust case under which I have never seen nor have they ever been produced.*

46. This Emergency Motion of May 2013 was incorporated by reference into my Answer and Counterclaims[13] filed *with this US District Court in September of 2013 and the evidence and documents therein are necessary in aid of this Court's jurisdiction and my counter-cross claims expressly plead for Discovery in this Court which is in jeopardy of being permanently lost from the actions of the State actors and courts.*

47. This relationship between Judge Colin and French and Judge Colin "stepping over" into Judge French's case to Deny my Emergency is directly relevant to proceedings herein as it relates to when Judge Colin had "knowledge" that Simon Bernstein was Deceased which relates to the Fraud exposed in his court committed by Tescher & Spallina and their legal assistant and notary public Kimberly Moran with Ted Bernstein involved with Tescher & Spallina at all times relevant therein and Spallina and Tescher acting as his counsel in his alleged roles as fiduciary

[12]May 08, 2013 Order Denying Emergency in Simon Estate signed by wrong Judge Colin instead of French and Order Denying Emergency in Shirley Estate
http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20130508%20Order%20Denying%20Petition%20and%20Amended%20Order%20Denying%20Petit.pdf

[13]September 21, 2013 Answer and Cross Claim Illinois Federal Court Judge Amy St, Eve
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20130921%20FINAL%20Eliot%20Answer%20Jackson%20Natl%20Simon%20Estate%20Heritage%20Spallina188287%20HIGH.pdf

in Shirley's estate and trust and also being big clients of each other, where Ted brought Spallina and Tescher to Simon Bernstein in order to secure life insurance clients in return from Tescher and Spallina.

Undisclosed Conflicts of PR Brian O'Connell, Joielle Foglietta involved in cases with Judge Colin's wife Elizabeth Savitt and Savitt's attorney Hazeltine at same time O'Connell is Recommended as Successor PR by Creditor Attorney Peter Feaman

48. Recent records obtained as a result of the Palm Beach Post Investigation show that attorneys Brian O'Connell and Joielle Foglietta where Brian O'Connell became appointed in the Simon Bernstein Estate as the new PR upon recommendation of Creditor William Stansbury's attorney Peter Feaman on or around June of 2014 now show that Brian O'Connell and Joielle Foglietta were involved in that same time frame with at least one case involving Judge Martin Colin's wife Elizabeth Savitt and her attorney Hazeltine in the Probate Case of Albert Vasallo[14], CASE N0.:502014MH001432XXXXSB .

49. Said conflicts of interest were never Disclosed by Judge Martin Colin, Brian O'Connell, Joielle Foglietta nor Creditor attorney Peter Feaman, Esq., IF Mr. Feaman knew of this which is presently unknown.

50. As this District Court is or should be aware, attorney Brian O'Connell is under this Court's jurisdiction having been granted Intervenor status in the Illinois Life Insurance Litigation on behalf of the Estate of Simon Bernstein.

51. Yet instead of taking diligent action to secure and obtain Original records, documents, evidence and Discovery by Brian O'Connell which was Ordered by Judge Colin Feb. 18, 2014, and despite the issues in the Illinois litigation involving the "Missing" Trusts, "Missing" Insurance policies, and "Missing" business records that would or should show or lead to the truth of

[14] Palm Beach Post Articles and Court Filings Posted re Vassallo case. http://iviewit.tv/Simon%20and%20Shirley%20Estate/Vassallo%20Case%20Palm%20Beach%20Post%20O'Connell%20Savitt%20Pankauski.pdf

matters, the O'Connell office has sat silent obtaining virtually no Discovery and records while acting as PR, denying Eliot production requests and opposing motions for discovery and all the while stating he has been working on a voluminous production request to send from the day he was commissioned and which remains incomplete as of this day and never sent out to the parties.

52. O'Connell also failed to do a court ordered inventorying of Simon's office possessions at his office location and it was later learned that Ted had been evicted and was found loading trucks in the night by the landlord and nothing remains at that site and the items of Personal Property are now missing with Alan Rose turning over to O'Connell two boxes of plaques of Simon's claiming that was all there was after 3 years that no one had ever inventoried his businesses, his computer files, records and personal properties for multiple companies. I am aware of several items of personal property that are missing and were not inventoried that were in Simon's office, including but not limited to, gifts from me and William Stansbury to Simon.

53. Meanwhile, as shown in the Summary Judgment process before this Court, LaSalle Bank where it is now newly Discovered that Judge Colin has hundreds of thousands of dollars in business-mortgage loans, was allegedly never contacted in the Life Insurance process despite being named as Primary Beneficiary all the while Judge Martin Colin "controlled" actions in the Probate Court somehow forcing Creditor William Stansbury to pay for the costs of Illinois litigation on behalf of the Estate, which could or should be a Conflict situation from the start, while simultaneously playing some "sham" of a game that Stansbury otherwise has no "Standing" to be in the Florida Probate cases and file petitions to remove Ted as an unqualified not validly serving trustee based on alleged criminal misconduct, major breaches of fiduciary duties and more.

54. A flurry of motions were filed in the State Court to discontinue William Stansbury's obligation to pay for the Estate's federal Illinois counsel and enter into a new "top-loaded" retainer by the Estate for the federal Illinois litigation right around the times this Court's was about to hold a Scheduled conference reflective of some form of undisclosed "agreement" between the O'Connell firm, Peter Feaman, the Illinois counsel and likely Alan Rose-Ted Bernstein (again wholly excluding Eliot on any proposed settlements or other agreements) while the same attorneys were orchestrating other State Court proceedings so that a "Validity" Trial would proceed with no licensed attorney to challenge Alan Rose and Ted Bernstein despite the fact that Peter Feaman had written to O'Connell in Aug. 2014[15] advising him of his "absolute duty" to move the court to Remove Ted Bernstein as trustee for waste of assets, unaccounted for assets and other. See Feaman and O'Connell Motions on Payment of Illinois Litigation.

55. Yet, attorney Feaman never took any follow-up with O'Connell to this date some 19 Months later and O'Connell failed to participate in an orchestrated "one-day" "Validity" trial on Simon's Estate documents leaving the Estate without representation and failing to prosecute the already filed Answer to the Trust Construction/Validity Complaint stating Ted Bernstein. was not a validly serving Trustee under the Simon Trust, as stated,

"AFFIRMATIVE DEFENSE

> 1. First Affirmative Defense- Lack of Standing- Ted Bernstein lacks the requisite standing as he is not validly serving as Trustee of the Simon Trust, is not a beneficiary of the Simon Trust, and is not representing any minor child that is a beneficiary of the Simon Trust.[16]"

[15] August 29, 2014, Feaman Letter to O'Connell Regarding Ted
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140829%20Feaman%20Stansbury%20Letter%20to%20Brian%20O'Connell.pdf

[16] February 17, 2015 O'Connell Answer Affirmative Defense Ted is not a validly serving Trustee
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150217%20Answer%20%20Affirmative%20Defenses%20O'Connell%20States%20Ted%20is%20NOT%20VALID%20TRUSTEE.pdf

56. Ted was allegedly appointed Successor Trustee by Spallina and Tescher after they resigned after admitting fraudulently altering a Shirley Trust that benefited Ted directly and while acting as Ted's counsel and where the Shirley Trust Successor provision Tescher and Spallina drafted states that the Successor can not be related to the issuer Simon and where further the Trust states that TED IS PREDECEASED FOR ALL PURPOSES OF DISPOSITION OF THE TRUST.

57. These facts alone fundamentally compromise and call into question the actions of the parties and attorneys before this US District Court justifying use of the All Writs Act and Anti-Injunction Act injunctive powers and the Inherent Powers doctrine to at minimum Enjoin the parties and Florida case until Orderly proceedings and Conference and Inquiry made be made by this District Court.

Discovery Abuse - Tescher & Spallina Records never properly turned over in excess of 2 years with no action taken by O'Connell, Foglietta

58. Despite Judge Colin having actual knowledge of Fraud upon his Court involving Spallina and Tescher in the Shirley Bernstein case and having to have Actual knowledge that Simon Bernstein was Deceased at least as of May 2013 when Judge Colin "steps into" Judge French's shoes to Deny my Emergency Motion in the Simon Bernstein case where Judge French was the assigned Judge, Judge Colin ***fails to Order for several months any Inquiry*** of the Attorneys and parties before his Court and denies further motions by Eliot Bernstein until finally it becomes known that Tescher & Spallina paralegal and employee Kimberly Moran is under investigation and has made admissions about the forgery and fraud[17] and finally Orders a hearing for Sept. 13, 2013.

[17] September 04, 2013 Motion to Freeze et al.

59. Yet the bulk of the Hearing is a sham where Judge Colin "dances" around the issue of when it becomes known that Simon Bernstein had been Deceased at the time the fraudulent filings were made, dances around who filed what and why and proceeds to let Robert Spallina off the hook from answering virtually any direct questions of his involvement in the fraud of using Deceased Simon Bernstein to act in the present to Close the Estate of Shirley Bernstein while simultaneously permitting Ted Bernstein to appear as a "Trustee" for Shirley Bernstein on this date.

60. Yet Judge Colin had to have knowledge that Ted Bernstein knew of the Fraud or learned of the fraud since Ted Bernstein had not signed ANY Waiver prior to the April 9, 2012 date when Robert Spallina fraudulently creates a Petition for Discharge allegedly signed by Simon Bernstein on that date which could not have been possible or true since the Petition references Waivers being obtained as Signed Waivers that clearly that had not yet been signed (one not until after Simon passed) and Ted also knew that he had never notarized the Waiver that Kimberly Moran had fraudulently notarized and forged in his name and yet Judge Colin took no action to even inquire of Ted Bernstein and permits him to continue to act as "Trustee" and even after stating he had enough evidence of fraud to read Ted and his counsel Tescher and Spallina their Miranda Warnings at the first hearing, and then promotes Ted after to Personal Representative in the Shirley Estate which was reopened by Colin due to the fraud committed by Ted's counsel and which fraud benefited Ted and his family directly. Ted had been acting without Letters from the Court as PR at the time his mother's estate was closed by his deceased father illegally and acting without letters from September 12, 2012 until October 2013 when Letters of Administration were issued and when he found out what his attorneys did in forging

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http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20130904%20FINAL%20SIGNED%20PRINTED%20FILED%20Motion%20to%20Freeze%20Estates%20of%20Shirley%20Due%20to%20Admitted%20Notary%20Fraud.pdf

and fraudulently notarizing documents and submitting them to the Court as part of a Fraud on the Court, Ted took no actions to report the matters or seize all pertinent and relevant documents for analysis and to this day claims never to have the original trusts and wills he operates under and that he did nothing to validate the authenticity of them. See Dec. 15, 2015 Transcript[18].

61. Ted is close personal friends and business associates with Tescher and Spallina who brought his counsel Tescher and Spallina into the Bernstein family in order to get insurance business clients from them.

62. Yet all of this ***begs the question and should have forced Judge Colin to question*** that IF Ted Bernstein was in Fact the Trustee and PR of Shirley's Estate after Simon Bernstein passed shown by some proper Original operative document, then Why wasn't Ted Bernstein acting after Simon passed with the Tescher Spallina firm to "close" the Estate or take whatever action was necessary instead of fraudulently using Deceased Simon Bernstein on documents to do so?

63. It is noted for this US District Court that on or about Nov. 5, 2012, the same day an Ex Parte communication from Judge Colin is memorialized to attorney Robert Spallina's office regarding filings in the Shirley Bernstein Estate, my attorney Christine Yates was attempting to get Documents from Robert Spallina's Office relating to the Trusts, Wills, standard documents that Beneficiaries are entitled to[19] yet Christine Yates is told by Spallina's Office that there was no Bernstein case or client?

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[18] December 15, 2015 PHILLIPS VALIDITY HEARING TRANSCRIPT
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151215%20Hearing%20Transcript%20Phillips%20Validity%20Hearing.pdf

[19] November 06, 2012 Christine Yates Letter Stating Spallina claimed he did not know Bernstein despite several months of meetings with Bernstein family.
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20121106%20Yates%20letter%20re%20Spallina%20claiming%20he%20does%20not%20know%20Bernstein.pdf

64. It is noted for this US District Court that this is an ongoing pattern and practice to deny me Eliot Bernstein and my children Counsel of our choice as each time I have had an attorney such as Yates there is Discovery Abuse in getting documents to review and handle the case with Yates being so bullied by the Spallina office that she later resigned or where such as Pankauski I end up consulting with an attorney that ends up working for and with Ted Bernstein or as with Branden Pratt who attends an evidentiary hearing regarding the fraudulent documents of Moran and states he and others do not want to put Moran on the stand despite her being present as they did not want to throw her under the bus, the exact opposite strategy Pratt had recommended immediately prior to and in preparation for the hearing.

65. A similar event happened with Steven Lessne himself who is now pursuing a Guardianship against me with Alan Rose before Judge Phillips on February 25, 2016 at 3:15pm where Lessne obtained confidential valuable information from myself when we first spoke without fully disclosing who he was really working for and in fact concealing and lying about his representation of my family and ended up being counsel to Janet Craig, Manager of BFR for Oppenheimer and Trustee for the children's trusts, all of these attorneys whom should be added to the District Court case on an amended complaint for good and just cause.

66. That part of the improper basis for Guardianship itself is the fact that I have refused for myself and children to take funds which are Part of a Fraud such as funds from the sale of the Shirley Condo when Ted Bernstein had not been approved as any Trustee at the time of sale and not only had Original documents never been turned over but no proper Validity hearing had ever occurred and still has never occurred and thus imposed reasonable conditions on any funds that I would accept that neither I nor my children would be immersed in nor further fraud nor would we be liable as a result for accepting such funds. Yet for this type of action the parties are now

trying to take further control and block me off from Any ability to file and get Discovery by seeking a Guardianship and denying me standing and attempting to now claim I am not a beneficiary with no hearings to determine such and where I am clearly a beneficiary in the Shirley IRREVOCABLE Trust.

67. This Ex Parte Communication of Nov. 5, 2012 was somehow not Docketed with Judge Colin's Court until Nov. 6, 2012 as prominently noted in my May 2015 Motion for Mandatory Disqualification of Judge Colin[20] and voiding of his Orders in part due to Fraud On and Fraud By his court, which was denied as legally insufficient by Colin but then leading to the sua sponte "Recusal" within 24 hours that further entails Judge Colin "steering" the Transfer and Re-Assignment of the case to the North Branch of Palm Beach County after his recusal.

68. As shown in the mandatory Disqualification Motion against Judge Colin, Colin had proceeded for 2 years since my original May 2013 Emergency Motion, never holding Validity hearings, never requiring Accountings which to this day have never occurred in the Shirley Bernstein case and are incomplete missing years of accounting in Simon, never addressing Ted Bernstein's involvement and knowledge in the Tescher Spallina frauds while meanwhile using what now appears as the Standard Modus Operandi by attempting to "Force" me to take Distributions from the improper Sale of Shirley's Condo sold by Ted Bernstein even before the Sept. 2013 hearing, thus the standard M.O. of "taking" and "disposing" of the assets first, then trying to retroactively "approve" by Court order. This occurred even where what is claimed as the Shirley Bernstein Trust specifically states that Ted is considered PREDECEASED FOR ALL PURPOSES OF DISPOSITIONS of the trust.

[20] May 14, 2015 Mandatory Disqualification Motion Judge Martin Colin http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150514%20FINAL%20Motion%20for%20Disqualification%20Colin%20ECF%20STAMPED%20COPY.pdf

69. I thereafter filed a Petition for All Writs in the nature of Prohibition and Mandamus[21] about these actions of Judge Colin in improperly "steering" the case as a Material Fact Witness and Potential Counter Defendant which ultimately lead to the case going to one Judge Coates who not only happened to be a former Proskauer Rose partner but later file review shows that as a Proskauer Partner Coates himself had "Billed[22]" as part of the original Iviewit - Proskauer "Billing case before Judge Labarga" whereby Coates billed to Eliot's companies for time relating to SEC work after learning the Iviewit technologies had been deemed the "Holy Grail" and "Priceless" worth billions upon billions of dollars, claimed by by leading engineers at a company, Real 3D, Inc. (Intel, Lockheed and Silicon Graphics owned) that Proskauer introduced Iviewit to for a technology review.

70. Before this, however, several more months passed by after Colin held the sham Sept. 2013 hearings knowing of serious fraud in his court where six counts of forgery occur where Tescher & Spallina are allowed by Colin to remain in Custody and Control of all of the Documents, Originals, Evidence of Simon and Shirley Bernstein after Spallina claimed in the September 13, 2013 hearing that he knew of no other frauds in the estates and trusts than the forgeries and fraudulent notarizations that Moran did.

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[21] ORIGINAL ALL WRITS
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150609%20FINAL%20All%20Writs%20Mandamus%20Prohibition%20and%20Restraining%20Order%20Stay%20re%20Martin%20Colin%20DisqualificationECF%20STAMPED%20COPY.pdf
REDO OF ALL WRITS
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150630%20FINAL%20REDO%20All%20Writs%20Mandamus%20Prohibition%20and%20Restraining%20Order%20Stay%20re%20Martin%20Colin%20Disqualification%20ECF%20STAMPED%20COPY.pdf

[22] Judge Coates Billing Iviewit as Proskauer Rose Partner for Securities Work and Estate Planning of Stock
http://iviewit.tv/Simon%20and%20Shirley%20Estate/Coates%20Billing%20Iviewit%20Holdings%20as%20Proskauer%20Partner%20on%20Iviewit%20Clean.pdf
and
Proskauer notes referring to Coates involvement with Iviewit
www.iviewit.tv/ProskauerCoatesTriggs.pdf

71. Yet Spallina concealed from the Hearing Record on Sept. 13, 2013 other frauds he had done and that were later admitted to by Spallina to the Palm Beach Sheriff's[23] where he admits having fraudulently altered Shirley's Trust to benefit Ted's family and for months moved the court and retaliated against Eliot in pleading after pleading and finally under PBSO investigation admitted his felony alteration and creation of a Fraudulent Shirley Trust.

72. Despite having admitted to fraudulently altering a Trust document and being directly involved with fraudulent documents filed in the Estate of Shirley Bernstein before Judge Colin through his law firm, ultimately in January of 2014 Judge Colin simply lets Tescher & Spallna "resign" after they admitted to the Bernstein family that they had fraudulently altered the Shirley Trust document and mailed it to Eliot's minor children's counsel[24] (making fraudulent changes to include Ted's children as beneficiaries despite Ted and his lineal descendants being considered Predeceased for all purposes of the Shirley Trust) .

73. On February 18, 2014 Judge Colin issues an Order for Tescher & Spallina as follows: "***By March 4, 2014 the resigning co-Personal Representatives shall deliver to the successor fiduciary all property of the Estate, real, personal, tangible or intangible, all of the documents and records of the Estate and all records associated with any property of the Estate,***

[23] PBSO Sheriff Report Page 1-8 http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140912%20Sheriff%20and%20Coroner%20Reports.pdf

[24] Attorney Christine Yates, Esq. of Tripp Scott had to be hired by Eliot to get Estate and Trust Documents from Tescher and Spallina due to their refusal to give such documents to Beneficiaries or Interested Parties from day one and when they were finally forced months later by Yates to turn over records they sent documents that have been proven and admitted to be forged and fraudulently notarized by their offices and some of those submitted to the Florida probate court as part of an elaborate fraud on the court to seize Dominion and Control of the Estates and Trusts of Simon and Shirley, fraudulently alter documents and begin to loot the estates of millions upon millions of dollars, in complex legal frauds and all the while refusing documents, losing documents, stealing documents from the estate, no transparency and no accountings. .

regardless of whether such property has been previously distributed, transferred, abandoned, or otherwise disposed of." (emphasis added) See, Feb. 18, 2014 Order of Judge Colin[25].

74. It is clear from the Vasallo records herein[26] that Brian O'Connell was already working closely with Judge Colin's wife Elizabeth Savitt and attorney Hazeltine by the time Brian O'Connell was appointed successor PR by Judge Colin over Simon Bernstein's Estate in July of 2014 or at least on or about the same time.

O'Connell, Foglietta Disqualified as Material Fact Witnesses intertwined with Alan Rose and Steven Lessne, also Disqualified as Material Fact Witnesses; Intertwined with Spallina, Colin fraud and the Stanford Ponzi fraud; Orchestration to avoid Discovery and Original Documents before Judge Phillips

75. It is clear that compliance with the Feb. 2014 Order against Tescher & Spallina was never determined by the time O'Connell was appointed as PR and to this very day there still has been no Compliance hearing on this Discovery tantamount to continuing Discovery Abuse and Discovery as a Weapon justifying exercise of powers under the All Writs Act and Anti-Injunction Act.

76. I have made and filed multiple requests for Discovery[27] and production throughout the Florida State Court litigation which has been denied to such an extent as to be Abuse of Discovery.

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[25]February 18, 2014 Order Judge Colin Tescher and Spallina to turn over ALL records.
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140218%20ORDER%20ON%20PETITION%20FOR%20DISCHARGE%20TESCHER%20SPALLINA%20Case%20502012CP004391XXXXSB%20SIMON.pdf

[26] Palm Beach Post Articles and Court Filings Posted re Vassallo case.
http://iviewit.tv/Simon%20and%20Shirley%20Estate/Vassallo%20Case%20Palm%20Beach%20Post%20O'Connell%20Savitt%20Pankauski.pdf

[27]November 01, 2013 Production Request
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20131101%20ELIOT%20BERNSTEINS%20FIRST%20REQUEST%20FOR%20PRODUCTION%20OF%20DOCUMENTS%20AND%20THINGS%20PROPOUNDED%20ON%20THEODORE%20S%20%20BERNSTEIN.pdf
and
November 01, 2013 Interrogatories Request
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20131101%20ELIOT%20BERNSTEIN%92S%20FIRST%20SET%20OF%20INTERROGATORIES%20PRPONDED%20ON%20THEODORE%20BERNSTEIN.pdf
and
May 12, 2014 Production Request Benjamin Brown Curator

While the proceedings before this US District Court were in essentially a hold pattern with the submissions of the Summary Judgement motions and while my Petition for All Writs at the Florida Supreme Court was pending regarding Judge Colin as a Necessary and Material Fact witness which further sought a Stay by the Florida Supreme Court and preservation of evidence, documents and discovery, after Judge Coates who worked at Proskauer and had billed Iviewit on SEC matters Recused from the Florida case after the improper Transfer from Colin whereby he gained confidential court records while initially denying he had conflicts or knew of Eliot or Iviewit, the case was then assigned to the current Probate Judge John Phillips.

77. The Petition for All Writs[28] at the Florida Supreme Court further brought up for review the very process by which Judge Colin "poisoned" the transfer and steered the case to the North Branch

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http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140512%20ELIOT%20BERNSTEIN'S%20FffiST%20REQUEST%20FOR%20PRODUCTION%20OF%20DOCUMENTS%20BENJAMIN%20BROWN.pdf
and
January 20, 2015 Motion for Production from Brian O'Connell
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150120%20FINAL%20SIGNED%20PRINTED%20Request%20for%20Production%20Brian%20O'Connell%20ECF%20COPY.pdf
and
February 27, 2015 Motion in Opposition to Production
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150227%20Motion%20in%20Opposition%20to%20PR%20Motion%20to%20Strike%20Production%20ECF%20Copy.pdf
and
November 09, 2012 Christine Yates, Esq. request to Spallina and Tescher for Production
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20120909%20Letter%20Yates%20to%20Spallina%20re%20Information%20Request.pdf
and
December 21, 2012 Christine Yates, Esq. to Spallina
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20121221%20Yates%20Letter%20to%20Spallina%20re%20Simon%20Shirley%20Estate%20info.pdf
and
June 13, 2013 Letter Marc Garber, Esq. to Christine Yates re Spallina and Tescher
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20130613%20Marc%20Garber%20Letter%20re%20Christine%20Yates%20termination%20Spallina%20etc.pdf

[28] June 10, 2015 All Writ Filed with the Florida Supreme Court @
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150609%20FINAL%20All%20Writs%20Mandamus%20Prohibition%20and%20Restraining%20Order%20Stay%20re%20Martin%20Colin%20DisqualificationECF%20STAMPED%20COPY.pdf
and
July 01, 2015 Amended All Writ Filed with the Florida Supreme Court @
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150630%20FINAL%20REDO%20All%2

in his Sua Sponte Recusal[29] just one day after denying a Mandatory Disqualification based in part on Fraud on the Court and Fraud by the Court.

78. Joielle Foglietta of the O'Connell firm then filed for a Status Conference[30] which was held on July 15, 2015 during which time I raised the pending Writ with Judge Phillips who indicated twice on the record I would "be heard" on this at the next appearance.

79. While I had written to Joielle Foglietta by email to ascertain the proposed Schedule of proceedings, none was forthcoming however the O'Connell and Joielle Foglietta team filed for a Case Management Conference in the SIMON Bernstein Case which was scheduled and held Sept. 15, 2015.

80. After close of business hours on the Eve of the Conference, attorney Alan Rose on behalf of Ted Bernstein submitted a filing seeking to co-opt the Conference and impose a Guardianship on me before Judge Phillips at that time without disclosing that hearings had already been held and even Judge Colin had denied this repeated demand for guardians, contempt hearings, requests for gag orders and arrest of Eliot.

81. As shown by the Transcript of Conference of Sept. 15, 2015 and my subsequent Motions for Mandatory Disqualification of Judge Phillips, Phillips fundamentally denied me a Due Process Opportunity to be heard on this day despite saying my Writ application would be addressed cutting me off at each attempt to be heard yet allowing Alan Rose to begin moving Judge Phillips to schedule a Trial in the Shirley Bernstein case which was NOT Noticed for the Conference that day and ultimately Judge Phillips Ordered a Pre-determined, prejudged "One-

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0Writs%20Mandamus%20Prohibition%20and%20Restraining%20Order%20Stay%20re%20Martin%20Colin%20Disqualification%20ECF%20STAMPED%20COPY.pdf

[29] May 19, 2015 Colin Sua Sponte Recusal and Steering of the Cases
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150519%20Colin%20Recusals%20Clerk%20Reassigns.pdf

[30] August 03, 2015 Case Management Conference Notice of Hearing in SIMON ESTATE ONLY
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150803%20Notice%20of%20Hearing%20for%20Sept%2015%202015%20930am%20Case%20Management.pdf

day" Validity Trial for Dec. 15, 2015 in a case not even Noticed for Conference that day. See Sept. 15, 2015 Transcript[31].

82. Licensed attorneys O'Connell acting as PR for Simon's estate, Foglietta and Creditor attorney Peter Feaman sat by idly watching as this occurred without raising any questions on Discovery, production or standard pre-trial issues as the record reflects they barely said a word at a hearing both have vested interest in.

83. It should be noted that this occurred after Judge Phillips "pre-judged" any matters relating to Judge Colin expressing his "love" for Judge Colin on the Record and his friendships with all the attorneys and stating I was the only one he knew nothing of in an angry tone and indicating he would not find Colin had done anything wrong without even having the Due process Opportunity to make or state a case while falsely representing he had no powers to do so when Florida law allows for prior Orders to be vacated. See, Transcript of Case Management Conference Sept. 15, 2015[32].

84. Florida Rules of Civil Procedure provide in part:

> RULE 1.200. PRETRIAL PROCEDURE (a) Case Management Conference. At any time after responsive pleadings or motions are due, the court may order, or a party, by serving a notice, may convene, a case management conference. The matter to be considered shall be specified in the order or notice setting the conference. At such a conference the court may: (1) schedule or reschedule the service of motions, pleadings, and other papers; (2) set or reset the time of trials, subject to rule 1.440(c); (3) coordinate the progress of the action if the complex litigation factors contained in rule 1.201(a)(2)(A)–(a)(2)(H) are present; (4) limit, schedule, order, or expedite discovery; (5) consider the possibility of obtaining admissions of fact and voluntary exchange of documents and electronically stored information, and stipulations regarding authenticity of documents and electronically stored information; (6) consider the need for advance rulings from

[31] September 15, 2015 Judge Phillips Status Conference Transcript http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150915%20Judge%20Phillips%20Hearing%20Transcript%20-%20Estate%20of%20%20Simon%20Bernstein.pdf

[32] September 15, 2015 Judge Phillips Status Conference Transcript http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150915%20Judge%20Phillips%20Hearing%20Transcript%20-%20Estate%20of%20%20Simon%20Bernstein.pdf

> the court on the admissibility of documents and electronically stored information; (7) discuss as to electronically stored information, the possibility of agreements from the parties regarding the extent to which such evidence should be preserved, the form in which such evidence should be produced, and whether discovery of such information should be conducted in phases or limited to particular individuals, time periods, or sources; (8) schedule disclosure of expert witnesses and the discovery of facts known and opinions held by such experts; (9) schedule or hear motions in limine; (10) pursue the possibilities of settlement; March 16, 2015 Florida Rules of Civil Procedure 36 (11) require filing of preliminary stipulations if issues can be narrowed; (12) consider referring issues to a magistrate for findings of fact; and (13) schedule other conferences or determine other matters that may aid in the disposition of the action.

85. Yet, despite knowing that this Rule provides, "***The matter to be considered shall be specified in the order or notice setting the conference"***, licensed attorneys O'Connell, Foglietta and Feaman took no action during or after to correct the pre-judged "one day" Validity Trial scheduled in the wrong case, Shirley Bernstein, which was Not noticed for Conference on this date.

86. Such attorneys further took No Action to raise DISCOVERY COMPLIANCE prior to to the Trial despite the outstanding Order of Judge Colin of Feb. 2014 nor was I allowed a Due Process opportunity to raise Discovery issues, the need for Experts due to the fraud already determined in dispositive documents nor the need for a longer trial period based upon multiple Witnesses needed nor the need for Pre-Trial Depositions and the record will reflect that as I tried to make claims I was rudely shut down repeatedly by rude and angry Judge Phillips.

87. To backtrack slightly which shows the continuing pattern of Discovery Abuse in the State Court, by the time of the Sept. 13, 2013 Hearing[33] after the fraud and forgeries in Judge Colin's Court were Discovered, over 3 Years Ago now Judge Colin had been notified on the Record during that Sept. 2013 hearing that as of a Year After my father Simon Bernstein passed away I

[33] September 13, 2013 (one year to the date of Simon's passing Colin Hearing http://iviewit.tv/Simon%20and%20Shirley%20Estate/20130913%20TRANSCRIPT%20Emergency%20Hearing%20Colin%20Spallina%20Tescher%20Ted%20Manceri.pdf

still had NO proper Documents on the Trusts and Wills including the Oppenheimer Trusts yet attorney Steven Lessne is now seeking a Guardianship against me before Phillips even though Lessne represents Oppenheimer who is a "Resigned" Trustee with no standing. I notified Judge Colin on the Record as follows from the September 13, 2013 hearing footnoted herein:

Page 06
12 THE COURT: Okay. So the bills that they
13 were paying for you were what bills?
14 MR. ELIOT BERNSTEIN: All of them.
15 THE COURT: All the bills.
16 MR. ELIOT BERNSTEIN: Health insurance,
17 electricity, water, food, clothing, everything,
18 100□percent.
19 THE COURT: When did the emergency take
20 place?
21 MR. ELIOT BERNSTEIN: On August 28th.
22 They told me if I didn't sign releases that
23 Robert wanted me to sign and turn the money
24 over to my brother, the remaining corpus of the
25 trust, that they were going to shut the funds
Page 7
1 off as of that day.
2 THE COURT: And they did?
3 MR. ELIOT BERNSTEIN: I'm not 100□percent
4 sure, because then I asked them for their
5 operating documents that Mr. Spallina had sent
6 them, and once again we've got un□notarized
7 documents □□
8 THE COURT: We'll talk about the notary
9 thing in a second.
10 **MR. ELIOT BERNSTEIN: Okay. Then we have**
11 new improperly notarized documents authorizing
12 the trust to operate, and they sent me
13 incomplete documents which are unsigned on
14 every page of the trust agreement, so they're
15 telling me and I've asked them three times if
16 they have signed copies and three times they've
17 sent me unsigned copies.
18 THE COURT: Okay, but what bills today □□
19 MR. ELIOT BERNSTEIN: All of them.

88. Previously in this Hearing Judge Colin is further shown how Spallina was Not Notifying certain banks such as Legacy that Simon Bernstein had passed away and is "moving" funds around from different accounts as follows;

Page 05
13 THE COURT: Okay. So tell me how that □□
14 what evidence is there that this is an
15 emergency along those lines?
16 MR. ELIOT BERNSTEIN: Okay, the estate
17 representatives when my parents died told us
18 that they were understanding the special
19 circumstances me and my three children are in,
20 and that funds had been set aside and not to
21 worry, there would be no delay of paying their
22 living costs and everything that my father and
23 mother had been paying for years to take care
24 of them, and then they were paying that out of
25 a bank account at Legacy Bank.
1 THE COURT: Who is they?
2 MR. ELIOT BERNSTEIN: Mr. Spallina had
3 directed Rachel Walker to pay the expenses of a
4 Legacy bank account. It was being paid. And
5 then Mr. Spallina stated that I should or that
6 Rachel should □□ she was fired, she should now
7 turn the accounts over to my wife to start
8 writing checks out of an account we've never
9 seen.
10 So I said I didn't feel comfortable
11 writing checks out of an account, especially
12 where it appeared my dad was the signer, so I
13 called Legacy Bank with Rachel and they were
14 completely blown away that checks had been
15 being written out of a dead person's account.
16 Nobody had notified them that Simon had
17 deceased. And that no □□ by under no means
18 shall I write checks out of that account, and
19 so then Mr. Spallina told me to turn the
20 accounts over to Janet Craig of Oppenheimer,
21 and Oppenheimer was going to pay the bills as
22 it had been done by Rachel in the past. And so
23 we sent her the Legacy account. We thought all
24 that was how things were being done and, you
25 know, he doesn't give us any documents
1 whatsoever in the estate, so we don't know, you

2 know, what he's operating out of, but
3 Oppenheimer then started to pay the things □□
4 first they said, wait a minute, these are
5 school trust funds □□ well, they actually said
6 that after they started paying, and they were a
Page 06
7 little hesitant that these funds were being
8 used for personal living expenses of everybody,
9 which the other Legacy account had been paying
10 for through an agreement between and my
11 parents. And then what happened was
12 Mr. Spallina directed them to continue, stating
13 he would replenish and replace the funds if he
14 didn't get these other trusts he was in the
15 process of creating for my children in place
16 and use that money he would replenish and
17 replace it.
18 So the other week or two weeks or a few
19 week ago Janet Craig said that funds are
20 running low and she contacted Mr. Spallina who
21 told her that he's not putting any money into
22 those trusts and that there's nothing there for
23 me, and that basically when that money runs out
24 the kids' insurance, school, their home
25 electricity and everything else I would
1 consider an emergency for three minor children
2 will be cut off, and that was not □□

STEVEN LESSNE DISQUALIFIED AS MATERIAL FACT WITNESS

89. Thus it is clear that the Oppenheimer Trusts are just another set of Trusts and Documents and evidence where Discovery Abuse has occurred and huge delays in getting Any proper Operative documents has occurred which continues to this day, yet Lessne is moving for Guardianship against me before Phillips for a second time after law of the case was established in virtually an identical filing whereby Guardianship was denied and it was determined that after Lessne finished an accounting, if the Successor Trustee wanted to bring such charges they could but that he had no standing.

90. Mr. Lessne becomes a Material Fact Witness in the Chain of Custody of documents and Originals involving various Trusts and what the Trusts should say or provide where he claims as an Attorney in a sworn Filing before Judge Colin filed June 20, 2014 as follows:

> "Oppenheimer's Appointment, Service and Resignation As Trustee
> 5. Gerald R. Lewin was the initial trustee of the Trusts. 6. On September 5, 2007, Mr. Lewin resigned as trustee and appointed Stanford Trust Company as his successor pursuant to Section 5 .3 of the Trusts. "
> Lessne filing June 20, 2014[34].

91. This sworn Statement, however, is contradicted by Multiple other documents and filings herein, however, demonstrating exactly why Injunctive relief for preservation and Orderly Production of Discovery is Necessary for this US District Court in furtherance of its jurisdiction.

92. In what was Allegedly Filed in the Palm Beach County Courthouse by Robert Spallina claimed to be filed on July 7, 2010 is an alleged Petition to Appoint Successor Trustee dated June 18, 2010[35] which claims one TRACI KRATISH ***and not Gerry Lewin as Lessne claims*** was the TRUSTEE of the Children's Trusts who allegedly Resigned Sept. 12, 2007 whereupon it claims the STANFORD TRUST took over and then purports to be a Petition of me and my wife Candice authorizing OPPENHEIMER to take over as Trustee from Stanford yet this document appears to have Robert Spallina's signature on it yet where my wife and Candice Bernstein have Reported this Document as Fraud and a Forgery to the Court and Palm Beach County Sheriff's as not only had we never signed this document but had never even met Robert Spallina as of 2010 and this was Reported to Judge Colin during the June 2014 hearings with Oppenheimer

[34] June 20, 2014 Oppenheimer Complaint
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140620%20Oppenheimer%20v.%20Eliot%20Candice%20Joshua%20Jacob%20and%20Daniel%20Case%20No%20502104cp00281xxxxsb%20Summons%20and%20Complaint%20Eliot%20Service%20Low.pdf

[35] June 19, 2010 Petition
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20100619AllegedForgedEliotCandicePetitiontoAppointSuccessorTrusteeJoshuaJacobandDaniel.pdf

and Lessne, yet fell on deaf ears. See, Petition under Spallina's Signature in 2010 alleged as Fraud to Palm Beach Sheriff and Court by Eliot and Candice Bernstein.

93. Thus Lessne is a material fact witness as to who the Real Trustee is and what the operative documents actually say.

94. Further, there is a significant issue as to whether Trusts were Transferred from Oppenheimer to JP Morgan where Lessne, Oppenheimer and Janet Craig of Oppenheimer all should be witnesses thus making the Discovery Abuse as a Weapon even more harmful since there is never any clear, orderly picture of what is taking place when and by who.

ALAN ROSE AS MATERIAL FACT WITNESS

95. To further complicate the frauds in what should make Alan Rose a Material Fact Witness, in May of 2015 Alan Rose magically comes out with an alleged ORIGINAL of the Trusts which he allegedly "Finds" left at the 7020 Lions Head Lane Boca Raton, Fl St. Andrew's Home of Simon Bernstein after his passing yet by this point in time the ENTIRETY of the St. Andrews's Home had already been Seized and Inventoried by Brian O'Connell and Joielle Foglietta's Offices as of March 2015, several months before and before that by Benjamin Brown the Curator.

96. Alan Rose somehow amazingly tries to claim after allegedly finding and removing from the Estate without authorization from O'Connell who has custody over them, 3 "Originals" of my Children's Trusts that somehow these were Unimportant and Discounted and "Overlooked" by the O'Connell Foglietta team who are fully aware of the problems with the trusts in the Oppenheimer case and who Already had allegedly Fully Inventoried and seized Custody of all these items at the St. Andrews Home in March 2015 two months before in a case where

substantial Document fraud had already been demonstrated and Discovery abuses going on continually, Emailing on May, 20, 2015[36] as follows:

> **From:** Alan Rose [mailto:ARose@mrachek-law.com]
> **Sent:** Wednesday, May 20, 2015 2:14 PM
> **To:** Lessne, Steven; Eliot Ivan Bernstein; Eliot Ivan Bernstein
> **Cc:** Ted Bernstein; O'Connell, Brian M.; Foglietta, Joy A
> **Subject:** Original signed "Oppenheimer" Trusts
>
> Mr. Lessne and Mr. Eliot Bernstein:
>
> I am writing to advise that we located some files in drawers in Simon's private office in his home at Lions Head, as we were trying to assess the complexity of things that must happen between now and the closing of Lions Head. My primary reason was to visually inspect the three chandeliers that have been the subject of PR emails in the past few days.
>
> In any event, and although these files likely were examined and discounted as unimportant by the PRs after Simon's death and likely meant nothing if and when they were catalogued or viewed during the O'Connell as PR re-appraisal/re-inspection, I noticed a folder marked as the jake bernstein trust. Looking more closely, there were three green folders labeled with Eliot's childrens names and inside are what appear to be the original signed Irrevocable Trust Agreements for the Trusts which Oppenheimer formerly served. ***These may be relevant or important to the ongoing Oppenheimer case, so I bring them to your attention.*** There also are what appears to some tax returns and Stanford Account Statements. Simply because I have attended some of the Oppenheimer hearings, I understand that Eliot claims at least one of the Trusts does not exist. As an officer of the court, and because these may be relevant, I have taken temporary custody of the documents. I will hold them pending joint instructions or a court order, but would prefer to deliver them to Steve Lessne as Oppenheimer's counsel. These have no economic value and have no bearing on the estate, so I doubt Brian O'Connell would want them, but I did not want to see them lost or discarded in the impending move. To facilitate your review, I have scanned the first and last page of each trust, and scanned the first page of the ancillary documents, and attach that in .pdf format.
>
> I am sure that people have looked through these files before, and there did not appear to be anything else of significance. (I did notice a few folders with other grandchildrens names, not Eliot's kids, but left those papers in place because I understand that everyone except Eliot has fully cooperated with Oppenheimer in resolving these matters.)

[36]May 20, 2015 Alan Rose, Esq. Letter re Finding New Documents and removing them illegally from Simon's Estate and whereby the records were in the custody of Brian O'Connell at that time and Rose took them from the Estate without authorization.
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150520%20Alan%20Rose%20Letter%20to%20Eliot%20et%20al%20Regarding%20Oppenheimer%20Trust%20documents%20and%20Tax%20Records%20found.pdf

I also have had occasion to re-look through a small box of trust documents which I have been holding, which came from Simon's former work office. Inside file folders in a desk drawer, Simon retained duplicate originals of the trust agreements relevant to my cases. When I was looking to reexamine these documents – duplicate originals of the 2008 Trusts and the 2012 Trust (the true originals remain with Tescher & Spallina who drafted them) – I noticed a copy of the three separate irrevocable trust documents. Again, these would not have caught my eye originally because I would have never guessed that Eliot would claim the trusts were not valid. I only recently had occasion to notice these in looking for the duplicate trust originals for Simon and Shirley. The three Irrevocable Trusts appear to be signed and witnessed on page 17, but the individual pages are not initialed. Again, these were only copies, but now having looked at the originals included in the attached scan, I note (although not a handwriting expert) that the attached copies appear to be absolutely identical to the originals just found in Simon's personal office.

These copies include IRS forms under which Traci Kratish PA, as Trustee appears to have applied for and obtained a Taxpayer ID number for each trust, and obviously she provided these to Simon. Each of the Trust documents is signed by Simon Bernstein, as Settlor, and by Traci Kratish PA as the initial Trustee, and the signatures are witnessed by two people. Simon's is witnessed by Jocelyn Johnson and someone else. I am advised that Jocelyn was an employee of Simon's, as presumably was the second witness and also the initial Trustee, Traci Kratish, who was in house counsel for the companies Simon owned part of.

Although this was long before any involvement on my part, Traci Kratish appears to have been the initial trustee (there is a typo elsewhere naming Steven Greenwald). I do not know Steven Greenwald, but I have confirmed that that these trusts were not created by Tescher & Spallina. If they had been, I'm sure they would have retained the original and given Simon duplicate originals as they did for all of the trust documents for the 2008 and 2012 Trusts they prepared. I do not know if Greenwald prepared these and made a typo leaving his name on a later section, or if Kratish prepared these from a boilerplate Greenwald form and made the typo. Either way, and it does not matter to me, the fact that this was a simple and ordinary typo should be obvious to all.

Eventually, Traci Kratish left the employ as the in-house counsel for the companies. Sometime before or at the time of her leaving, she resigned and appointed someone else, and eventually these trusts accounts along with similar trusts for Simon's other seven grandchildren and much of Simon's personal wealth, were moved to Stanford. After Stanford's collapse amid word that it was a Ponzi scheme -- Simon lost upwards of $2 million of his own funds in the Ponzi scheme -- Simon directed the transfer of the his and these trust accounts to Oppenheimer. Simon selected Oppenheimer; paid Tescher's firm to do the necessary documents to appoint Oppenheimer as successor trustee; took the documents from Tescher and had them signed by all children, including Eliot and Candice; and returned the documents to Tescher for filing. I presume that Simon paid all of these legal fees, because that is the right thing to do from an estate planning strategy and as a favor to his grandkids. I now have seen copies of the filed Petitions, and again without being a handwriting expert, it certainly looks like Eliot's and Candice's

signature on them, regardless of whether they had ever met Tescher or Spallina before their parents' deaths.

Eliot and Candice reaped the benefits of Oppenheimer's services, and in any event there is no reason to believe that Candice and Eliot did not sign these Petitions for the benefit of their children. If Eliot now suggests that his and his wife's signatures do not appear on the June 2010 Petitions appointing Oppenheimer 2010 allegation, which is highly doubtful just looking at the three sets of signatures, that would mean Eliot is accusing Simon of being a forger. Eliot already is supportive of Bill Stansbury, who accuses Simon of committing a fraud on Stansbury. I would be shocked by any accusation that Simon did not obtain from Eliot and Candice their genuine signatures on the June 2010 Petitions, and particularly shocked that Eliot, who received so much of his father's (and mother's) largesse during their lifetimes, would now malign Simon's name in such a manner.

Anyway, I'm not sure if either of you needs these any longer, but if you do, here they are.

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561.655.2250 Phone
561.655.5537 Fax

97. Thus, Brian O'Connell, Joielle Foglietta, Alan Rose and Steven Lessne are all Material Fact Witnesses on this Chain of Custody alone which all is critical evidence ***for this Court*** as it relates to the production of Valid and Original Trusts and documents at issue and my Cross-Counterclaims and thus Injunctive relief should now issue.

98. Lessne, nor Rose (a Counter Defendant in the Stayed Counter Complaint in the Oppenheimer case), has yet to turn these alleged new documents into the Court and where since the lawsuit was based on other documents filed this would seem to materially affect the whole case.

99. It should be noted that in the days and weeks leading up to this "magical" Discovery by Alan Rose that the O'Connell and Foglietta team had issued substantial billings for communications with Alan Rose[37] even though O'Connell had filed an Answer claiming Alan Rose's client Ted Bernstein was Invalid as a Trustee although the Petition had not been heard.

100. Alan Rose and Brian O'Connell are again tied up as material fact witnesses just a few weeks later when Judge Coates briefly came into the case wherein Alan Rose now "magically" has "Originals" of the Shirley Trust and related documents that he allegedly scanned onto a CD and while his Letter indicates he was "Transferring" this CD to me in person at Court he actually used Brian O'Connell to "pass me" the CD.

101. Rose claims these are "Originals" or "Duplicate Originals" scanned onto the CD but provides No Chain of Custody of how, when, where or why these come into his possession making him a Material Fact Witness on the Chain of Custody of documents. See, Alan Rose Letter of June 4, 2015[38]. As noted, here is where "Originals" appear to be signed in Different Color Ink from the "Original" Originals and where the ***naked human eye*** can detect too many identical signatures identically or virtually identically placed in the some place on the documents and too many initials placed in the same place.

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[37] Ciklin/O'Connell Billing Statements
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151210%20MASTER%20O'Connell%20Ciklin%20Fees%20Billing.pdf
and
Rose and O'Connell billing excerpts from Ciklin bills
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151210%20Rose%20O'Connell%20Legal%20Fees%20Bills%20Excerpts%20In%20Chronological%20Order.pdf

[38] June 04, 2015 Rose Letter Regarding CD of Newly Discovered Estate and Trust documents
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150604%20Rose%20Letter%20with%20CD%20of%20Simon%20Shirley%20Oppenheimer%20Trust%20Will%20Documents.pdf

102. Yet, on or about August 11, 2015, I physically appeared and went to the O'Connell law office per arrangements with Joielle Foglietta and was directed to some Staff member I will call "Jane Doe" for now, although other records may disclose her name, whereupon I was supposed to be able to finally "view" and "inspect" all of Simon's Business Records, Documents, etc that the O'Connell firm had obtained and am shocked to be placed into a Conference Room with 4 Banker Boxes that were half-full for my father who had been a successful Insurance business person for Decades with multiple bank accounts, corporations, trust companies and tons of other personal records. One of the boxes had allegedly been dropped off by Alan Rose and only had a few miscellaneous "wall hangings" from his Business Office and the other 3 boxes are allegedly what the O'Connell firm had taken out of the St. Andrew's home.

103. Yet these were partially filled boxes and the Jane Doe staff member indicated she had retrieved "everything", "everything" from the St. Andrew's home on or around June 4, 2015 which contradicts what Joielle Foglietta had claimed in March 2015 about taking custody of the Business documents and files and further contradicts what Alan Rose "finds" in May of 2014, thus rendering all of these individuals Material Fact Witnesses on Chain of Custody and possession. Miraculously these documents appear days before Sheriff deputies are contacting Kratish regarding the prior documents and allegations of fraud in the prior documents.

104. This item further ties up Judge Colin, the Palm Beach County Sheriff's Office, Gerry LEWIN, SPALLINA and TESCHER as more intertwined in the fraud.

105. Both Judge Colin and the PBSO are aware that Eliot and his wife Candice have claimed they never signed a Petition that SPALLINA "Witnessed" in 2010 relating to the Trust which

SPALLINA apparently deposited with Colin's court in June of 2010[39] and that Colin is alleged to have signed.

106. The Document provided by ROSE as an "original" however, purports to be a Trust signed Sept. 7, 2006 and allegedly witnessed by one Traci Kratish.

107. However, in her statement to the PBSO[40], Traci Kratish, a lawyer and accountant, says she did not begin work with Eliot's father until Sept. 10, 2006 and was not brought in Pre-Stanford Trust and has no independent recollection of signing this Trust which is further ripe with errors such as referring to Traci Kratish as a "he" instead of "she", having a different trustee Steven Greenwald identified later in the document as the "Trustee," no reference to the law firm who allegedly prepared the Trusts, missing initials on the pages and other obvious errors.

108. Still further, LEWIN prepares and has Tax documents (copies, not Originals) saying the Trust was created on Sept. 1, 2006, not Sept. 7th and further that Stanford was the Trustee from the beginning and not Traci Kratish as alleged by SPALLINA in the June 2010 Petition claiming the Trusts went from Kratish to Stanford and then Oppenheimer with this Petition allegedly signed by Eliot and his wife which they have denied signing or seeing prior to it being produced in the matters to the the PBSO and COLIN and reported as fraud[41].

109. Despite the PBSO and PANZER knowing all the fraud admitted to date and SPALLINA who was not forthcoming in his first interview, PBSO illegally steers this part of the fraud and criminal investigation away from following up with Spallina and the involved parties and

[39] July 08, 2010 Alleged Forged Petition for Children's Trusts Oppenheimer @ http://iviewit.tv/Simon%20and%20Shirley%20Estate/Exhibit%20E%2020100619%20Alleged%20Eliot%20Candice%20Petition%20to%20Appoint%20Successor%20Trustee%20Joshua%20Jacob%20and%20Daniel.pdf

[40] May 21, 2015 Traci Kratish PBSO Interview statements @ www.iviewit.tv/Simon and Shirley Estate/Kratish Statements to PBSO.pdf

[41] May 20, 2015 Alan Rose Email Claiming to have found New Trust Documents @ http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150520%20Alan%20Rose%20Letter%20to%20Eliot%20et%20al%20Regarding%20Oppenheimer%20Trust%20documents%20and%20Tax%20Records%20found.pdf

attempted to close the case in a rush with admitted felony crimes of Spallina not being prosecuted and thus committing misprision of felony and aiding and abetting the fraud by failure to report the admitted crime to prosecutors and which is currently under a second Internal Affairs review, the first review after Judge Colin interfered with the criminal investigations and had them close the case of Fraud on the Court stating he would handle those and forcing Eliot to IA to have the cases reopened due to the improper interference, which led to subsequent interviews where Spallina confessed to Felony misconduct..

110. By TESCHER SPALLINA Bates[42] No. TS000815 Spallina falsely writes to Christopher Prindle of Wachovia/Stanford/Oppenheimer/JP Morgan on ***July 1, 2010*** who is intimately involved in the Financial Accounts of Simon Bernstein claiming he has: "**certified Final Orders on Petitions to Appoint Successor Trustee** designating Oppenheimer Trust Company as Successor Trustee of the following trusts: 1. Daniel Bernstein Irrevocable Trust dated September 7, 2006 2. Carly Esther Friedstein Irrevocable Trust dated September 7, 2006 3. Jake Bernstein Irrevocable Trust dated September 7, 2006 4. Max Friedstein Irrevocable Trust dated September 7, 2006 5. Julie Iantoni Irrevocable Trust dated September 7, 2006 6. Joshua Z. Bernstein Irrevocable Trust dated September 7, 2006 " all as of July 1, 2010.

[42] Tescher & Spallina Bates Numbered Court Ordered Production
It should be noted that while the documents are bates stamped they were never tendered by Spallina and Tescher to the court and no document originals were tendered to successors despite court order to turn over "ALL" records, whereby all copies of alleged documents in the Tescher and Spallina production are therefore alleged fraudulent and part of an ongoing fraud to cover up and maintain the prior frauds they have been caught in and further continue the frauds.
***FOR ALL FURTHER REFERENCES HEREIN of SPALLINA and TESCHER Bates Stamped Documents please refer to the following link which contains the entire file of Bates stamped documents Total Pages 7,202 with gaps in the bates numbering and search for the Bates numbers listed in this filing.
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140602%20PRODUCTION%20OF%20DOCUMENTS%20SIMON%20ESTATE%20BY%20COURT%20ORDER%20TO%20BEN%20BROWN%20CURATOR%20DELIVERED%20BY%20TESCHER%20AND%20SPALLINA.pdf (File is large and takes time to download)

111. Yet on the same date of ***July 1, 2010,*** by TS000831 SPALLINA writes to Margaret Brown at Baker Botts saying:

> From: Robert Spallina [mailto:rspallina@tescherspallina.com]
> Sent: Thursday, July 01, 2010 9:14 AM
> To: Brown, Margaret
> Subject: Bernstein
> Dear Margaret - we finally received the last of the signed petitions for the minor grandchildren and will be walking through the petitions next week to get the orders designating Oppenheimer as successor Trustee to Stanford. Attached are copies of the signed petitions we are filing for your records.

112. The close relationship with SPALLINA and COLIN is shown by the casual manner SPALLINA is simply going to "walk through" over at the Court to get the Orders he has told key Financial person Christopher Prindle he already has in Certified form as of the same date.

113. The alleged Orders do appear to be "Certified" and signed by COLIN but not until July 8, 2010, a week after he tells Prindle these are done by the Court already which SPALLINA writes to Margaret Brown again about on July 8, 2010, see TESCHER SPALLINA PRODUCTION Bates No.TS000829.

114. This pattern and practice of false information even shown by the TESCHER SPALLINA production is further reason to Enjoin and Restrain the parties and the evidence in further aid of this Court's jurisdiction.

115. Moreover, because there are NO Accountings from TESCHER SPALLINA in the year and half plus of their involvement as fiduciaries (NO accountings in Shirley for FIVE years and INCOMPLETE ACCOUNTING FOR SIMON ONLY RECENTLY TURNED OVER after almost three years after Simon's Passing) where millions were likely moved between accounts or converted without any accounting, Records and accounts of Christopher Prindle, Stanford, JP Morgan and Oppenheimer should further be enjoined when the Court has proper jurisdiction over these parties.

116. Note that the Curator Ben Brown of the Estate of Simon Bernstein purported to have obtained actual signed Tax returns from the IRS herein for Simon's Estate and quietly died at a young age shortly thereafter upon information and belief before turning them over and according to O'Connell he never received them and immediately ordered new ones immediately after gaining Letters of Administration but still has not received them to the best of my belief and certainly has not turned them over to me as promised.

117. Yet, current PR of the Simon Bernstein Estate Brian O'Connell and Joielle Foglietta of the Ciklin Lubitz Martens & O'Connell law firm have Never obtained or provided any Signed Tax Documents or actual originals in the 18 months in the case yet repeatedly bills the Estate for calls with Alan Rose, including many redacted Billing entries[43]and[44].

118. The 2007-2008 LIC Tax statements where Simon Bernstein was 45 % owner shows 2 consecutive years of revenue exceeding $30 Million per year and where Renewals on insurance should still be coming in but where TED, ROSE and the PRs claim estates and trusts virtually empty while denying discovery and production[45], with Simon taking several million dollars in income in just these years prior to his death.

119. Yet, the O'Connell and Foglietta team claim the Estate is out of money and even proceeded to demand a payment of $750 approximately from myself to obtain copies of the bare records in 3 partially filled boxes the PRs have obtained to date that they stated copies would be ready for me to pick up when I went to their offices and were not, then later when I was forced to

[43] Alan B. Rose and Brian O'Connell Billing Excerpts from Ciklin Lubitz Martens & O'Connell Bills @ http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151210%20Rose%20O'Connell%20Legal%20Fees%20Bills%20Excerpts%20In%20Chronological%20Order.pdf

[44] O'CONNELL and Ciklin Lubitz Martens & O'Connell Billing Statements @ http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151210%20MASTER%20O'Connell%20Ciklin%20Fees%20Billing.pdf

[45] 2007-2008 Unsigned Tax Returns LIC prepared by Gerald Lewin CPA http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/tax%20returns%202007%202008%20LIC.pdf

repeatedly ask for them to be sent they changed their tune demanding payment for the meager records they had obtained and further ***have repeatedly denied access to even visually Inspect the alleged Storage unit where all the TPP allegedly is.***

120. As will be shown later herein, Millions remain Unaccounted for in the cases further justifying an Injunction at this time.

"Orchestration" of the "One-day" "Validity" Trial by the Fiduciaries, Lawyers and Judge Phillips

121. Despite this tortured background, the licensed attorneys O'Connell, Foglietta, Rose and Feaman allow matters to proceed along course to a "one-day" Validity Trial with Judge Phillips held Dec. 15, 2015.

122. In the weeks before this, Creditor attorney Peter Feaman expressly stated in a phone call with myself, William Stansbury and others that there was a deliberate "conspiracy" against me by the parties with money and connections or words to that effect.

123. Attorney Peter Feaman also acknowledged that Florida Courts do have traditional Pre-Trial and Trial procedures, none of which were followed.

124. No pre-trial Discovery compliance was ever determined, no Pre-trial Depositions were determined, and I was provided no Due Process opportunity to speak about the Necessary Witnesses that should be at Trial which would make the Trial go beyond one day and the importance of having the hearings to remove Ted first to determine if he would even be able to conduct validity hearings, especially where there was document fraud with the documents being validated committed by his attorneys representing him as fiduciary and where the fraud directly benefited Ted's family, slight conflicts that should have forced Ted from holding the hearings. Ted also being considered Predeceased for ALL PURPOSES OF DISPOSITION OF THE

SHIRLEY TRUST certainly could not hold a validity hearing as it regards disposition of the trust. Yet, Phillips refused both Feaman and my request to have that hearing first.

125. Creditor Attorney Peter Feaman had previously in August of 2014 written a specific letter to Brian O'Connell indicating he had an "absolute duty" to take up the baton to remove Ted Bernstein noting the waste of assets, lack of accountings, conflicts of interest and other items, although attorney Feaman would take no action to prevent or participate in the "Validity Trial" despite the fact that the only 2 Witnesses that were called, Robert Spallina and Ted Bernstein (both involved in the Fraudulent Documents submitted to the court and others) were Both parties that Creditor William Stansbury had sued although that case was before a separate Judge.

126. Despite the Fraud shown with Colin who should be a Material fact witness and should have disqualified once he knew there was Fraud Upon His Court and he was involved in the matters, Feaman took no action to assert and re-argue if necessary Stansbury's "standing" which had been denied in the case by Colin although Stansbury was "in the case" for purposes of Paying for the Illinois litigation before Your Honor which all appears to be part of "orchestration" where Stansbury and Feaman are "in" on some issues but not in on others.

127. Feaman had "confirmed" that O'Connell as the PR was going to Participate at the one day Validity Trial as O'Connell had filed an Answer to remove Ted Bernstein at Trial as an Invalid Trustee yet "at the last minute" it was announced O'Connell and Ted Bernstein's attorney Alan Rose had some form of "consultation" deal where it was decided O'Connell would not participate in the Validity Trial despite the fact that his Office had been Billing the Estate for nearly 2 years based upon Ted as Trustee including many billings with Alan Rose on behalf of

Ted Bernstein all of which is compromised if a proper Trial showed the documents to be invalid and/or Ted Bernstein should be removed.

128. When Feaman brought O'Connell into the cases after being denied standing to remove Ted, Feaman had Eliot withdraw a hearing to remove Ted that day telling him that he spoke to O'Connell and O'Connell would file the motion Feaman filed that was denied for standing and that I would have a much better chance of success with O'Connell filing. To this date, despite being given Feaman's filing to put his name on and repeatedly stating he would file it, O'Connell has failed to file despite knowing Ted is "not a validly serving Trustee" or in other words that Ted and Alan are committing a Fraud knowing Ted cannot be Trustee but pulling yet another Fraud on the Court and Fraud on the Beneficiaries and Creditor.

129. Thus, the Estate of Simon Bernstein was Unrepresented and did not participate in the Phillips "Validity" Trial of the Simon documents and where the Governor Rick Scott's office already found defects in the notarizations of Simon's Estate and Trust documents that O'Connell was made aware of prior and where if they were not validated as Rose wanted them, O'Connell could have been knocked out and Stansbury could have become the Successor as was the case only a few weeks before Simon died when allegedly new improperly notarized documents are said to have been signed.

130. Alan Rose was motioned by my counsel Candice Schwager of Texas who was seeking to come into Florida pro hac vice[46] for a 30 day Continuance[47] and to get the Documents necessary to be able to represent my children properly and determine if any conflicts existed that prevented her

[46]December 12, 2015 Candice Schwager Pro Hac Vice Letter to Court and Alan Rose, Esq. http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151212%20Candice%20Schwager%20Pro%20Hac%20Vice%20ECF%20Filing%20Stamped%20Copy.pdf

[47]20151215 Motion for Stay http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151215%20ESIGNED%20Phillips%20Trial%20Stay%20ECF%20STAMPED%20COPY.pdf

from representing both myself and my children but both Rose and Judge Phillips denied the continuance and denied her access to documents[48] leaving my children unrepresented at the Validity "trial" as well.

131. The notice and motion further indicated Alan Rose should be Disqualified as a Material fact witness for the reasons set out above.

132. Thus the Trial was orchestrated so no Attorneys were present to Cross-examine the only 2 Witnesses produced by Ted Bernstein and Alan Rose being Robert Spallina and Ted Bernstein himself.

133. It is noted that there were no Pre-Trial Depositions allowed of Robert Spallina or Ted Bernstein and thus acting Pro Se I did all I could do at the Trial which still revealed remarkable information and confessions of new crimes, including federal mail fraud by Spallina, who also violated his SEC consent order by misrepresenting his SEC consent deal and further misrepresented his standing with the Florida Bar as the record reflects. Spallina also admitted to using a deceased Simon acting as PR to close Shirley's Estate and depositing further fraudulent documents with the court, while admitting he had not to that date told anyone about these crimes, while Phillips ignored all these admissions and since has done nothing to notify proper authorities of these new and damning admissions of crimes and violations of SEC consent orders, despite repeated requests by myself for him to do so.

134. It is further noted that no Inspection or Comparison of the "duplicate" and other alleged "originals" was allowed pre-trial or during trial as these Documents and evidence simply were

[48] January 06, 2016 Alan Rose, Esq. Letter to Attorney for Minor Children and Eliot denying access to file or even to speak despite her being retained counsel in need of documents to evaluate cases. http://iviewit.tv/Simon%20and%20Shirley%20Estate/20160106%20Rose%20Denying%20to%20talk%20or%20give%20information%20to%20Attorney%20Schwager.pdf

not produced or made available at the hearing for inspection and have never been forensically examined.

135. It is respectfully asserted to this Court that not only would proper production and Discovery be reflective of actual value and worth of assets at stake, but further relevant to Undue influence and pressures that were on Simon Bernstein at all relevant times herein. The potential for undue influence should have been clear just by the April 9, 2012 fraudulent Petition for Discharge allegedly signed by Simon on this date and Witnessed by Spallina since if this is Simon's signature he absolutely knew the Waivers referenced in the Petition had not even been received by some of the parties by this date much less Signed and returned and signing such a document falsely would have been totally out of character and practice for the decades he had been in business. This Court should now issue an Injunction.

No Concern for Original Documents, Rose, Spallina, Ted Bernstein or Judge Phillips

136. I believe the following passage from the Validity "Trial" makes clear that an Injunction should issue since no one seems to know where the Originals are, and the many Duplicate originals and Ted Bernstein claims to have only seen "copies" of the Trusts although it is noted for this US District Court there are other Trusts that are referenced in the produced Trusts where copies have been provided that not only were the other referenced Trusts never "Served" with Process for the Validity hearing but these referenced Trusts have never been produced to this day such as:

> Page 137 of linked PDF document @
> http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151215%20Hearing%20Transcript%20Phillips%20Validity%20Hearing.pdf
>
> Transcript Page 121
> Spallina Witness - Eliot Cross Examining
>
> 4· · · · Q.· ·Okay.· In the chain of custody of these
> ·5· ·documents, you stated that there were three copies made?

·6· · · A.· ·Yes.
·7· · · Q.· ·Do you have those three original trust copies
·8· ·here?
·9· · · A.· ·I do not.
10· · · · · ·MR. BERNSTEIN:· Does anybody?
11· · · · · ·THE COURT:· Do you have any other questions of
12· · · the witness?
13· · · · · ·MR. BERNSTEIN:· Yeah.· I wanted to ask him
14· · · some questions on the original documents.
15· · · · · ·THE COURT:· Okay.· Keep going.
16· ·BY MR. BERNSTEIN:
17· · · Q.· ·Okay.· So the original documents aren't in the
18· ·court?
19· · · A.· ·I don't have them.
20· · · Q.· ·Your firm is not in possession of any of the
21· ·original documents?
22· · · A.· ·I'm not sure.· I'm not at the firm anymore.
23· · · Q.· ·When you left the firm, were there documents
24· ·still at the firm?
25· · · A.· ·Yes, there were.

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-1- Q.· ·Were you ordered by the court to turn those
·2· ·documents over to the curator, Benjamin Brown?
·3· · · A.· ·I don't recall.
·4· · · · · ·MR. ROSE:· Objection.· Can he clarify the
·5· · · question, which documents?· Because I believe the
·6· · · curator was for the estate, and the original will
·7· · · was already in file, and the curator would have no
·8· · · interest in the trust --
·9· · · · · ·THE COURT:· Which documents?· When you say
10· · · "those documents," which ones are you referring to?
11· · · · · ·MR. BERNSTEIN:· Any of the trusts and estate
12· · · documents.
13· · · · · ·THE COURT:· Okay.· That's been clarified.
14· · · · · ·You can answer, if you can.
15· · · · · ·THE WITNESS:· I believe that he was given -- I
16· · · believe all the documents were copied by
17· · · Mr. Pollock's office, and that he was given some
18· · · type of zip drive with everything.· I'm not sure,
19· · · though.· I couldn't --
20· ·BY MR. BERNSTEIN:
21· · · Q.· ·Did the zip drive contain the original
22· ·documents?
23· · · A.· ·Did not.· I believe the original documents
24· ·came back to our office.· Having said that, we would
25· ·only have -- when we made and had the client execute

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three documents, two originals of those documents would remain with the client, and then we would keep one original in our file, except -- including, most of the time, the original will, which we put in our safe deposit box. So we would have one original of every document that they had executed, including the original will, and they would keep two originals of everything, except for the will, which we would give them conformed copies of, because there was only one original will.
Q. Okay. I asked a specific question. Did your firm, after the court order of Martin Colin, retain documents, original documents?
MR. ROSE: Objection. Sorry. I should have let him finish.
MR. BERNSTEIN: -- original documents?
THE WITNESS: I believe --
MR. ROSE: Relevance and misstates the -- there's no such order.
THE COURT: Well, the question is, Did your firm retain the original documents?
Is that the question?
MR. BERNSTEIN: Yes, sir.
THE COURT: Overruled.
Answer, please.
THE WITNESS: I believe we had original

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documents.
BY MR. BERNSTEIN:
Q. After the date you were court ordered to produce them to the curator?
MR. ROSE: Object -- that's the part I object to.
THE COURT: Sustained.
MR. BERNSTEIN: Okay.
BY MR. BERNSTEIN:
Q. To your knowledge -- so, to your knowledge, the documents can't all be here since they may be at your firm today?
A. I don't practice at the firm anymore, so I'm not sure where the documents are.
Q. Okay. And you said you made copies of all the documents that you turned over to the curator? Did you turn over any original documents as ordered by the court?
MR. ROSE: Objection. Same objection.
There's no court order requiring an original

document be turned over.
THE COURT:· What order are you referring to?
MR. BERNSTEIN:· Judge Colin ordered when they
resigned due to the fraudulent alteration of the
documents that they turn over –

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THE COURT:· I just said, what order are you
referring to?
MR. BERNSTEIN:· It's an order Judge Colin
ordered.
THE COURT:· All right.· Well, produce that
order so I can see it, because Judge Colton's [sic]
been retired for six or seven years.
MR. BERNSTEIN:· Okay.· I don't have it with
me, but...
THE COURT:· Well, Judge Colton's a retired
judge.· He may have served in some other capacity,
but he doesn't enter orders, unless he's sitting as
a replacement judge.· And that's why I'll need to
see the order you're talking about, so I'll know if
he's doing that.· Okay.· Thanks.· Next question.
BY MR. BERNSTEIN:
Q.· ·Okay.· Has anyone, to the best of your
knowledge, seen the originals while you were in custody
of them?
A.· ·Yes.
Q.· ·Okay.· Who?
A.· ·I believe Ken Pollock's firm was -- Ken
Pollock's firm was the firm that took the documents for
purposes of copying them.
Q.· ·Did anybody ask you, refer copies to inspect

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the documents?
A.· ·Other than Ken Pollock's office, I don't
recall.
Q.· ·Did I ask you?
A.· ·Perhaps you did.

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Q.· ·But it does say on the document that the
original will's in your safe, correct?
A.· ·For your mother's document, it showed that.
Q.· ·Oh, for my father's -- where are the originals
of my father's?
A.· ·Your father's original will was deposited in
the court.· As was your mother's.

21· · · Q.· ·How many copies of it were there that were
22· ·original?
23· · · A.· ·Only one original.· I think Mr. Rose had
24· ·stated on the record that he requested a copy from the
25· ·clerk of the court of your father's original will, to

Page 171
·1· ·make a copy of it.
·2· · · Q.· ·Certified?
·3· · · A.· ·I'm not sure if he said it was certified or
·4· ·not.

TED BERNSTEIN WITNESS - ELIOT BERNSTEIN CROSS EXAM

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23· · · · · ·MR. BERNSTEIN:· Yeah.
24· ·BY MR. BERNSTEIN:
25· · · Q.· ·Have you seen the original will and trust of

Page 210
1· ·your mother's?
·2· · · A.· ·Can you define original for me?
·3· · · Q.· ·The original.
·4· · · A.· ·The one that's filed in the court?
·5· · · Q.· ·Original will or the trust.
·6· · · A.· ·I've seen copies of the trusts.
·7· · · Q.· ·Have you done anything to have any of the
·8· ·documents authenticated since learning that your
·9· ·attorneys had committed fraud in altering dispositive
10· ·documents that you were in custody of?
11· · · · · ·MR. ROSE:· Objection.· Relevance.
12· · · · · ·THE COURT:· Overruled.
13· · · · · ·THE WITNESS:· I have not.
14· ·BY MR. BERNSTEIN:
15· · · Q.· ·So you as the trustee have taken no steps to
16· ·validate these documents; is that correct?
17· · · A.· ·Correct.
18· · · Q.· ·Why is that?
19· · · A.· ·I'm not an expert on the validity of
20· ·documents.
21· · · Q.· ·Did you contract a forensic analyst?
22· · · A.· ·I'm retained by counsel, and I've got counsel
23· ·retained for all of this.· So I'm not an expert on the
24· ·validity of the documents.
25· · · Q.· ·You're the fiduciary.· You're the trustee.

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·1· ·You're the guy in charge.· You're the guy who hires your
·2· ·counsel.· You tell them what to do.
·3· · · · · ·So you found out that your former attorneys
·4· ·committed fraud.· And my question is simple.· Did you do
·5· ·anything, Ted Bernstein, to validate these documents,
·6· ·the originals?
·7· · · · · ·THE COURT:· That's already been answered in
·8· · · the negative.· I wrote it down.· Let's keep going.
·9· · · · · ·MR. BERNSTEIN:· Okay.
10· ·BY MR. BERNSTEIN:
11· · · · Q.· ·As you sit here today, if the documents in
12· ·your mother's -- in the estates aren't validated and
13· ·certain documents are thrown out if the judge rules them
14· ·not valid, will you or your family gain or lose any
15· ·benefit in any scenario?
16· · · · A.· ·Can you repeat that for me, please?· I'm not
17· ·sure I'm understanding.
18· · · · Q.· ·If the judge invalidates some of the documents
19· ·here today, will you personally lose money, interest in
20· ·the estates and trusts as the trustee, your family, you?
21· · · · A.· ·I will not.
22· · · · Q.· ·Your family?
23· · · · A.· ·My -- my children will.
24· · · · Q.· ·So that's your family?
25· · · · A.· ·Yes.

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·1· · · · Q.· ·Okay.· So do you find that as a fiduciary to
·2· ·be a conflict?
·3· · · · · ·MR. ROSE:· Objection.
·4· · · · · ·THE WITNESS:· No.
·5· · · · · ·MR. ROSE:· I think it calls for a legal
·6· · · · conclusion.
·7· · · · · ·THE COURT:· Sustained.

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21· · · · Q.· ·Did you ever have access to the original will
22· ·of your father or mother that were in the Tescher &
23· ·Spallina vaults?
24· · · · A.· ·I have no access, no.
25· · · · Q.· ·Did you ever have access to the original

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·1· ·copies of the trusts that Mr. Spallina testified were
·2· ·sitting in their firm's file cabinets or vaults?
·3· · · · A.· ·I did not.
·4· · · · Q.· ·Now, did you find in your father's possessions
·5· ·the duplicate originals of the trusts of him and your

·6· ·mother that we've talked about?
·7· · · · A.· ·I did.
·8· · · · Q.· ·And do you have any reason to believe that
·9· ·they aren't valid, genuine and signed by your father on
10· ·the day that he -- your father and your mother on the
11· ·days that it says they signed them?
12· · · · A.· ·None whatsoever.

Predetermined Trial, Missing Witnesses, Missing Originals and Discovery:

137. Trial Transcript makes it crystal clear the Result of the "Trial" was predetermined by Phillips as alleged in post-trial motions[49] and motions for Disqualification[50].

138. Missing Witnesses include Traci Kratish who gives contradictory statements to the Palm Beach Sheriff's from the alleged Oppenheimer Trusts produced by Alan Rose and Steven Lessne and further contradicting filed documents by Robert Spallina in 2010 which are claimed as frauds, see above. Kratish is allegedly also a Witness to certain operative Trusts/Wills/Instruments so an adverse inference against the core parties and in favor of this Petition should be drawn by the failure to produce Traci Kratish at the alleged Validity trial.

139. Phillips made it clear, however, that he was not going to go beyond his "one day" trial thus fully prejudging the case and denies me from calling Alan Rose as a witness with 11 minutes remaining despite his direct involvement in the break of the chain of custody of dispositive documents and more and where Rose is also a served Counter Defendant in the Counter Complaint[51] stayed by Colin in the Shirley Trust case and where Colin is also listed as a Material and Fact Witness and Potential Counter Defendant in the Party Heading in the case.

[49] December 31, 2015 Motion for New Trial Stay Injunction http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151231%20FINAL%20ESIGNED%20MOTION%20FOR%20NEW%20TRIAL%20STAY%20INJUNCTION%20PHILLIPS%20ECF%20STAMPED%20COPY.pdf

[50] December 28, 2015 2nd Petition for Disqualification of Phillips http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151228%20FINAL%20SIGNED%20NOTARIZED%20Second%20Disqualification%20of%20Judge%20Phillips%20after%20Validity%20Hearing%20on%20December%2015,%202015%20ECF%20STAMPED%20COPY.pdf

[51] September 02, 2014 Stayed Counter Complaint

140. Other missing witnesses include: Kimberly Moran (arrested for 6 Fraudulent Notarizations and Admitted to 6 Forgies of Estate documents), Lindsay Baxley aka Lindsay Giles, Diana Banks and others, who were all parties to various of the Estate and Trust documents.

141. According to Peter Feaman and William Stansbury, Donald Tescher was "seen" at the Courthouse on Trial day but never called as a Witness.

142. Spallina admits under oath at the hearing to having worked with Alan Rose in preparation for the trial.

> ·3· ·BY MR. BERNSTEIN:
> ·4· · · · Q.· ·Okay.· How many times have you spoken with
> ·5· ·Alan Rose in the last three months?
> ·6· · · · A.· ·Twice.
> ·7· · · · Q.· ·Did you prepare for this hearing in any way
> ·8· ·with Alan Rose?
> ·9· · · · A.· ·I did.
> 10· · · · Q.· ·Okay.· Was that the two times you spoke to
> 11· ·him?
> 12· · · · A.· ·Yes.
> 13· · · · Q.· ·Do you see any other of the parties that would
> 14· ·be necessary to validate these trust documents in the
> 15· ·court today?
> 16· · · · · · ·MR. ROSE:· Objection.· Cumulative.
> 17· · · · · · ·THE COURT:· Sustained.
>
> December 15, 2015 Hearing Transcript Page 149[52]

, See Post-Trial Motions and Disqualifications of Judge Phillips; see pending 4th DCA Writ of Prohibition appealing Original Phillips Denial of Disqualification[53];

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http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140902%20Final%20Signed%20Printed%20Counter%20Complaint%20Trustee%20Construction%20Lawsuit%20ECF%20Filing%20Copy.pdf

[52] December 15, 2015 PHILLIPS VALIDITY HEARING TRANSCRIPT http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151215%20Hearing%20Transcript%20Phillips%20Validity%20Hearing.pdf

[53]

Tescher-Spallina Prosecuted by the SEC, yet Phillips, Rose, O'Connell, Foglietta, Ted Bernstein have left critical Originals, documents and evidence in their possession, thus this Court must now act:

143. Other new evidence and facts have emerged during the relevant time this federal action has been waiting to come back on the calendar where the Estate Planning attorneys for my now deceased parents Simon and Shirley Bernstein, being attorneys Tescher & Spallina of Boca Raton, have been charged by the SEC with violations of federal Insider Trading and breaches of fiduciary duties to other clients and now entered into formal Consent Orders with the SEC[54], and yet the involved judicial actors of the Florida Probate Courts, attorney Alan Rose, Ted Bernstein, and the PR attorneys Brian O'Connell and Joielle Foglietta for the Simon Bernstein Estate have permitted years of "ORIGINAL" documents and business records relevant to this action to remain in the possession of Tescher and Spallina despite their being Court Ordered approximately 2 years ago to turn over "ALL"[55] records upon their removal after admitting to fraudulently creating a Shirley Trust, thus creating an imminent danger that further vital Original documents and evidence relevant to this federal action will also go " permanently lost" or be destroyed further justifying the need for an immediate injunction herein.

[54] September 28, 2015 SEC Press Release Regarding SPALLINA and TESCHER INSIDER TRADING CHARGES, "SEC Charges Five With Insider Trading, Including Two Attorneys and an Accountant"
http://www.sec.gov/news/pressrelease/2015-213.html
AND
September 28, 2015 SEC Government Complaint filed against TESCHER and SPALLINA @
http://www.sec.gov/litigation/complaints/2015/comp-pr2015-213.pdf
AND
October 01, 2015 SEC Consent Orders Felony Insider Trading SPALLINA signed September 16, 2015 and TESCHER signed June 15, 2014
http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/2015%20Spallina%20and%20Tescher%20SEC%20Settlement%20Consent%20Orders%20Insider%20Trading.pdf

[55] February 18, 2014 Order Demanding ALL TESCHER and SPALLINA records be turned over to the Replacement Curator Benjamin Brown
http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20140218%20ORDER%20ON%20PETITION%20FOR%20DISCHARGE%20TESCHER%20SPALLINA%20Case%20502012CP004391XXXXSB%20SIMON.pdf

144. As this Court may recall from the Summary Judgment filings herein, attorney Robert Spallina sought to have the proceeds of the alleged "lost" Life Insurance Policy paid to his office by signing a Death Benefit Claim as the Trustee of a Trust also "lost" and which he claims in testimony and other parole evidence obtained that he had nothing to with the trust or insurance policy, including stating this in his recent testimony at the Validity hearing and further he was being addressed in communications over several months by Heritage Union Life Insurance as "Trustee" of the "La Salle Trust" and yet the parties kept LaSalle out of this federal case where Financial Disclosures of Florida Probate Judge Martin Colin now publicly available due to the Palm Beach Post Investigative series show Judge Colin has had an ongoing financial business relationship with La Salle for all relevant years and yet never Disclosed this on the record despite knowing and having actual knowledge that La Salle was a Defendant in a counter-complaint[56] filed by myself in his Court as of July, 2014 in relation to an Oppenheimer Trust instigated lawsuit against Eliot's children that Colin immediately stayed[57] despite knowing of the conflict this represented as a potential Counter Defendant and as a Material and Fact Witness to certain fraud in and on and by his court.

145. This Court must now act and use its Injunctive powers over the parties currently within its jurisdiction to restrain. obtain, produce and preserve the critical evidence, documents and records and Discovery necessary from all parties including the probate court files in aid of it's own jurisdiction.

Ted Bernstein and Alan Rose involved with New Fraud Company to hide Ownership of Assets at 7020 Lions Head Lane, Boca Raton, Fl ; Further Need for Injunctive Relief

[56] July 30, 3014 Answer and Counter Complaint Oppenheimer lawsuit v Eliot Minor Children http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140730%20FINAL%20SIGNED%20PRINTED%20Answer%20and%20Counter%20Oppenheimer.pdf

[57] August 06, 2014 Oppenheimer Counter Complaint http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140806%20REFILED%2020140730%20PRINTED%20SIGNED%20ECF%20STAMPED%20Counter%20Complaint%20Oppenheimer%20Lawsuit-2.pdf

146. On Feb. 18, 2016 I had a personal conversation with one Leilani Ochoada of Orlando, Florida after discovering information at the Florida Secretary of State website www.sunbiz.org regarding a false company set up as 7020 Lions Head Land Trust, Inc., shown on a Deed purportedly signed and transferred by Ted Bernstein of the property at 7020 Lions Head Lane, Boca Raton which was my parent's St. Andrews home. See, Deed signed by Ted Bernstein and Alan Rose[58].

147. The sunbiz.org website showed this 7020 Lions Head Land Trust, Inc. company had a False and Inactive (Dissolved) company listed as it's Registered Agent which according to Melanie Sellers at the Florida Division of Corporations should not have made it through the Secretary of State's Office to be filed as the Registered Agent must be a valid and active company. See Document Number P15000049545 filed 6/4/15 which is the reference number on the Lions Head Land Trust Inc. filing. See Document Number P15000049545[59]

148. The Registered Agent is listed as ISL, Inc. with an address at 1540 GLENWAY DRIVE TALLAHASSEE, FL 32301 which is also the address listed as the Principal Place of Business for Lions Head Land Trust, Inc.

149. According to www.sunbiz.org the ISL, Inc. company listed as Registered Agent by Lions Head Land Trust Inc. has been INACTIVE and Dissolved since 1997 according to Secretary of State Document Number P96000079975 and this has been confirmed by staff at the Division of

[58] DEED www.iviewit.tv/DEEDLIONSHEADLANDTRUSTINC7020LIONSHEADLANEBOCARATONFLSALE.pdf

[59] www.iviewit.tv/DocumentP15000049545Articles.pdf - Articles of Incorporation

www.iviewit.tv/DocumentP15000049545DetailsCorp.pdf - Detail of Corp

Corporations who were initiating inquiry and investigation. See, Document Number P96000079975[60]

150. Upon information and belief, the actual licensed business at 1540 GLENWAY DRIVE TALLAHASSEE, FL 32301 is Incorporating Services, LTD and the person at phone number (850) 656-7956 says there is no ISL, Inc. at that address and no company like Lions Head Land Trust, Inc. has principal offices at the 1540 GLENWAY DRIVE TALLAHASSEE, FL 32301 address.

151. Upon speaking to Leilani Ochoada who is listed as the "Incorporator" of Lions Head Land Trust, Inc., using an Address on the Articles of Incorporation as 7020 Lions Head Lane Boca Raton, Fl 33496 Leilani says she will come forward with an Affidavit for federal and state court and Investigators as follows upon information and belief: 1) She has no knowledge of Lions Head Land Trust, Inc. at all ; 2) She never authorized anyone to use her name as an Incorporator; 3) Until Feb. 18th 2016 had no knowledge any entity was incorporated by filings at the Fla Secretary of State under her name and had no involvement with any land transaction involving 7020 Lions Head Lane, Boca Raton, F; 4) She initially believed it was some form of identity theft when she got the call and looked into it further; 5) She never lived at any Boca Raton, Fl address in general and never at 7020 Lions Head Land Trust Inc. and is from Orlando, Fl; 6) She found out an attorney that had an Office building where her company rented space in Orlando used her name as this Incorporator without permission and never knew about any land deal with Mitch Huhem/ Laurence Pino or anything related to this property with Laurence Pino being the attorney who apparently did this expressly stating he was trying to hide Mitch Huhem from the public record as part of this transaction; 7) She knew absolutely nothing about the Articles of Incorporation and the addresses and companies named there using her name; 8)

[60] www.iviewit.tv/DocumentP96000079975.pdf - Details of Corp

Attorney Laurence Pino never had Leilani's permission to incorporate any entity using her name as an Incorporator either by signed document or Electronically ; 9) Pino has not been able to produce any written document that she allegedly signed with his office; 10) Pino's Exec Assistant Cathy can not find Any document signed by Leilani after reviewing the files supporting Leilani's version of the events that she had no knowledge and no involvement.

152. Thus, Ted Bernstein and Attorney Alan Rose knew and had to know by the most basic due diligence reviewing the company's data of Lion Head Land Trust, Inc. as the alleged "buyer" in this Real Estate transaction which was never approved or authorized by myself that the Company was False and Fraudulent as Ted Bernstein and Alan Rose knew and had to know Leilani Ochoada had never met them before and surely did not have an address at 7020 Lions Head Lane, Boca Raton Fl 33467 and thus Ted and Alan are again in the middle of fraud this time in a direct manner to SECRET away and HIDE ASSETS and this Court must now use its Injunctive powers herein.

153. This US District Court clearly has jurisdiction over Ted Bernstein and Alan Rose has "appeared" in the federal case as Attorney for Ted Bernstein at a Deposition and thus this Court should also have proper power under the All Writs Act and Anti Injunction Act to reach Alan Rose as well until such time he is formally served with a Summons and Amended Complaint where he is among several parties I am seeking to add to this action herein and should now be enjoined until further Order of this Court from all actions on behalf of Ted Bernstein and related to the matters herein.

Sharp, Fraudulent practices and Abuse of Process, sham hearings, Alan Rose, Steven Lessnee, Judge Phillips wherein this Court should at least Temporarily Enjoin proceedings before Judge Phillips specifically including a Thursday, Feb. 25, 2016 proceeding this week at 3:15 PM EST until further Order of this Court:

In addition to the grounds set forth above where Alan Rose and Steven Lessne both should be Disqualified from representation as Material fact witnesses in the Stanford-Oppenheimer-JP Morgan Trust documents involving Gerald Lewin, Traci Kratish and others, both attorneys have engaged in Sharp and abusive practices by:

1. filing motions with minimal Notice during times I have Noticed as Unavailable for medical reasons;
2. seeking to hear at 5 Minute UMC Motion dates complex matters knowingly requiring Hearings;
3. seeking to have Ordered at such Motion dates hundreds of thousands of dollars in attorneys fees without providing ANY Billing statements;
4. Falsely presenting to the Florida Courts knowing misrepresentations of claimed Injunctions against me by SDNY Judge Shira Scheindlin and directly misrepresenting the truth and actual language;
5. pursuing Guardianship as a retaliatory tool against seeking truth and disclosure and justice.

This Court should now Enjoin and Restrain Alan Rose who is under this Court's jurisdiction as having appeared in a federal court deposition for Ted Bernstein who is under the Court's jurisdiction, or at least enjoining Ted Bernstein and the Probate Court of Judge Phillips at least temporarily.

"Side-Deals" and "Agreements" Thwarting and Impairing this Court's Jurisdiction

It is expressly known that "some form" of side deal - agreement is in place where somehow Creditor William Stansbury has some "settlement" with Ted Bernstein yet the terms are completely unknown and should be fully disclosed and while William Stansbury has been very helpful to myself and my family in many ways the actions of his attorney Peter Feaman in not pursuing avenues of relief combined with the orchestrated actions of O'Connell and Rose demand this Court exercise it's injunctive and inherent powers to determine how such off record agreements are manipulating the integrity of both federal and state proceedings and the court should further act upon and resolve the conflicts of interests of the attorneys and for those not under the Court's jurisdiction I pray for leave to Amend to add parties and claims herein.

Piece-Meal Documentary Proof of "Missing Millions" and "Missing Files-Records"

154. While it is presently unknown to Eliot when COLIN first gained knowledge of the sizable holdings of Simon and Shirley Bernstein or when COLIN first had involvement in Bernstein family matters inside or outside the Courthouse, Court records and documentary evidence show COLIN becoming involved in both the Estate cases of Shirley and Simon Bernstein in at least

2010 for Shirley Bernstein and 2012 for Simon Bernstein when he took over his Estate case from FRENCH.

155. From the minimal records and Discovery obtained by Eliot via Court Ordered Production of Tescher & Spallina, PA upon their removal, Simon Bernstein had assets and holdings of over $13 Million plus in Investments Accounts, Private Banking Accounts, checking accounts, retirement accounts etc since 2008 when Tescher & Spallina, PA, TESCHER and SPALLINA were doing Estate Family Planning for Simon and Shirley Bernstein plus over $5 Million in real estate based upon Listings of the properties weeks prior to Simon's passing.

156. That the Tescher & Spallina PA, production documents which are Not Originals are not transferred to the replacement Curator, Benjamin Brown, Esq. until on or about June 02, 2014, nearly a year after Eliot first reported to the COLIN court that Fraud Upon the Court had taken place and approximately nine months since the September 13, 2013 hearing before COLIN where he had admissions from the lawyers and fiduciaries that Fraudulent Documents had been submitted to the Court by Tescher & Spallina PA.

157. The failure of COLIN to seize the records of all parties involved that committed Fraud Upon his court allowed the parties involved to begin to prepare further alleged fraudulent documents to attempt to cover up for the crimes exposed in Eliot's May 2013 pleading, subsequent pleadings and criminal complaints they were then being investigated in.

158. TESCHER and SPALLINA's production lacks all of the following;

a. Historical and present Bank and other Financial Institutions statements for the multitude of Simon's Personal and Financial Accounts,

b. Post Mortem Personal and Corporate Mail,

c. Mail from time periods prior to Simon's passing,

d. Historical and current Business Records of Simon's,

e. Historical and current Insurance records i.e. Homeowners, Jewelry, Auto, Business, etc.,

f. Historical and current Corporate Records for any of the many companies Simon owned,

g. Historical Signed Tax Returns, personal and corporate, for any years,

h. Computer Data and Drives both personal and corporate, and,

i. Tescher and Spallina despite Court Order to turn over records to Curator retained Original Dispositive Documents and all original documents, as what was tendered to the Curator had only one original alleged Promissory Note for Eliot's children's home that was never filed with the courts.

159. What was left upon inspection by Eliot at O'Connell's office of Simon's personal and corporate records was 3 bankers boxes of files each only partially filled, for a man who ran multiple businesses, had multiple financial institution accounts and more. On information and belief, despite O'Connell having a court order to inspect Simon's offices with Eliot present, they failed to ever inventory Simon's office prior to TED's eviction and despite Eliot being allowed to be present at any inventory of the office, Eliot was never contacted to appear.

160. That O'Connell was supposed to have inventories all of Simon's home business records done by a professional appraiser and turn that appraisal over to Eliot and while the appraiser did come to Simon's house to reinventory as court ordered, he failed to provide an inventory of the records.

161. After O'Connell inventorying, Rose enters home for lighting issue and alleges to have discovered and then removed documents and trust documents included from the home, despite that he had no legal authority to remove any properties of the Estate of Simon.

162. Where the Tescher & Spallina, PA production documents referenced herein are alleged to be part of an attempt to cover up crimes and are virtually all alleged to be fraudulent and not at all

representative of the law firm files of Simon Bernstein or the files that became part of Simon and Shirley's Estates. There was only 1 original document sent, not even the original dispositive documents were tendered to the Successor, no historical banking, tax or other business records and there was virtually no mail from the time of Simon's death included in the production.

163. From Tescher & Spallina, PA Production, Bates Doc. No. TS001503-TS001506, by Letter dated June 25, 2013 from Grant Thornton, under Primary Express Account 309513, Payee Bernstein Family Investments LLP, regarding a claim against Stanford Bank International Limited **("the Company"), a Claim was allowed for $1,062,734.50 in the Antiguan Estate. The Letter references that there may be "more letters of notification in order to incorporate all CDs." Where the CD's my father held on information and belief were only a small fraction, one to two percent of his holdings.**

164. However, **by Tescher & Spallina, PA Bates Doc. No. TS003734 the STANFORD Simon & Shirley Bernstein Valuations as of 5/28/2008 reflect a Net Worth for that Statement at $6, 928,933.52 (Million) with $839,362.12 in Cash Available.**

165. From **Tescher & Spallina, PA Production, Bates Doc. No. TS004808 by Statement dated Aug. 31, 2012 (two weeks before Simon's death) in the Wilmington Trust Investment Details for 088949-000 Simon L. Bernstein Irrev TR the Grand Total $2,829,961.66, thus this nearly $3 Million remains wholly Unaccounted for and according to William Stansbury this value may be doubled to Over $6 Million when Shirley Bernstein's 49% of this account is factored in, which also remains Unaccounted for.**

166. From Tescher & Spallina, PA Production already exhibited herein TED allegedly settled Simon's $2,000,000.00 of CD's with Stanford with Grant Thornton for $1,062,734.50. There is no complete accounting.

167. From Tescher & Spallina, PA Bates Doc. No. TS005459 Simon Bernstein BankOne checking activity Acct MI/FL/Ga Checking XXXX7231 $67,402.08 was the available Balance in that account as of 10/15/12 just after Simon Bernstein's passing with $109,456.67 available as of Sept. 7, 2012 just a short time before his passing for that account.

168. By **Tescher & Spallina, PA Bates Doc. No. TS005478 JP Morgan Bernstein Family Investment LLP Acct. W32635000 showed $1,872,810.91 for a 49.5% interest in the total Market Value with Accruals with $807,289.79 Cash included for Statement covering 8/1/12-8/31/12 just weeks before Simon Bernstein's passing.**

169. By Tescher & Spallina, PA Bates Doc. No. TS004765 JP Morgan Simon Bernstein Account No. 000000849197231 showing Total Payments & Transfers of $97,793.74 for the period 8/10/12 to 9/12/12 up to Simon's passing.

170. By Tescher & Spallina, PA Bates Doc. No. TS004820 JP Morgan Simon Bernstein Trust Robert M. Spallina Donald L. Tescher Trustees Primary Account 000000478018083 Dec. 20, 2013 Balance $150,177.17 with an "Internal Transfer" of $100,000.00 on Dec. 20, 2015. It is unknown what this "Internal Transfer" was for that occurred over a year after Simon's passing.

171. By email dated Feb. 8, 2013 Victoria Roraff, Registered Client Service Associate of OPPENHEIMER of the Boca Raton, Florida office writing to SPALLINA she admits she does not have a File on all of the STANFORD Accounts but provides how some of the accounts

change account numbers transferring from STANFORD to OPPENHEIMER

From: Roraff, Victoria [Victoria.Roraff@opco.com]
Sent: Friday, February 08, 2013 10:27 AM
To: Robert Spallina
Subject: RE: Stanford Statement Request

I don't have a file on all of them – but here's what I'm able to provide:

NM2012273 – Bernstein Holdings LLC – became G51-1403458
NM2012109 – Bernstein Family Investments LLLP – became G51-1403425
NM2010376 -
NJF011401 – Bernstein Family Investments LLLP – became G51-1403433
NJF011443 -
NJF011674 – Bernstein Family Investments LLLP – became G51-1403441
NJF010213 –

Thank you,

Vickie Roraff
Registered Client Service Associate

Oppenheimer & Co. Inc.
Boca Village Corporate Center
4855 Technology Way
Suite 400
Boca Raton, FL 33431

(T) 561-620-3117
(F) 561-416-8671
Toll Free - 888-999-3660

172. Thus with at least $13 million plus in known cash and accounts and over $6 million in real estate (the St. Andrews home and Beachfront Condominium), approximately $800,000.00 plus in Jewelry, a Bentley that values at several hundred thousand, a Porsche that values at over one-hundred thousand, a million dollar settlement with STANFORD payout and the Life Insurance of $1.7 million in the original underlying case herein, there was over $20 million in known assets held by Simon Bernstein shortly prior to and after his passing, yet Third-Party Defendants, Estate attorney O'CONNELL and TED and ROSE falsely and fraudulently claim now Simon Bernstein's Estate and Trusts are virtually gone, depleted as if it vanished into thin

air without any distribution at all to Eliot and his family who are beneficiaries under any beneficiary scenario asserted by any party and they have provided No accountings that show the total holdings from the date of the decedents' deaths to date, in violation of Probate Rules and Regulations and fail to show where the vanished holdings have gone in 2.5 years justifying a preliminary injunction at this time.

173. These numbers from the minimal bare discovery obtained to date do not include and are without any accounting for the value of Simon's holdings in the Intellectual Properties of "Iviewit" which propels the Estate and Trust to one of the largest in the country when royalties are finally monetized.

174. The value of the VEBA which is already part of this federal litigation involving the Illinois life insurance is but one of many unknown assets in this case and it is unknown what happened to the VEBA assets once the VEBA was unwound as alleged by Counter-Defendants and Third-Party Defendants.

175. Certain documentary evidence shows the VEBA may have been worth $50 Million or more with Simon and Shirley as primary plan participants, yet this asset and these funds have also allegedly disappeared and vanished according to Counter-Defendants and Third-Party Defendants PAMELA, TED, D. SIMON, A. SIMON and other defendants and again with no accountings and no records provided to beneficiaries or this Court.[61] Where the VEBA Trust Trustee LASALLE is according to all parties the named PRIMARY BENEFICIARY of the missing insurance policy underlying this action.

S B Lexington Inc Death Benefit Plan United Bank Of Illinois N A	
Employer Identification Number (EIN)	363479122

[61] S B Lexington Inc Death Benefit Plan United Bank Of Illinois N A Information http://www.nonprofitfacts.com/IL/S-B-Lexington-Inc-Death-Benefit-Plan-United-Bank-Of-Illinois-N-A.html

Name of Organization	S B Lexington Inc Death Benefit Plan United Bank Of Illinois N A
Address	120 W State St, Rockford, IL 61101-1125
Subsection	Voluntary Employees' Beneficiary Association (Non-Govt. Emps.)
Foundation	All organizations except 501(c)(3)
Organization	Corporation
Exempt Organization Status	Unconditional Exemption
Tax Period	2009
Assets	**$50,000,000 to greater**
Income	**$10,000,000 to $49,999,999**
Filing Requirement	990 - Required to file Form 990-N - Income less than $25,000 per year
Asset Amount	$0
Amount of Income	$0
Form 990 Revenue Amount	$0

176. On or about September 2012, Eliot discovered that his father Simon Bernstein's home office computers had been virtually wiped clean of data, dispositive documents removed from the home by a one Rachel Walker minutes after Simon died causing reasonable and great suspicion when considering the sudden and alleged suspicious manner of passing, the allegations of Simon's being poisoned made by his brother TED and others and the millions of dollars in holdings Simon Bernstein had after decades of being in business thus beginning a continuing and ongoing pattern of missing documents, missing information, missing trusts, missing IRA beneficiaries, missing insurance policies and missing evidence which now must be halted and enjoined.

177. Thus, the destruction and loss of vital business records and account records began by the time of Simon's passing in 2012 if not earlier.

178. On or about Nov. 1, 2013 and Dec. 10, 2013 Eliot pro se filed a motion to Produce against TED as the Personal Representative in the Estate of Shirley Bernstein yet no such production has been forthcoming by TED to date.

179. That Eliot also filed an extensive production request of O'Connell the Personal Representative of the Estate of Simon now and O'Connell challenged the routine request and the court has not yet made determination, thereby further denying Eliot necessary documentation of the Estate of Simon and making it impossible to have Validity or Construction hearings without either obtaining the records or having a statement as to where they are.

180. The Court should note that despite having a court order from COLIN to inventory Simon's home and office business records and produce the inventory to beneficiaries and interested parties, despite reassurances from O'Connell that the documents and records would be inventoried, no such inventory was produced. It was later learned that O'CONNELL nor his office inventoried Simon's business address for records as court ordered and by the time this was learned it was also learned that TED had been evicted from the office and removed all the records from that address before the court ordered inventorying could be done.

181. The Court should note that COLIN ordered a re-inventorying of assets as it was learned that Personal Property from the Shirley Condo sale was missing and where TED claimed it was moved to the garages of his father's primary home and months later when the re-inventorying was done it was found that all these items were missing and the garages were empty. Despite learning of this O'CONNELL has taken no action to report the missing Personal Property that is in his custody to the proper authorities and further took possession of remaining items and moved them to an undisclosed location.

182. TESCHER and SPALLINA's production lacks all of the following;

    a. Historical and present Bank and other Financial Institutions statements for the multitude of Simon's Personal and Financial Accounts,

    b. Post Mortem Personal and Corporate Mail,

c. Mail from time periods prior to Simon's passing,

d. Historical and current Business Records of Simon's,

e. Historical and current Insurance records i.e. Homeowners, Jewelry, Auto, Business, etc.,

f. Historical and current Corporate Records for any of the many companies Simon owned,

g. Historical Signed Tax Returns, personal and corporate, for any years,

h. Computer Data and Drives both personal and corporate, and,

i. Tescher and Spallina despite Court Order to turn over records to Curator retained Original Dispositive Documents and all original documents, as what was tendered to the Curator had only one original alleged Promissory Note for Eliot's children's home that was never filed with the courts.

183. What was left upon inspection by Eliot at O'Connell's office of Simon's personal and corporate records was 3 bankers boxes of files each only partially filled, for a man who ran multiple businesses, had multiple financial institution accounts and more. On information and belief, despite O'Connell having a court order to inspect Simon's offices with Eliot present, they failed to ever inventory Simon's office prior to TED's eviction.

184. That O'Connell was supposed to have inventories all of Simon's home business records done by a professional appraiser and turn that appraisal over to Eliot and while the appraiser did come to Simon's house to reinventory as court ordered, he failed to provide an inventory of the records and he failed to inventory all of the Personal Property as required, stating they were out of time.

185. After O'Connell inventorying, Rose enters the home for alleged lighting issues and alleges to have discovered and then removed illegally documents and trust documents included from the

home which were under the custody of O'Connell, despite that he had no legal authority to remove any properties of the Estate of Simon.

186. Where the Tescher & Spallina, PA production documents referenced herein are alleged to be part of an attempt to cover up crimes and are virtually all alleged to be fraudulent and not at all representative of the law firm files of Simon Bernstein or the files that became part of Simon and Shirley's Estates. There was only 1 original document sent, not even the original dispositive documents were tendered to the Successor, no historical banking, tax or other business records and there was no mail from the time of Simon's death included in the production.

187. That Simon had almost a fifty year career in the insurance industry and had multiple active companies, including having had multiple trust companies for various of his products he invented and Simon was a meticulous record keeper and had massive office space housing records prior to his death. Simon had computer records dating back 20 years and all these records and data now appear missing.

188. Mail from the day he died and prior to his death appears missing, including bank statements, insurance records for home, life and property insurances, insurance commission checks, insurance policy records, credit card statements and virtually all of his mail is unaccounted for. Years of personal finance records of his many Private Banking Accounts and Statements all missing from his records for accounts held at Oppenheimer, Stanford, JP Morgan, Sabadell Bank, Legacy Bank, Wilmington Trust, Wells Fargo, etc. Tax Returns missing. Trust Documents Missing. Insurance Policies Missing for both he and Shirley. IRA account histories missing. Pension account information missing. According to O'Connell Simon and Shirley's business and personal finance records were in less than three banker boxes. No hard drives

have been recovered and data from them produced. All records of his 17 year involvement with the Iviewit Technology Companies, including his stock in the companies and copies of Intellectual Property Filings and more, which I had seen at his office only a few months prior to his death are all missing, including thousands of emails regarding the companies and other pertinent information that Simon was safekeeping after it was seized from the companies on or about 2000-2001. Overall the contents of Simon's home and office records should have amounted to over 100 banker boxes filled and gigabytes of data.

Ted Bernstein, Greenberg Traurig, Stanford Trust, Robert Spallina, Proskauer Rose

189. TED is the oldest son of Simon and Shirley Bernstein, now deceased.

190. Simon Bernstein passed away in Sept. of 2012, having predeceased his wife Shirley Bernstein who passed away in Dec. 2010.

191. Ted was the last person in possession of my Mini-van before it was turned over to the body company where it was burglarized with wires taken out and a PD report generated and then taken to another company where it was Car-bombed.

192. While Ted Bernstein had been asked to come forward to the FBI about the circumstances of the Car-bombing he has never done so to my knowledge.

193. TED was living in the home of Simon Bernstein pulling his life together prior to the Car-bombing of Eliot's family vehicle in 2005.

194. TED soon thereafter was commingling with PROSKAUER, LEWIN and Greenberg Traurig and suddenly gets a Multi-million dollar home on the intra-coastal waters.[62] TED has other insurance business relationships with Tescher & Spallina, PA, TESCHER and SPALLINA right

[62] Zillow Listing TED Home @ http://www.zillow.com/homes/880-Berkeley-St-Boca-Raton-FL-33487_rb/?fromHomePage=true&shouldFireSellPageImplicitClaimGA=false

from the outset of their involvement in Simon and Shirley's Estate Planning and TED brings them to his father claiming they will be a rich source of referrals for him.

195. Greenberg Traurig ("GT") who was involved with the Iviewit IP and Iviewit Bar Complaints and Federal RICO and ANTITRUST lawsuit of Eliot, also represented TED personally in the lawsuit that also involves the Estates and Trusts of Simon and Shirley with Stansbury - GT main defendant with PROSKAUER in the STANFORD litigation.

196. TESCHER under deposition can not remember why he gets checks of $55k twice from one of TED companies.[63]

197. STANFORD is one fund that Simon Bernstein invested substantial monies in and eventually STANFORD broke open as a major Ponzi scheme on or about Feb. 2009 and is claimed as a $7 Billion plus ponzi scheme, See, SEC public Announcement Feb. 17, 2009:

> " **SEC Charges R. Allen Stanford, Stanford International Bank for Multi-Billion Dollar Investment Scheme FOR IMMEDIATE RELEASE 2009-26:** *Washington, D.C., Feb. 17, 2009* — The Securities and Exchange Commission today charged Robert Allen Stanford and three of his companies for orchestrating a fraudulent, multi-billion dollar investment scheme centering on an $8 billion CD program.[64]"

198. According to the SEC public statement,

> "Rose Romero, Regional Director of the SEC's Fort Worth Regional Office, added, "We are alleging a fraud of shocking magnitude that has spread its tentacles throughout the world."

[63] July 09, 2014 Tescher Deposition by Florida counsel Peter Feaman on behalf of William Stansbury http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140709%20Tescher%20Deposition%20and%20Exhibits.pdf

[64] February 07, 2009 SEC PRESS REPORT ALLEN STANFORD PONZI https://www.sec.gov/news/press/2009/2009-26.htm

199. According to public articles, PROSKAUER and GREENBERG TRAURIG are centrally involved in the Stanford Ponzi and are being sued for the entire scheme[65].

200. Upon information and belief, William Stansbury has not able to get info on the Retirement Plans from TED even as a Co-Trustee and Stansbury's lawyer Peter Feaman has no response from ROSE .

201. According to Stansbury, approximately $6500 or so per each minor child that should have been paid out and not gone through Estate.

202. Further, upon information and belief, TED is under Dept of Labor Investigation and has been non responsive to beneficiaries and again with no accountings the numbers seem strikingly low.

Simon Bernstein's "Missing Iviewit Shares, Proskauer Iviewit Files and Iviewit", "Missing Estate Planning" from Proskauer Rose and Foley Lardner

203. Eliot is the natural son of Simon and Shirley Bernstein, who both resided in Boca Raton, Florida within Palm Beach county at relevant times herein.

204. Shortly after the birth of their first son in California, Joshua, Eliot and Candice Bernstein were about to move into a new home with their child.

205. That Simon and Shirley however had taken ill at the time and traveling to California was burdensome at the time and Eliot and Candice proposed moving to Florida and Candice would move from her hometown of Newport Beach/Corona Del Mar where her and her family lived and where she had met and married Eliot. Candice willing to give up everything to be with Eliot's parents and have her baby with them and so they moved.

[65] July 27, 2015 Proskauer Rose, Greenberg Traurig and Chadbourne sued in STANFORD PONZI Judge refuses to dismiss http://www.americanlawyer.com/id=1202732467400/Judge-Declines-to-Dismiss-Claims-Against-Proskauer-and-Chadbourne?slreturn=20151101125935

206. Simon and Shirley were elated to have their son, his wife and grandson close to them and they gave Eliot and Candice a $100,000.00 wedding gift as a deposit at a Condominium on Mizner Boulevard in Boca Raton and where decorating it prior to Eliot and Candice's arrival.

207. Where the owner of the building, a one James Cohen was a client of Simon's and so it was a spectacular deal on a brand new trio of buildings in the heart of Boca, which property had fantastic growth in a short time.

208. Life was great in Boca working with Simon for the first time in his life in the same city, every week like clockwork Eliot, Candice and the children had brunch on Sunday, dinner at least once a week with them and then golf or a movie. A second son was born, JNAB.

209. At all relevant times herein, since on or about 1998, Eliot is the actual and true Owner and Inventor of Intellectual Properties (hereinafter referred to as "IP") and the technologies hereinafter referred to as the "Iviewit" technologies were technologies heralded by leading experts as the "Holy Grail" of the Internet, being backbone technologies used around the globe for digital imaging, having major and significant "government" uses such as used on the Hubble Space telescope, for a mass of defense applications such as, Space and Flight Simulators, Drones, Medical Imaging applications and much much more.

210. Once the technologies were discovered Simon and Eliot formed companies and secured Intellectual Properties through LEWIN and PROSKAUER, raised seed capital from H. Wayne Huizenga, Crossbow Ventures and many other seed investors, had a Private Placement with Wachovia and already had Goldman Sachs referring clients and getting the companies ready for an IPO that some claimed would make the companies larger than Microsoft, as the IP would become the backbone technologies to virtually all digital imaging and video content creation and distribution software and hardware and more.

211. The “Iviewit” technologies were tested used and validated by leading engineers and companies including but not limited to Gerald Stanley of Real3d Inc., engineers at Lockheed Martin, the Intel Corporation, Silicon Graphics, Inc., AOLTW (America Online-Time Warner), Sony and Warner Bros., with the IP having been valued in the Billions to Trillions of dollars over the life of the IP.

212. Hundreds of signed Non-Disclosure Agreements, Licensing and Strategic Alliance Agreements were obtained on behalf of the technologies involving Fortune 500 companies, financial institutions and others such as Lockheed Martin, the Intel Corporation Inc., Goldman Sachs, Wachovia, JPM, Chase, IBM, AT&T, Warner Bros, Sony, Inc., Dell Inc, and many others, all currently and since that time using Inventor Bernstein’s Scaling Technologies IP without paying royalties to the true and proper inventors and violating their contracts.

213. The Internet would not have rich video or imaging and cable television would have 75% less channel bandwidth available without these technologies.

214. Simon L. Bernstein was a lifelong successful Life Insurance salesman growing many businesses and gaining substantial wealth during his lifetime, earning millions in income yearly such that he was a “Private Banking” client of leading US and International Banks, and he and his wife had a fully paid multi-million dollar home in Boca Raton, Fl, at the leading country golf club Saint Andrews and a fully paid multi-million dollar beachfront Condominium on Ocean Blvd. in Boca Raton, Fl. with their own private floor and elevator.

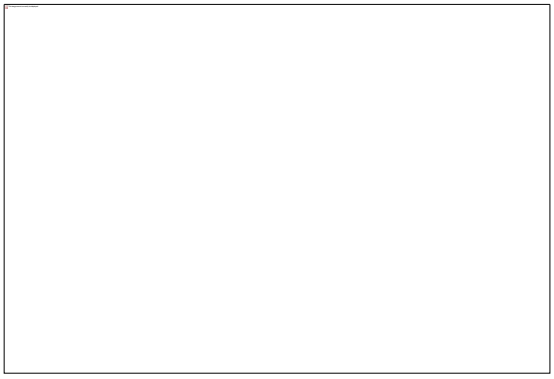
215. On or about 1997, Simon L. Bernstein an original seed capital investor in Counter Plaintiff’s novel technologies and IP, which later became known as the “Iviewit” technologies and Simon Bernstein became a 30 percent shareholder of company stock issued for operational and holding companies for the Intellectual Properties and 30 percent owner of the Intellectual Properties and

he also became the Chairman of the Board, all companies originally formed by PROSKAUER and accountant LEWIN.

216. PROSKAUER and LEWIN were both not only intimately involved in the "Iviewit" Company operations and were stockholders on gifts Eliot gave Proskauer and Lewin's family, but further provided Estate and Family Planning advice to Simon who had now become a 30% shareholder in the Iviewit IP and Iviewit companies.

217. PROSKAUER prepared Wills, Trusts and other Estate Planning instruments for Simon and Shirley Bernstein while PROSKAUER was simultaneously acting as Counsel, including Intellectual Property Counsel for the Iviewit companies.

218. With the "Iviewit" Technologies having been valued by leading Experts in the billions of dollars by Proskauer referred technology companies, since on or about 2001 to the present, Eliot and his wife Candice and their minor children have experienced an ongoing pattern and practice of extortionate actions, threats, death threats so real as to include but not be limited to the car-bombing of the family mini-van in Boynton Beach, Florida on or about March 14, 2005.



219. This pattern of ongoing wrongful acts includes but is not limited to orchestrated actions to deny Eliot, Simon, the Iviewit shareholders and patent IP interest holders any monetization of the IP, deny Eliot from gaining any significant funds to pursue his IP interests, deny Eliot any now with the passing of his parents who were protecting Eliot and his family throughout this ordeal of his Inheritancy a substantial part of which was expressly designed with Simon Bernstein based upon the involvements with the Iviewit IP, and further cause massive financial harms, deny due process and procedure by subterfuging the courts with complex legal crimes, through conflict of interest after conflict by those in charge of the courts and deny and deprive Eliot and even his minor children from counsel.

220. This pattern of actions further includes but is not limited to fraudulent filings in various courts constituting not only Fraud upon the courts (including as alleged in this US District Court) but Fraud By the FL courts and where the legal machinery of the FL courts themselves have become part of the wrongful acts and criminal mechanism to deny fundamental rights and monies to Eliot and his immediate family and the Iviewit shareholders and IP interest holders.

221. Still further, the pattern and history of frauds includes but is not limited to documentary frauds, forged and fraudulent documents to the US Patent Office that have led to the suspension of the IP for several years by the Commissioner of Patents, forged/fraudulent documents to probate

courts and fraudulent documents sent to private institutional banking and trust companies, fraudulent creation of similarly named companies and similarly named IP in efforts to move the IP into other people's names, one patent attorney, Raymond Joao, who misrepresented himself with his partner Kenneth Rubenstein as being partners of PROSKAUER when actually at that time they were with Meltzer, Lippe, Goldstein, Wolf & Schlissel, P.C. and where Joao put 90+ patents in his own name[66] and when this was discovered he left his law firm and went to work for New York Senator Dean Skelos' law firm Ruskin, Moscou, Evans & Faltischek and where Skelos and his son are currently on trial in NY with charges of corruption by US Attorney Preet Bharara), all combined to further the fraud and maintain control of the IP for the perpetrators.

222. Joao further worked after Iviewit with the now infamous Ponzi schemer Marc Stuart Dreier, sentenced to 20 years by the Department of Justice at the law firm Dreier & Barritz LLP.

223. The Perpetrators of the frauds alleged herein are primarily composed of criminals with law degrees acting in concert and Misusing the law while acting as Private and Public Attorneys at Law in their various capacities.

224. That the reason Eliot's complaints are full of Attorneys at Law and Judges is that the crimes alleged in both the Probate Court and those regarding the IP crimes are both sophisticated legal crimes that require a legal degree and bar association license to commit and involve misusing the Courts and Government Agencies to implement the crimes, Then to protect the alleged criminals from prosecution the victims are then further victimized through denial of due process and where legal process appears controlled by the criminals and infiltrate at will through conflicts and more, and finally claiming that because of their legal positions they are "immune" from their criminal and civil acts because they are acting as Attorneys at Law or Judges. Where

[66] April 22, 2002 Article Iviewit Patent Attorney Raymond Joao, Esq. has 90+ patents in his name http://www.iviewit.tv/Joao%20Article%2090%20patents%20clean.pdf

in fact it should be the opposite to protect the public and where those who violate their ethics should be charged with treble damages instead.

225. Since on or about 1999 Eliot has consistently and diligently reported criminal actions relating to the crimes committed against the Iviewit shareholders, investors, patent interest owners, himself and his family relating to their IP rights, crimes committed primarily by lawyers, to a host of federal, state and local authorities as well as international bodies.[67]

226. This reporting and petitioning government entities of ongoing criminal actions and thefts of the IP includes a Feb. 2009 Petition to the Office of President Barack Obama, the White House Counsel's Office, US Attorney General's Office, White Collar crime units of the FBI as well as several petitions to the SEC in 2009[68].

227. One could say that greed was the motivating factor behind these IP crimes, "holy grail" and "priceless" evaluations from leading engineers worldwide, until one discovers that Christopher Wheeler (Proskauer), Brian G. Utley (IBM) and William Dick (Foley & Lardner and former IBM far eastern IP counsel) had secreted the fact that prior to joining the Iviewit companies they had worked together for a Florida philanthropist Monte Friedkin who had fired them all for attempting to steal intellectual properties from his company Diamond Turf Equipment Co, which he had to shutter and take a multimillion dollar loss after learning of their attempt to steal his IP. On the biography of Utley that Wheeler sold to the Iviewit board it stated that the company had went on to be a leader in Turf Equipment due to Utley's innovations instead. With this truth it became clear that a pattern and practice of IP theft was in play, nothing to do

[67] Investigation Master Chart @ http://iviewit.tv/CompanyDocs/INVESTIGATIONS%20MASTER.htm

[68] February 13, 2009 Letter to Hon. President Barack Hussein Obama re Iviewit @ http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20090213%20FINAL%20SIGNED%20LETTER%20OBAMA%20TO%20ENJOIN%20US%20ATTORNEY%20FINGERED%20ORIGINAL%20MAIL%20l.pdf

with Iviewit or greed, a well greased group of players who were perfecting their crimes, in fact, the alleged Iviewit thefts mirror the Diamond Turf attempt with Wheeler, Utley and Dick all involved in similar acts.

228. The veracity and truthfulness of Counter-Plaintiff's statements and reporting of these crimes and thefts has never been challenged by any Federal authority including but not limited to the US Secret Service, the Capitol Police, the US Marshall's Service, the FBI, the SEC, at least one Federal Judge and other related federal offices.

229. In 1999 it was learned that IP counsel, Joao from PROSKAUER and Meltzer Lippe Goldstein & Schlissel, tampered with Iviewit IP applications and was also putting Iviewit IP into his own name, while retained as counsel for the companies.

230. On or about 2000-2001 it was learned that the IP was fraudulently altered and that false inventors were inserted into various IP's, that there were similarly named yet different IP applications filed some entirely missing the invention process being patented and that the companies formed were duplicated as part of an elaborate shell game to move the IP out of the Iviewit shareholders ownership and into others hands.

231. As IP applications were seized from Brian Utley, who was acting as President / COO to Iviewit at the time, on referral from his friend Christopher Clarke Wheeler, Esq. at PROSKAUER and William Dick, Esq. his business associate and patent counsel for IBM who was new IP counsel hired by Iviewit to replace Joao who was caught putting IP in his name. Dick worked at FOLEY as of counsel.

232. It was then learned that the IP was in the wrong names, the assignees/owners were all wrong according to Harry I. Moatz, the Director of Enrollment and Discipline at the US Patent Office, which led to Moatz directing Eliot to file with the Commissioner of Patents allegations that

FRAUD UPON THE US PATENT OFFICE had occurred and seeking suspension of the IP while Moatz and an FBI Agent from West Palm Beach, FL were investigating the matters. Suspensions were granted.

233. Warner Bros. finds different IP then Utley showed them and stated that their patent expert, Wayne Smith, Esq. had gone to the US Patent Office and what was on file did not capture the invention, nor is what Utley showed them when presenting them a Wachovia Private Placement and seeking investment funds.

234. Shortly after Eliot and his friend, co-inventor and investor and executive at the Iviewit companies, James Armstrong, seized the IP applications and information from Utley and Eliot went back to California where he was opening a new HQ office in the Warner Bros. Advanced Tech Building in Glendale and taking over their video operations. Eliot began preparing and filing federal and state complaints. Utley then came unannounced to California and levied death threats to Eliot claiming that he and his friends Wheeler of PROSKAUER, Dick of FOLEY et al. were very powerful and their law firms were too and that if Eliot disclosed the findings to the board or others he would have to watch his back and the backs of his wife and kids back in Boca. Eliot contacted the Rancho Palos Verdes Police and Long Beach, CA FBI office and reported the incident.

235. After a board meeting with certain board members including Simon, LEWIN, Donald Kane of Goldman Sachs, H. Hickman Powell of Crossbow Ventures/Alpine regarding the threats by Utley it was determined that Eliot should stay in LA and his wife and kids would leave Florida overnight until things could be sorted out in FL with Utley, PROSKAUER, FOLEY, Wheeler, Dick et al. and deal with the threats on Eliot's family lives that were made by Utley and reported to the proper authorities.

236. The result the Board members determined was to close the Boca Raton, Fl office and fire all the bad players involved, move Eliot's family overnight to California, in what was just being learned to be an attempt to steal the IP by Iviewit's attorneys at law hired to protect the IP.

237. Upon information and belief, LABARGA, is presently the Chief Judge of the Florida State Supreme Court.

238. On or about 2002-2003, LABARGA was a District Judge in Palm Beach County assigned to a "billing" lawsuit (undisclosed to the Iviewit shareholders, board members, executives and potential investors) brought by PROSKAUER after the PROSKAUER firm had done work for Eliot, Simon and the "Iviewit" companies and PROSKAUER gaining Confidential information about the "Iviewit" technologies and confidential information about their own clients and companies. This lawsuit was also not known to Wachovia who was doing a PPM at the time.

239. Upon information and belief, the source being actual and true Court pleadings filed with LABARGA by a Florida licensed and practicing attorney named Steven Selz, Esq. on or about 2003 factual pleadings were made in a Counter-Complaint filed by said attorney Selz against the PROSKAUER and FOLEY before LABARGA in the "billing" case seeking damages against PROSKAUER and claiming the value of the "Iviewit" technologies as $10 Billion or greater as of that time in 2003 based upon review and statements of one Gerald Stanley, Engineer at Real 3d Inc.[69] and others.

240. These leading Engineers deemed the Iviewit Technologies and IP as "priceless".

241. Florida Licensed attorney Steven Selz pled in said Counter-Complaint against PROSKAUER in LABARGA's court as follows:

[69] Janurary 28, 2003 Steven Selz, Esq. Counter Complaint in Labarga Court - See Par. 29 http://www.iviewit.tv/CompanyDocs/2003%2001%2028%20Counter%20Complaint%20Filed.pdf

> "As a direct and proximate result of the actions of the Counter Defendant, Counter Plaintiffs have been damaged in a sum estimated to be greater than $10,000,000,000.00, based on projections by Gerald Stanley, CEO of Real 3-D (a consortium of Lockheed, Silicone Graphics and Intel) as to the value of the technologies and their applications to current and future uses together with the loss of funding from Crossbow Ventures as a result of such conduct." See Par. 29, Jan. 28, 2003 http://www.iviewit.tv/CompanyDocs/2003%2001%2028%20Counter%20Complaint%20Filed.pdf

242. According to wikipedia,

> "**Real3D, Inc.** was a maker of arcade graphics boards, a spin-off from Lockheed Martin. . . . The majority of Real3D was formed by research and engineering divisions originally part of GE Aerospace. Their experience traces its way back to the Project Apollo Visual Docking Simulator, the first full-color 3D computer generated image system.[1]," [70]

243. Prior to the PROSKAUER "Billing" lawsuit before LABARGA, back in June 30, 1999, Gerald W. Stanley as Chairman, President and CEO of Real 3d, Inc., wrote to Simon Bernstein as CEO of Iviewit, Inc., opining favorably on the Iviewit technologies, yet documents start emerging by PROSKAUER partners and Brian Utley where the "Iviewit" company name is changed as licensing and partnership deals are being signed and finalized and where Timothy P. Donnelly, Director of Engineering of Real 3d Inc, even writes to PROSKAUER partner Chris Wheeler about providing Eliot an "original signature" on the agreement with Real3d.[71]

244. Just prior to this in on or about April 26, 1999 PROSKAUER Partner Christopher Wheeler wrote to counsel Richard Rosman, Esq. at Lewinter & Rosman law firm who was acting on behalf of Hassan Miah who was brought in by Sky Dylan Dayton, the CEO of Earthlink to evaluate the technologies as he was the leading expert in the field of digital video and imaging at the time who founded the Creative Artist Agency (CAA) / Intel Media lab, the first major

[70] Wikipedia Real 3D, Inc. https://en.wikipedia.org/wiki/Real3D
[71] June 30, 1999 Real 3D Letter @ http://www.iviewit.tv/CompanyDocs/Real%203D%20Opinion%20and%20Licensing%20Info.pdf

collaboration between Hollywood and Silicon Valley in the early days of the Internet whereby PROSKAUER Partner Wheeler not only indicates PROSKAUER is coordinating the corporate and intellectual property matters for Iviewit but also describes the Iviewit process as "novel" and "far superior to anything presently available with what they are familiar"[72]. Proskauer would later try and claim they did no IP work despite their IP partners billing for services rendered and more.

245. Hassan Miah was also CEO of Xing Technology Corporation and from and between 2002-2006 was managing Director of Media and Entertainment for the Intel Corporation.[73]

246. Hassan Miah was one of the first Experts to declare the Iviewit technologies as "The Holy Grail of the Internet."

247. On or about May 30, 1999, expert Hassan Miah was emailing Eliot saying the Iviewit project "is very exciting to me," providing his home phone number to Eliot, being impressed with Ken Rubenstein of PROSKAUER (who was the sole patent evaluator for the MPEGLA LLC company and MPEG patent pooling scheme now controlled by PROSKAUER through Rubenstein) and indicating Hassan's own company Xing was a licensee under the MPEG patent pool at the time[74].

[72] April 22, 1999 Wheeler Letter to Richard Rosman, Esq. re Hassan Miah, http://www.iviewit.tv/CompanyDocs/1999%2004%2026%20Wheeler%20Letter%20to%20Rosman%20re%20Rubenstein%20opinion.pdf

[73] Hassan Miah Linkedin https://www.linkedin.com/in/hassanmiah

[74] June 01, 1999 Hassan Miah Letter Forwarded to Iviewit Patent Counsel Kenneth Rubenstein of Proskauer Rose http://www.iviewit.tv/CompanyDocs/1999%2006%2001%20HASSAN%20LETTER%20FORWARDED%20TO%20RUBENSTEIN.pdf

248. The Intel Corporation acquired Real 3d Inc. (Lockheed, SGI & Intel interests), in 1999 which was under NDA, licensing and other agreements with the Iviewit companies regarding the Iviewit technologies.[75]

249. As referenced in the March 25, 2009 SEC complaint regarding Intel[76] and a massive accounting fraud which has now been specifically reported to the Philadelphia Office of the SEC that recently prosecuted SPALLINA and TESCHER in a separate case from this action but where SPALLINA and TESCHER are immersed in fraud and mis-accountings in this action:

> "Not only did Intel later acquire in whole the R3D company which was intimately involved in the early phases of this matter and under signed agreements with my company, but specific members of Intel/ R3D staff were present during key meetings in the early phases and otherwise involved in these matters including but not limited to, Lawrence Palley (Director of Business Development @ Intel), Gerald W. Stanley (Chairman of the Board, President & Chief Executive Officer @ R3D a consortium of Intel, Lockheed and SGI), David Bolton (Corporate Counsel @ R3D & Lockheed Martin), Steven A. Behrens (Vice President and Chief Financial Officer @ R3D), Rosalie Bibona (Program Manager @ R3D), Timothy P. Connolly (Director, Engineering @ R3D), Richard Gentner (Director of Scalable Graphics Systems @ R3D), Connie Martin (Director, Software Development @ R3D), Diane H. Sabol (Director and Corporate Controller Finance & Administration @ R3D), Rob Kyanko (Intel), Michael Silver (@ ?), Ryan Huisman (@ R3D), Matt Johannsen (@ R3D), Hassan Miah (@ Intel), Dennis Goo (Manager, Digital Home Content for the Americas @ Intel), Rajeev Kapur (Chief of Staff, Enterprise Product Group @ Intel) and Kostas Katsohirakis (Business Development Manager @ Intel).

250. On or about June 1, 1999, Donald G. Kane (Managing Director) who worked at Goldman Sachs with LISA's husband, Jeffrey Friedstein and his father Sheldon Friedstein (Managing Director

[75] Wikipedia Real 3D, Inc.
https://en.wikipedia.org/wiki/Real3D
[76] March 25, 2009 Iviewit Intel SEC Complaint @
http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20090325%20FINAL%20Intel%20SEC%20Complaint%20SIGNED2073.pdf

at Goldman Sachs), was emailing to Eliot about setting up a Royalty Agreement for Eliot and his family giving a "***priority return ahead of other shareholders***."[77] (emphasis added).

251. By the summer of 2000, Christopher Clarke Wheeler, Esq. a Partner at PROSKAUER, authors a Marketing letter showing the broad value of the Iviewit technologies and the ability to profit from same as 2.5% Shareholders together with a Representative Client List of Proskauer that can benefit from the Iviewit technologies including but not limited to AT&T, ABC, Inc., NBC, CBS, the NBA, NHL, Citibank, Columbia Pictures, Inc., Bear Stearns, HBO, Time Warner, The Chase Manhattan Bank, JPM, MGM, Oppenheimer and many others.

252. PROSKAUER Partner Wheeler goes on to say as follows in his letter:

> Dear Colleagues,
>
> As a firm, we are in a unique position to impact the effectiveness of the Internet and to profit from the same. The firm of iviewit.com, Inc. is one of my clients and Proskauer, Rose, LLP. is a 2.5% shareholder. I have worked closely with iviewit, for the past 18 months, establishing and fine-tuning their corporate structure. My objective with this letter is to introduce you to this forward-thinking company and to ask for your support and assistance. The Internet is quickly evolving from a text-based medium that users have been forced to read, into a multimedia platform that users can begin to experience. The importance that this evolution has to e-commerce has been likened to the impact felt by television when it was embraced as a marketing and communications tool. iviewit's intellectual property positions them as a leader in the streaming video, streaming audio and virtual imaging online markets. Their technologies have broad ranging applications for many different industries including: entertainment, auctions, education, healthcare and retail. Because of the extensive applicability of iviewit's products, the vast majority of Proskauer's client relationships represent potential clients for iviewit. Please join me as I endeavor to introduce my clients to iviewit and, in the process, help those clients to gain a competitive advantage through the utilization of iviewit's technologies. Please contact me with any opportunities that you identify and I will arrange an introduction to a member of iviewit's management team. I have enclosed a descriptive flyer from iviewit and a multimedia CD-ROM that will serve as an introduction to iviewit. Additional information can be found at their website,

[77] June 01, 1999 Hassan Miah Letter Forwarded to Iviewit Patent Counsel Kenneth Rubenstein of Proskauer Rose
http://www.iviewit.tv/CompanyDocs/1999%2006%2001%20HASSAN%20LETTER%20FORWARDED%20TO%20RUBENSTEIN.pdf

> www.iviewit.com. Thank you for your time and attention. I look forward to working together to help this valued client and to further enhance the value of our equity position in iviewit.
>
> Sincerely,
> Christopher C. Wheeler"[78]

253. According to this PROSKAUER Partner Chris Wheeler letter of 2000, PROSKAUER was already representing OPPENHEIMER and JPM as of 2000 while representing Eliot, Simon Bernstein and the Iviewit companies with OPPENHEIMER and JPM being NDA signers and then later being just two of the places where Simon and Shirley Bernstein's wealth was placed.

254. Upon information and belief, history shows that attempted murder such as the car bombing of Eliot's family minivan in Boynton Beach, Florida and possible murder such as the possible murder of his father Simon Bernstein, as alleged by Theodore Bernstein on the day of Simon's death, have been carried out for far less than a 30% Interest in the IP and Technologies valued at least at $10 Billion or more by leading experts back in 2003.

255. As indicated, Eliot's father, Simon Bernstein was a 30% shareholder in the Iviewit Intellectual Properties and companies formed, with PROSKAUER centrally involved in the drafting and planning of said companies, drafting and filing of intellectual properties, distributing stock to various shareholders and drafting and executing dispositive estate and trust documents regarding Simon and Shirley Bernstein's Estate planning.

256. Estate planning with PROSKAUER was done by both Simon and Eliot in direct preparation of an Initial Public Offering to be done by Goldman Sachs through an advisor to the company and shareholder, Donald Kane who was a Managing Director at Goldman Sachs & Co. The IPO was to follow a Wachovia Private Placement and the estate and trust work done by

[78] July 22, 2000 - Christopher Wheeler Letter to All Proskauer Partners Re Iviewit Techs @ http://www.iviewit.tv/CompanyDocs/Armstrong%20Wheeler%20Client%20letter%20with%20highlights.pdf

PROSKAUER was to transfer interests in the Iviewit companies prior to their growth in Eliot and Simon's estates, to their children's estates to avoid having to transfer them later and suffer the estate taxes on the growth of the stock.

257. These estate plans were executed and then later revoked by both Simon and Eliot, once it was alleged that PROSKAUER was involved in frauds against the companies and shareholders and PROSKAUER was TERMINATED as counsel.

258. Yet, somehow, just like this original Insurance litigation in Illinois where litigation is filed by Trustees that change overnight from SPALLINA to TED and the Trust remains to this day missing with NO executed copies put forth and drafts found months after the lawsuit was instigated that appear without any identification of who the draftee is and have no legal force and even the Insurance contracts and policies underlying the claims in this Breach of Contract lawsuit are missing (not even the insurers have put forth a bona fide copy) and critical business documents are missing that any Insurer and Estate planner would have to legally maintain and likewise records from PROSKAUER, FOLEY and other involved Estate planners involving Simon and Shirley Bernstein are allegedly all "missing" as well and where finally evidence of Fraud has been now proven and further alleged regarding the dispositive documents and other crimes have been reported ranging from Extortion to TED's claim on the day his father died that he was poisoned.

259. Back in 2003, LABARGA, however, never afforded Eliot and the Iviewit companies the due process opportunity to be heard on their Counter-Complaint, and instead denied the Counter-Complaint altogether. In a bizarre twist at a scheduled Trial Eliot and counsel showed up to an empty courtroom of Labarga and at the trial rescheduling Labarga dismissed two law firms representing the Iviewit companies simultaneously on Petitions for Withdrawal whereby both

law firms, Steven Selz PA and Schiffrin and Barroway both claimed the other would be representing the Iviewit companies at trial and then both walked out, one after the other and left the Iviewit companies without counsel. Approximately 45 days later Labarga ruled a default for the company's failure to retain replacement counsel.

260. Yet upon information and belief, LABARGA also never sanctioned nor reported attorney Selz for misconduct or frivolity in making this factual allegation regarding the value of the Iviewit technologies.

261. One of the wrongful "tactics" employed by various Counter-Defendants and Third-Party Defendants in the recent years against Eliot in and out of the Courtroom has been to question his sanity and ability care for his own children by attacking his claims regarding the car bombing of his family minivan and claims about the value of Iviewit IP, yet even Florida Licensed attorney Steven Selz who was representing Plaintiff at the time before LABARGA in 2003 himself filed a factual pleading stating,

> "That PROSKAUER billed IVIEWIT for legal services related to corporate, patent, trademark and other work in a sum of approximately $800,000.00" and further " That based on the over-billing by PROSKAUER, IVIEWIT paid a sum in of approximately $500,000.00 plus together with a 2.5% interest in IVIEWIT, which sums and interest in IVIEWIT was received and accepted by PROSKAUER."

262. See, Paragraphs 24 and 27 of 2003 filed and proposed Counter-Complaint filed by attorney Selz in the LABARGA/PROSKAUER billing lawsuit, again this Counter-Complaint never being heard by LABARGA.[79]

263. Then immediately following Selz, LABARGA then heard a Withdrawal as Counsel motion filed by Schiffrin & Barroway that claimed that another law firm, Selz would be representing the Iviewit companies and LABARGA approved this withdrawal knowing he had moments

[79] January 28, 2003 Steven Selz, Esq. Counter Complaint Labarga Case @ http://www.iviewit.tv/Counter%20Complaint%20in%20Order.pdf

earlier let Selz out as counsel and then calling Eliot to the stand to advise him that the Iviewit companies no longer had counsel and Eliot, a non party to the action would have to obtain new counsel in a short period of time or else default, thus denying counsel to Eliot and the proper Iviewit interests under fraudulent circumstances by the machinery of the Courts as continues to today.

264. Eliot was unable to reach either Selz or Schiffrin & Barroway to obtain court files and records during the period he had to obtain new counsel and finally after showing up to Selz's offices unannounced was able to recover some of the files and where Eliot attempted to get more time from LABARGA who refused.

265. When Eliot could not get counsel in time, LABARGA ruled against the Iviewit companies and issued a default.

266. Later it would be learned that many of the companies sued by Proskauer in their billing lawsuit, who did not have retainers with the Iviewit companies, where duplicated companies involved in an attempt to move IP out of the companies and inventors hands and into the hands of improper fraudulent inventors.

267. Thus, while various Counter-Defendants and Third-Party Defendants may simply wrongfully claim "Iviewit" was a failed dot.com, it only raises substantial questions as to why PROSKAUER would "Bill" close to $1 million, take a 2.5 percent interest in royalties and stock in the Iviewit companies, file numerous Intellectual Properties (Patents, Trademarks, Copyrights and Tradesecrets, worldwide), recruit their clients to sign agreements with Iviewit, issue Stock to Shareholders of numerous companies and do exhaustive Estate planning for Simon, Shirley and Eliot Bernstein including protecting Simon's 30% interest and Eliot's 70% interest in the IP at that time.

268. As part of the same practice and pattern which continues in the Estate proceedings of Shirley and Simon Bernstein and the Insurance litigation in this Illinois federal district court, PROSKAUER schemed in 2001 to tortiously interfere with business relationships and financial relationships that would benefit Eliot and advance the technologies by interfering with a financing deal going on with Warner Bros. / AOL at the time which would have brought $10-$20 Million in capital to the Iviewit companies which had already began a licensing and operational agreement with them.

269. Florida licensed attorney Selz filed a specific counter-complaint against PROSKAUER in the "billing lawsuit" being heard by LABARGA who denied hearing the Countercomplaint which alleged as follows:

> "COUNT IV- TORTIOUS INTERFERENCE WITH AN ADVANTAGEOUS BUSINESS RELATIONSHIP
>
> This is an action for tortious interference with an advantageous business relationship within the jurisdiction of this Court.
>
> Counter Plaintiff re-alleges and hereby incorporates that allegations of Paragraphs I through 30 as if fully set forth herein.
>
> Counter Plaintiff was engaged in negotiations of technology agreements with both Warner Bros. and AOLTime-Warner as to the possible use of the Technologies of the Counter Plaintiffs and investment in Counter Plaintiffs as a strategic partner.
>
> That despite the prior representations of RUBENSTEIN, at a meeting held on or about November l , 2000, by and between UTLEY, RUBENSTEIN and representatives of Warner Bros. as to the Technology of IVIEWIT and the efficacy, novelty and unique methodology of the Technology, RUBENSTEIN refused to subsequently make the same statements to representatives of AOL and Warner Bros., taking the position that since Warner Bros./AOL is "now a big client of Proskauer, I can't comment on the technologies of lviewit." or words to that effect in response to inquiry from Warner Brother/AOL's counsel as to the status and condition of the pending patents on the intellectual property.
>
> That RUBENSTEIN, having served as an advisor to the Board of Directors for IVIEWIT, was aware of the fact that at the time of the making of the statements set forth in Paragraph 50, above, IVIEWIT was in the midst of negotiations with

> AOL/Warner Bros. as to the possible funding of the operations of IVIEWIT in and sum of between $10,000,000.00 and $20,000,000.00.
>
> Further, RUBENSTEIN as a partner of PROSKAUER, and despite his clear prior actions in representing the interests of IVIEWIT, refused to answer questions as to the enforcement of the Technology of IVIEWIT, with the intent and knowledge that such refusal would lead to the cessation of the business relationship by and between IVIEWIT and Warner Bros./AOL and other clients familiar with the Warner Bros./AOL technology group then in negotiations with IVIEWIT, including, but not limited to Sony Corporation, Paramount, MGM and Fox.
>
> That the actions of RUBENSTEIN were and constituted an intentional and unjustified interference with the relationship by and between IVIEWIT and Warner Bros./AOL designed to harm such relationship and further motivated by the attempts to "cover-up" the conflict of interest in PROSKAUER's representation of both IVIEWIT and Warner Bros./AOL.
> That indeed, as a direct and proximate result of the conduct of RUBENSTEIN, Warner Bros./AOL ceased business relations with IVIEWIT to the damage and detriment of Counter Plaintiffs.[80]"

270. Yet somehow PROSKAUER and FOLEY being powerful international law firms have virtually no records of the Estate Planning work done or IP work done for Simon Bernstein nor did TESCHER and SPALLINA allegedly obtain this prior work from PROSKAUER or FOLEY or Attorney at Law Steven Greenwald, Esq. of Florida before embarking on similar Estate Planning work for Simon and Shirley Bernstein. Especially where Simon believed the IP to the largest assets of his estate requiring special Estate planning from the outset for the IP.

271. Yet, TESCHER and SPALLINA had a public relationship with PROSKAUER in the Boca Raton, Florida community being hosted at Bar events and similar events.[81] TESCHER and SPALLINA directly know and are close friends with PROSKAUER Partner GORTZ of the

[80] January 28, 2003 Steven Selz, Esq. Counter Complaint Labarga Case @ http://www.iviewit.tv/Counter%20Complaint%20in%20Order.pdf

[81] March 27, 2012 Jewish Federation Mitzvah Society - Proskauer, Tescher & Spallina @ http://jewishboca.org/departments/foundation/pac/caring_estate_planning_professionals_to_honor_donald_r_tescher_esq_at_mitzvah_society_reception_on_march_27/

PROSKAUER Boca Raton Office in Florida who was the first lawyer that accountant Third Party Defendant LEWIN introduced Simon and Eliot too to seek IP protection.

272. GORTZ of PROSKAUER was directly involved in the Iviewit matters and Bernstein Estate matters dating back to 1998, and in fact he was the first person that LEWIN took the technologies to for IP protection for the benefit of Eliot and Simon Bernstein.

273. In the original underlying Illinois life insurance litigation herein, SPALLINA was in communication with GORTZ of PROSKAUER. See email dated February 18, 2013 from SPALLINA to Eliot's children's counsel Christine Yates from SPALLINA TESCHER PRODUCTION Bates No. TS004461-TS004463.

274. This pattern of established law firms involved in the technologies failing basic record keeping for client files like PROSKAUER and FOLEY allegedly not having important Estate and related records like the missing Trusts and Insurance policies in the underlying original action is further support for a preliminary injunction at this time.

275. Eliot, members of the board, investors, prospective investors and management of Iviewit first learned of this "billing" lawsuit by PROSKAUER in Palm Beach County while in the middle of Financing negotiations for the Iviewit companies with Warner Bros. (AOL-Time Warner) for approximately a $10 to $20 Million Capital infusion for the Iviewit companies while other financing activities were underway with a Private Placement Memorandum through Wachovia bank.

276. Eliot had already opened a new Iviewit HQ inside the Warner Advanced Technology building on Brand in Glendale, Ca. and had taken over encoding of all Internet content creation of their digital video library and had revenue and royalty contracts signed.

277. Eliot also learned at the same time that an "Involuntary Bankruptcy" had been filed in Florida against companies similarly named to "Iviewit" companies being filed by Brian G. Utley, Real3D, Inc./Intel/RYJO, Michael Reale and Raymond Hersh the CFO[82].

278. Eliot also learned on or about the same time from a Arthur Andersen audit conducted on behalf of Crossbow Ventures, the largest investor at that time in the IP, that two similarly named companies, Iviewit Holdings existed with only one set of books available.

279. Raymond Hersh claimed that LEWIN's daughter, Erika Lewin, the in-house accountant at Iviewit was accused of misleading the Andersen auditors in her representation of the corporate structures put together by LEWIN and PROSKAUER. Andersen was suddenly removed from the audit and replaced by Ernst & Young on a referral from LEWIN to complete the audit for Crossbow.

280. ELIOT also learned on or about the same time that the Iviewit companies President and Chief Operating Officer, a one Brian G. Utley, had in his possession a second set of almost identical Intellectual Property applications and one set had different inventors, including Utley as sole inventor on critical imaging IP such as "Zoom and Pan on a Digital Camera" which was invented by Eliot and others almost a year before even hiring Utley, where Utley lists himself as the sole (soulless) inventor.

281. Eliot also learned on or about the same time more information that Joao who represented himself as a Proskauer Partner when in fact he was not, had put over 90 patents in his name, many with of the Iviewit IP technologies at the heart of them and taken from business plans and other IP related materials JOAO accessed as IP Counsel. Later it would be learned that Joao left PROSKAUER/MELTZER LIPPE GOLDSTEIN & SCHLISSEL to work for Ruskin,

[82] Iviewit Involuntary Bankruptcy Files @ http://iviewit.tv/CompanyDocs/Utley%20Reale%20Hersh%20RYJO%20Bankruptcy%20nonsense.pdf

Moscou, Evans & Faltischek where Dean Skelos the New York Senator currently in ongoing corruption proceedings and convicted on all counts against him, putting up a defense of business as usual, which failed to vindicate him.

282. That it is also learned that Joao later goes to the law firm of Dreier & Barritz LLP, where the now infamous attorney Marc Drier was sentenced in a "Ponzi" scheme thereafter.

283. Eliot also learned on or about the same time that the Intellectual Properties represented by Utley to potential investors, investors and the financial institutions funding the Iviewit companies and those raising funds were not the ones that actually were filed with the US Patent Office.

284. This exposure of the Intellectual Property crimes that were committed to the authorities and others began a terroristic mob style pattern and practice of orchestrated schemes to harm and potentially murder Eliot and his family by primarily lawyers, to deny him monetization of his inventions, deny him access to capital and even basic access to counsel to pursue his rights and claims and a full blunt force denial of due process in the courts and state and federal agencies through a series of conflicts of interests with the attorneys at law infiltrating and interfering improperly in virtually all of Eliot's legal actions, as they do name very large law firms, legislators, judges and prosecutors as the perpetrators of the IP thefts as filed in his RICO and ANTITRUST lawsuit.

285. This same pattern and practice continues to this day in both Florida Trust and Estate cases and this Illinois insurance litigation which should be viewed by this Court as nothing but a furtherance of a scheme to secret away monies and assets and deny any basic funds or monies to Plaintiff and his family literally to the point of basic survival as Plaintiff has been; a) forced on govt. Food Stamps to feed his 3 minor children who were supposed to be protected and provided for in Simon and Shirley's Estate planning WITHOUT INTERRUPTION; b) had

home Security systems cut off; c) electric shut off and repeatedly threatened with shut off; d) homeowners insurance lapsed; e) health insurance lapsed, and other acts to deprive Counter Plaintiff of income and more.

286. That after the death of his father Simon Eliot and his family's worlds were literally blown apart financially, when the funds that were supposed to flow to Eliot and his family to protect them were intentionally and with scienter cut off, their kids were ripped from private school on the second day of classes and where the tuitions were funded by Simon and Shirley while living and despite a COLIN court order to pay the tuitions to keep them in school, TED and his counsel ROSE failed to comply and COLIN upon learning of this catastrophe did nothing despite claiming he was very upset and would deal with it shortly.

287. That due to TED"S allegation that his father was murdered via poisoning Eliot and his family live in fear that this may be true, especially after an autopsy done a year or more after Simon's death revealed elevated (beyond reportable levels in some instances) heavy metal toxins, including Arsenic and Cadmium.

288. Simon and Shirley Bernstein in fact while living set up for Eliot through special planning efforts exclusively for Eliot and his family's protection, vehicles designed and funded while living that provided income and security, including a paid for home and expenses for the home and family paid monthly all this careful planning for Eliot and his family resulting from the very real efforts to harm Eliot and his family, especially after viewing the car bombing and learning of death threats against their son and his family.

289. That the probate crimes not only shut down all Eliot's family income streams but further TED, TESCHER and SPALLINA then shut down a company that Simon had invested in, Telenet

Systems, LLC, that provided income to both Eliot and his lovely wife Candice at the time of Simon's death.

290. Without any income from the point of Simon's death to now, as income for the family at Simon's death was to be continued through the Estates and Trusts and other vehicles set up for Eliot and his family such as his Telenet interest and where the crimes were directly intended to leave Eliot and his family instead homeless and denied of their inheritancy with scienter and further bury the Iviewit stock and IP held by Simon and defeat the careful estate plans SPALLINA and TESCHER and others were contracted to protect.

291. That it is alleged that the probate crimes were orchestrated in advance of Simon's death when Simon refused to make changes to the plans of he and Shirley and never did so while living and so fraudulent documents were submitted to Courts and others to make it appear that Simon had changed he and his wife's estate plans and allow TESCHER, SPALLINA and TED to seize Dominion and Control of the Estates and Trusts through FRAUD and begin looting of the assets with impunity with the cover and aid of the state court actors, all acting outside the color of law.

292. That Shirley's Trust was changed admittedly by SPALLINA Post Mortem and it is alleged this fraud was in order to execute a scheme to not only change beneficiaries illegally but more importantly to take fiduciary and legal control of the Estates and Trusts to enable them to steal off with the assets and convert funds to improper parties, all the while failing to provide legally required accountings and document transparency to beneficiaries and again through these crimes leave Eliot and his family with virtually nothing since the time of Simon's death.

293. As this Court is or should be aware, Eliot and his minor children were not even named as Necessary parties to this original Illinois insurance litigation even though all original parties

knew and should have known Eliot and his children were beneficiaries with interests in the case including Attorneys at Law and Fiduciaries TESCHER, SPALLINA and TED e.

SPALLINA ADMITS NEW STATE AND FEDERAL CRIMES AT A "VALIDITY HEARING" BEFORE JUDGE PHILLIPS INCLUDING NEW ADMISSIONS OF FRAUD ON THE COURT AND MORE AND VIOLATES A CONSENT ORDER HE IS UNDER WITH THE SEC

294. On or about September 28, 2015, the SEC out of Washington, DC publicly announced Insider Trading and related charges in a separate action against Florida attorneys and Third-Party Defendants herein SPALLINA and TESCHER.

295. That SPALLINA pled guilty of criminal misconduct and the SEC Consent signed by SPALLINA states,

> "2. Defendant has agreed to plead guilty to criminal conduct relating to certain matters alleged in the complaint in this action and acknowledges that his conduct violated the federal securities laws. Specifically, Defendant has agreed to plead guilty to a one count information which charges him with committing securities fraud involving insider trading in the securities of Pharmasset, Inc. in a matter to be filed in the United States District Court for the District of New Jersey, (the "Criminal Action")."

296. Yet, in a December 15, 2015 hearing under sworn oath as a witness in a Validity Hearing before Judge PHILLIPS, SPALLINA stated the following from the hearing transcript Page 93 Lines 14-22[83];

> 14· · · · · ·THE COURT:· You can answer the question, which
> 15· · · is, did you plead to a felony?
> 16· · · · · ·MR. BERNSTEIN:· Sorry, sir.
> 17· · · · · ·THE WITNESS:· I have not.
> 18· · · · · ·THE COURT:· Okay.· Next question.
> 19· ·BY MR. BERNSTEIN:
> 20· · · Q.· ·Have you pled guilty to a misdemeanor?
> 21· · · A.· ·I have not.
> 22· · · Q.· ·Were you involved in a insider trading case?
> 23· · · · · ·MR. ROSE:· Objection.· Relevance.

[83] December 15, 2015 PHILLIPS VALIDITY HEARING TRANSCRIPT http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151215%20Hearing%20Transcript%20Phillips%20Validity%20Hearing.pdf

24· · · · · ·THE COURT:· Sustained.· Next question.

297. Further, in the SEC Consent signed by SPALLINA reads,

> "12. Defendant understands and agrees to comply with the term of 17 C.P.R. f 202,S(e). which provides in part that it is the Commission's policy "not to permit a defendant or respondent to consent to a judgment or order that imposes a sanction while denying the allegations in the complaint or order for proceedings." As part of Defendant's agreement to comply with the terms of Section 202.5(e), Defendant acknowledges that he has agreed to plead guilty for related conduct as described in paragraph 2 above, and: (i) will not take any action or make or permit to be made any public statement denying, directly or indirectly, any allegation in the complaint or creating the impression that the complaint is without factual basis; (ii) will not make or permit to be made any public statement to the effect that Defendant does not admit the allegations of the complaint, or that this Consent contains no admission of the allegations; (iii) upon the filing of this Consent, Defendant hereby withdraws any papers filed in this action to the extent that they deny any allegation in the complaint; aud (iv) stipulates for purposes of exceptions to discharge sot forth in Section 523 of the Bankruptcy Code, 11 U.S.C.. §523. that the allegations in the complaint are true…"

298. SPALLINA further states under sworn testimony at the Validity Hearing regarding the trust documents he created being valid admits to fraudulently altering a Shirley Trust Document and sending to Attorney at Law Christine Yates, Esq. representing the minor children of Eliot via the mail,

> Page 95 Lines 14-25 and Page 96 Line 1-19,
>
> 14· · · Q.· ·Mr. Spallina, have you been in discussion with
> 15· ·the Palm Beach County Sheriff's Office regarding the
> 16· ·Bernstein matters?
> 17· · · · · ·MR. ROSE:· Objection.· Relevance.
> 18· · · · · ·THE COURT:· Overruled.
> 19· · · · · ·You can answer that.
> 20· · · · · ·THE WITNESS:· Yes, I have.
> 21· ·BY MR. BERNSTEIN:
> 22· · · Q.· ·And did you state to them that you
> 23· ·fraudulently altered a Shirley trust document and then
> 24· ·sent it through the mail to Christine Yates?
> 25· · · A.· ·Yes, I did.
> ·1· · · Q.· ·Have you been charged with that by the Palm
> ·2· ·Beach County Sheriff yet?

·3· · · · A.· ·No, I have not.
·4· · · · Q.· ·Okay.· How many times were you interviewed by
·5· ·the Palm Beach County Sheriff?
·6· · · · · · ·MR. ROSE:· Objection.· Relevance.
·7· · · · · · ·THE COURT:· Sustained.
·8· ·BY MR. BERNSTEIN:
·9· · · · Q.· ·Did you mail a fraudulently signed document to
10· ·Christine Yates, the attorney for Eliot Bernstein's
11· ·minor children?
12· · · · · · ·MR. ROSE:· Objection.· Relevance.
13· · · · · · ·THE COURT:· Overruled.
14· · · · · · ·THE WITNESS:· Yes.
15· ·BY MR. BERNSTEIN:
16· · · · Q.· ·And when did you acknowledge that to the
17· ·courts or anybody else?· When's the first time you came
18· ·about and acknowledged that you had committed a fraud?
19· · · · A.· ·I don't know that I did do that.

299. Further, SPALLINA perjures himself in self contradiction when he tries to claim that his law firm did not mail Fraudulent documents to the court and commit further FRAUD ON THE COURT and then slips up and admits that they sent the fraudulent documents back to the court when he states;

10· ·BY MR. BERNSTEIN:
11· · · · Q.· ·And what was she convicted for?
12· · · · A.· ·She had notarized the waiver releases of
13· ·accounting that you and your siblings had previously
14· ·provided, and we filed those with the court.
15· · · · Q.· ·We filed those with the court.
16· · · · · · ·Your law firm submitted fraudulent documents
17· ·to the court?
18· · · · A.· ·No.· We filed -- we filed your original
19· ·documents with the court that were not notarized, and
20· ·the court had sent them back.
21· · · · Q.· ·And then what happened?
22· · · · A.· ·And then Kimberly forged the signatures and
23· ·notarized those signatures and sent them back.

300. That not only does SPALLINA admit to Felony criminal that have not yet been investigated but admits that his office members are also involved in proven Fraudulent Creation of a Shirley Trust and where MORAN has already admitted six counts of forgery for six separate parties

(including for a deceased Simon and one for Eliot) and fraudulent notarizations of such documents. Spallina states in the hearing Pages 102-103,

> 102
> 20· · · · · ·MR. BERNSTEIN:· Sure.
> 21· ·BY MR. BERNSTEIN:
> 22· · · · Q.· ·You've testified here about Kimberly Moran.
> 23· · · · · ·Can you describe your relationship with her?
> 24· · · · A.· ·She's been our long-time assistant in the
> 25· ·office.
>
> 103
> ·1· · · · Q.· ·Was she convicted of felony fraudulent
> ·2· ·notarization in the Estate of Shirley Bernstein?
> ·3· · · · · ·MR. ROSE:· Objection.· Relevance.
> ·4· · · · · ·THE COURT:· Overruled.
> ·5· · · · · ·You're asking if she was convicted of a felony
> ·6· · · · with respect to the Estate of Shirley Bernstein?
> ·7· · · · · ·You can answer the question.
> ·8· · · · · ·MR. BERNSTEIN:· Correct.
> ·9· · · · · ·THE WITNESS:· I believe she was.

301. SPALLINA then claims that it is standard practice for he and his clients to sign sworn Final Waivers under penalty of perjury with knowingly and irrefutably false statements. Then SPALLINA had a deceased Simon file that alleged sworn document with the Court as Personal Representative on a date after his death while acting as Personal Representative as part of a Fraud on the Court and Fraud on the Beneficiaries and Interested Parties. SPALLINA states in testimony as follows,

> Pages 108-110
> 17· · · · Q.· ·Okay.· Are you aware of an April 9th full
> 18· ·waiver that was allegedly signed by Simon and you?
> 19· · · · A.· ·Yeah.· That was the waiver that he had signed.
> 20· ·And then in the May meeting, we discussed the five of
> 21· ·you, all the children, getting back the waivers of the
> 22· ·accountings.
> 23· · · · Q.· ·Okay.· And in that April 9th full waiver you
> 24· ·used to close my mother's estate, does Simon state that
> 25· ·he has all the waivers from all of the parties?
> ·1· · · · A.· ·He does.· We sent out -- he signed that, and

·2· ·we sent out the waivers to all of you.
·3· · · · Q.· ·Okay.· So on April 9th of 2012, Simon signed,
·4· ·with your presence, because your signature's on the
·5· ·document, a document stating he had all the waivers in
·6· ·his possession from all of his children.
·7· · · · · · ·Had you sent the waivers out yet as of
·8· ·April 9th?
…
20· ·BY MR. BERNSTEIN:
21· · · · Q.· ·April 9th, 2012, you have a signed full waiver
22· ·of Simon's that says that he is in possession of all of
23· ·the signed waivers of all of the parties?
24· · · · A.· ·Standard operating procedure, to have him
25· ·sign, and then to send out the documents to the kids.
·..
·1· · · · Q.· ·Was Simon in possession -- because it's a
·2· ·sworn statement of Simon saying, I have possession of
·3· ·these waivers of my children on today, April 9th,
·4· ·correct, the day you two signed that?
·5· · · · · · ·Okay.· So if you hadn't sent out the waivers
·6· ·yet to the --
·7· · · · A.· ·I'm not certain when the waivers were sent
·8· ·out.
·9· · · · Q.· ·Were they sent out after the --
10· · · · A.· ·I did not send them out.
11· · · · Q.· ·Okay.· More importantly, when did you receive
12· ·those?· Was it before April 9th or on April 9th?
13· · · · A.· ·We didn't receive the first one until May.
14· ·And it was your waiver that we received.
15· · · · Q.· ·So how did you allow Simon, as his attorney,
16· ·to sign a sworn statement saying he had possession of
17· ·all of the waivers in April if you didn't get mine 'til
18· ·May?
19· · · · · · ·MR. ROSE:· Objection.· I think it's relevance
20· · · · and cumulative.· He's already answered.
21· · · · · · ·THE COURT:· What's the relevance?
22· · · · · · ·MR. BERNSTEIN:· Oh, this is very relevant.
23· · · · · · ·THE COURT:· What is the relevance on the issue
24· · · · that I have to rule on today?
25· · · · · · ·MR. BERNSTEIN:· On the validity?· Well, it's
1· · · · relevant.· If any of these documents are relevant,
·2· · · · this is important if it's a fraud.
·3· · · · · · ·THE COURT:· I'll sustain the objection.
·4· · · · · · ·MR. BERNSTEIN:· Okay.· Can I -- okay.
·5· ·BY MR. BERNSTEIN:
·6· · · · Q.· ·When did you get -- did you get back prior to

·7· ·Simon's death all the waivers from all the children?
·8· · · · A.· ·No, we did not.
·9· · · · Q.· ·So in Simon's April 9th document where he
10· ·says, he, Simon, on April 9th has all the waivers from
11· ·his children while he's alive, and you didn't even get
12· ·one 'til after he passed from one of his children, how
13· ·could that be a true statement?
14· · · · · · ·MR. ROSE:· Objection.· Relevance.· Cumulative.
15· · · · · · ·THE COURT:· Sustained.

302. SPALLINA also perjures himself under sworn oath at the hearing when testifying to the status of his Florida Bar license, which at this time he is listed as "ineligible[84]" to practice law in the state of Florida, when he states in the December 15, 2015 hearing,

Page 91
7· ·BY MR. BERNSTEIN:
·8· · · · Q.· ·Mr. Spallina, you were called today to provide
·9· ·some expert testimony, correct, on the --
10· · · · A.· ·No, I was not.
11· · · · Q.· ·Oh, okay.· You're just going based on your
12· ·doing the work as Simon Bernstein's attorney and Shirley
13· ·Bernstein's attorney?
14· · · · A.· ·Yes.
15· · · · Q.· ·Okay.· Are you still an attorney today?
16· · · · A.· ·I am not practicing.
17· · · · Q.· ·Can you give us the circumstances regarding
18· ·that?
19· · · · A.· ·I withdrew from my firm.

Pages 120-121
19· ·BY MR. BERNSTEIN:
20· · · · Q.· ·Did you -- are you a member of the Florida
21· ·Bar?
22· · · · A.· ·Yes, I am.
23· · · · Q.· ·Currently?
24· · · · A.· ·Yes, I am.
25· · · · Q.· ·Okay.· You said before you surrendered your
·1· ·license.
·2· · · · A.· ·I said I withdrew from my firm.· It wasn't

[84] Florida Bar Robert Spallina Inelligble to Practice Law
https://www.floridabar.org/wps/portal/flbar/home/attysearch/mprofile/!ut/p/a1/jc_LDoIwEAXQT-pthRaWo6mkRazxgdCNYUWaKLowfr_42LioOrtJzs3cYZ41zA_dLfTdNZyH7vjYvTxACM3dBrawxEHlOl3ZqgSEHEE7girnxJMMNktoDlOr2qgtF7RM_8sjMoRf-T3zn8RJNQO5BXKtp0AxeYNIRTj-HTx_eJ2Il7ycdg2C6e8_WXgh/dl5/d5/L2dBISEvZ0FBIS9nQSEh/?flag=Y&mid=497381

·3· ·that I was not practicing.

303. Spallina further Perjures his testimony when asked if the Fraudulent Shirley Trust he created by Post Mortem fraudulently altering a Shirley Amendment and disseminated through the mail attempted to change the beneficiaries of the Shirley Trust and he answered no. Yet, the following analysis shows different;

22· ·BY MR. BERNSTEIN:
23· · · Q.· ·Did the fraudulently altered document change
24· ·the beneficiaries that were listed in Shirley's trust?
25· · · A.· ·They did not.

304. Now comparing the language in the two documents the Court can see that this statement is wholly untrue. From the alleged Shirley Trust document,

> "Notwithstanding the foregoing, as I have adequately provided for them during my lifetime, for purposes of the dispositions made under this Trust, my children, TED S. BERNSTEIN ("TED") and PAMELA B. SIMON ("PAM'), **and their respective lineal descendants** shall be deemed to have predeceased the survivor of my spouse and me, provided, however, if my children, ELIOT BERNSTEIN, JILL !ANTONI and LISA S. FRIEDSTEIN, and their lineal descendants all predecease the survivor of my spouse and me, then TED and PAM, and their respective lineal descendants shall not be deemed to have predeceased me and shall be eligible beneficiaries for purposes of the dispositions made hereunder."[85]

305. Then the language from the fraudulent amendment states;

2. I hereby amend the last sentence of Paragraph E. of Article III. to read as follows:

"Notwithstanding the foregoing, as my spouse and I have adequately provided for them during our lifetimes, for purposes of the dispositions made under this Trust, my children, TED S. BERNSTEIN ("TED") and PAMELA B. SIMON ("PAM '), shall be deemed to have predeceased the survivor of my spouse and me, provided, however, if my children, ELIOT BERNSTEIN, JILL IANTONI and LISA S. FRIEDSTEIN, and their respective lineal descendants all predecease the survivor of my spouse and me, then TED and PAM

[85] Shirley Trust Page 7
http://iviewit.tv/Simon%20and%20Shirley%20Estate/Shirley%20Trust%20plus%20fraudulent%20amendment%202.pdf

> shall not be deemed to have predeceased the survivor of my spouse and me and shall become eligible beneficiaries for purposes of the dispositions made hereunder.[86]"

306. Clearly the fraudulent amendment attempts to remove from the predeceased language TED and PAMELA's lineal descendants from being excluded by removing them from the original trust language through a fraudulent amendment as being considered predeceased and thus change the beneficiaries of the Shirley Trust and this perjury changed the outcome of the validity hearing adding cause for a rehearing and voiding the Order that resulted, which was already void and of no effect since Judge Phillips should have already voluntarily mandatorily disqualified himself from the proceedings prior to holding hearings.

307. That in relation to this very case before the Federal Court in SPALLINA's testimony under oath at the Validity Hearing SPALLINA states,

> Pages 154-55
>
> 20· ·BY MR. BERNSTEIN:
> 21· · · · Q.· ·You referenced an insurance policy earlier,
> 22· ·life insurance policy, that you said you never saw; is
> 23· ·that correct?
> 24· · · · A.· ·Yes.
> 25· · · · Q.· ·And was that part of the estate plans?
> 1· · · · A.· ·We never did any planning with that.· That was
> ·2· ·an insurance policy that your father had taken out
> ·3· ·30 years before.· He had created a trust in 1995 for
> ·4· ·that.· That was not a part of any of the planning that
> ·5· ·we did for him.
> ·6· · · · Q.· ·Did you file a death benefit claim on behalf
> ·7· ·of that policy?
> ·8· · · · · · ·MR. ROSE:· Objection.· Relevancy.
> ·9· · · · · · ·THE COURT:· Sustained.

308. This statement of SPALLINA's that he had nothing to do with the "planning with that" makes his actions in the insurance matters before this Court questionable, as if he had nothing to do

[86] Spallina Fraudulent Shirley Trust Page 30 http://iviewit.tv/Simon%20and%20Shirley%20Estate/Shirley%20Trust%20plus%20fraudulent%20amendment%202.pdf

with the planning of the policy and the lost and missing trust involved in this action alleged to be the beneficiary, how in the world did Spallina file an insurance death benefit claim[87] for the policy benefits acting and singing as the claimant on the policy, in the fiduciary capacity of "Trustee" of the 1995 Missing, Lost or Suppressed Trust and acting as the Policy Beneficiary, which appears now to be part of the alleged Insurance Fraud, Mail and Wire Fraud alleged in Petitioner's pleadings that is now further supported by his perjurious statement in the Florida court denying any involvement.

309. The Court should note that while SPALLINA was filing a death benefit claim as Trustee for the lost and missing trust he claims to have had no involvement with, while he was simultaneously claiming to Eliot that a Florida Probate Court order[88] would be necessary to determine who the trustee, beneficiaries, etc. of a lost and missing trust would be[89], he was secretly and in conspire with others filing claims for the Policy and when that failed filing this Lawsuit, without notifying Eliot or the Creditor or the Probate Court of this action and failing to including Eliot as part of the legal action, all as part of a complex insurance fraud against Eliot and Beneficiaries of the Estate and the Creditor of the Estate, STANSBURY, and attempting to have the insurance money deposited to his law firm's trust account acting as the Beneficiary of the Policy he claims to have nothing to do with, acting as Trustee of the lost trust he claims to have

[87] Spallina Fraudulent Insurance Claim Form He Signs as Beneficiary of the Policy as Trust of a Trust and Policy he has claimed he had nothing to do with, which is DECLINED by Heritage - See Page 05 http://iviewit.tv/Simon%20and%20Shirley%20Estate/20121101%20Heritage%20Claim%20Form%20Spallina%20Insurance%20Fraud.pdf , Spallina also represents in the correspondences to the carrier that he is Trustee of LaSalle National Trust, NA, which he is not but that is because LaSalle is the Primary Beneficiary.

[88] January 22, 2013 SPALLINA Letter Re Insurance http://iviewit.tv/Simon%20and%20Shirley%20Estate/20130122%20Ted%20Letter%20and%20Spallina%20Letter%20re%20Insurance.pdf

[89] TESCHER & SPALLINA Prepared Settlement Regarding Insurance Policy http://iviewit.tv/Simon%20and%20Shirley%20Estate/EXHIBIT%205%20-%2020130205%20Eliot%20Letter%20to%20Spallina%20et%20al%20Regarding%20Analysis%20of%20SAMR.pdf

never seen and impersonating himself as the Primary Beneficiary of the Policy, as Trustee of the LaSalle National Trust NA, of which he is none of.

310. That the fraudulent claim filed by SPALLINA is what led to this Federal Lawsuit being filed as a breach of contract lawsuit for HERITAGE failing to pay the claim to SPALLINA until he could prove the trust and that he was Trustee, of the trust he claims in court under sworn testimony to have had NOTHING to do with.

311. That the Court must question where Judge PHILLIPS was during the hearing where confessions to new crimes of Fraud on the Court, Mail Fraud, Fraud on the Beneficiaries (and Eliot's minor children's counsel, Christine Yates of Tripp Scott law firm) and more are being admitted to on the record by an Officer of the Court SPALLINA, a former Co-Trustee and Co-Personal Representative along with his partner in the crime and the ringleader another former Co-Trustee and Co-Personal Representative, TESCHER who also is under an SEC Consent Order for Insider Trading and one look at the transcript will find Judge PHILLIPS "doodling" (Page 138 Line 1) during the hearing and more interested in threatening Candice Bernstein with contempt of court repeatedly, even removing her from the defense table and sending her to the audience section and yet failing to force SPALLINA to show cause regarding the crimes he committed and admitted to the court, in fact sustaining Eliot from probing these serious felony admissions including Fraud on the Court and Beneficiaries in the validity matters SPALLINA was testifying about and where SPALLINA's felonies were far more serious in nature than Candice's alleged contempt for asking ROSE in the hearing to turn an exhibit for all to see and handing Eliot a document (Page 24 Lines 12-23 and Page 127 Lines 3-7).

312. Further, the Court must question and call to account for what Judge PHILLIPS did after learning of these crimes of the star witness of the "validity" hearing, some admitted by

SPALLINA to have not been investigated or reported by him at the time and thus ripe for prosecution and now having pleadings which show the perjured statements in violation of his SEC Consent Order, did he take control to find out how and who the fraudulent documents were posited in the Court as part of newly admitted FRAUDS ON THE COURT and has Judge PHILLIPS contacted the SEC to report the violation of SPALLINA's consent order or did he contact and report the crimes of Fraud on the Court to the IG of the Court or the Chief Judge or did he contact the Federal Bureau of Investigations regarding the admitted mail fraud or did he have his bailiff, a member of the Palm Beach County Sheriff deputies arrest SPALLINA on the spot?

313. Judge PHILLIPS appears to have done nothing but take SPALLINA's sole testimony to the validity of the documents (some which SPALLINA admitted in the hearing he and others had fraudulently created) and in a bizarre ruling that defies logic and appears outside the color of law, then ruled that the documents were valid with no other parties present to confirm the perjurious Felon's testimony whose Hands are Unclean, credibility shattered and one certainly must ask why the Trustee TED did not call ANY of the other witnesses or multiple notaries and instead choose SPALLINA his business associate and TED's counsel as ALLEGED PR and Trustee who admitted to PBSO that he committed fraud that altered documents to benefit TED's family, which had been wholly considered PREDECEASED prior to the fraud in Shirley Trust. TED filed for the validity hearing after his counsel committed fraud to benefit him and his only witness is his counsel that has committed fraud and TED in his own words stated under sworn oath at the Validity hearing,

Page 206-210

25· · · · Q.· ·Okay.· Ted, you were made aware of Robert
1· ·Spallina's fraudulent alteration of a trust document of

·2· ·your mother's when?
·3· · · · A.· ·I believe that was in the early 2013 or '14.
·4· · · · Q.· ·Okay.· And when you found out, you were the
·5· ·fiduciary of Shirley's trust, allegedly?
·6· · · · A.· ·I'm not sure I understand the question.
·7· · · · Q.· ·When you found out that there was a fraudulent
·8· ·altercation [sic] of a trust document, were you the
·9· ·fiduciary in charge of Shirley's trust?
10· · · · A.· ·I was trustee, yes.· I am trustee, yes.
11· · · · Q.· ·And your attorneys, Tescher and Spallina, and
12· ·their law firm are the one who committed that fraud,
13· ·correct, who altered that document?
14· · · · A.· ·That's what's been admitted to by them,
15· ·correct.
16· · · · Q.· ·Okay.· So you became aware that your counsel
17· ·that you retained as trustee had committed a fraud,
18· ·correct?
19· · · · A.· ·Correct.
20· · · · Q.· ·What did you do immediately after that?
21· · · · A.· ·The same day that I found out, I contacted
22· ·counsel.· I met with counsel on that very day.· I met
23· ·with counsel the next day.· I met with counsel the day
24· ·after that.
25· · · · Q.· ·Which counsel?
·1· · · · A.· ·Alan Rose.
…
P 209-210
24· ·BY MR. BERNSTEIN:
25· · · · Q.· ·Have you seen the original will and trust of
·1· ·your mother's?
·2· · · · A.· ·Can you define original for me?
·3· · · · Q.· ·The original.
·4· · · · A.· ·The one that's filed in the court?
·5· · · · Q.· ·Original will or the trust.
·6· · · · A.· ·I've seen copies of the trusts.
·7· · · · Q.· ·Have you done anything to have any of the
·8· ·documents authenticated since learning that your
·9· ·attorneys had committed fraud in altering dispositive
10· ·documents that you were in custody of?
11· · · · · · ·MR. ROSE:· Objection.· Relevance.
12· · · · · · ·THE COURT:· Overruled.
13· · · · · · ·THE WITNESS:· I have not.
14· ·BY MR. BERNSTEIN:
15· · · · Q.· ·So you as the trustee have taken no steps to
16· ·validate these documents; is that correct?
17· · · · A.· ·Correct.

314. TED further shows he is an incompetent Trustee at his validity hearing where he admits having not seen the original documents, not bringing any of them to the hearing to prove them valid and that he did "NOTHING" to validate them and did not even have them forensically analyzed or request the originals back from his former disgraced counsel after their admission of fraudulent created trusts and forged documents posited into the court record in his mother's estate and elsewhere and the admitted fraudulent use of his deceased father by his former counsel to commit fraud upon the court, fraud upon the beneficiaries and close his deceased mother's estate (despite a COURT ORDER for TESCHER and SPALLINA to turn over "ALL" RECORDS) .

315. The formal Complaint filed by the SEC contains breaches of fiduciary duties by SPALLINA and TESCHER that are almost identical to the claims Eliot has made in the Florida Probate Courts of Palm Beach County since at least on or about May of 2013[90] and[91]and[92]and[93].

316. Multiple requests for Discovery from TED in the Florida Probate Courts have been made including by short term counsel Brendan Pratt, Esq.[94] but no voluntary compliance by TED has occurred and no voluntary Discovery by TED produced.

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[90] September 28, 2015 SEC Press Release Regarding SPALLINA and TESCHER INSIDER TRADING CHARGES, "SEC Charges Five With Insider Trading, Including Two Attorneys and an Accountant"
http://www.sec.gov/news/pressrelease/2015-213.html

[91] September 28, 2015 SEC Government Complaint filed against TESCHER and SPALLINA @ http://www.sec.gov/litigation/complaints/2015/comp-pr2015-213.pdf

[92] October 01, 2015 SEC Consent Orders Felony Insider Trading SPALLINA signed September 16, 2015 and TESCHER signed June 15, 2014
http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/2015%20Spallina%20and%20Tescher%20SEC%20Settlement%20Consent%20Orders%20Insider%20Trading.pdf

[93] May 06, 2013 Bernstein Emergency Petition Florida Probate Simon and Shirley Estate Cases @
http://iviewit.tv/Simon%20and%20Shirley%20Estate/20130506%20FINAL%20SIGNED%20Petition%20Freeze%20Estates%20Orginal%20Large.pdf

[94] November 01, 2013 Production Request Ted Bernstein

NY Moreland Commission and Other Related Info

317. Eliot had made inquiry to the Moreland Commission to testify and had submitted information regarding Public Office Corruption in both the State of New York and State of Florida, including information regarding Public Office Complaints against members of the Florida Supreme Court, including former 15th Judicial Judge Jorge Labarga who was the main complained of party in Eliot's Court Corruption complaints and Bar Complaints in Florida and who is now Chief Justice of the Florida Supreme Court and Florida Bar Members (including members of Brian O'Connell's firm Ciklin a one Jerald Beer, Esq.

318. The Honorable Preet Bharara who has now taken down several of the most prominent Lawmakers from both parties in a New York Corruption Probe unparalleled and gaining worldwide recognition and applause, has recently revealed that he has seized the Moreland Commission inquiries for further investigation and where it is presumed that Eliot's inquiry has also been acquired by US Attorney's.

> U.S. Attorneys » Southern District of New York » News » Press Releases
> Department of Justice
> U.S. Attorney's Office
> Southern District of New York
> FOR IMMEDIATE RELEASE
> Monday, January 11, 2016
> Statement Of U.S. Attorney Preet Bharara Relating To Moreland Commission Investigation
>
> "After a thorough investigation of interference with the operation of the Moreland Commission and its premature closing, this Office has concluded that, absent any additional proof that may develop, there is insufficient evidence to prove a federal crime. We continue to have active investigations related to substantive inquiries that were being conducted by the Moreland Commission at the time of its closure."
>
> 16-009
> USAO - New York, Southern

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http://iviewit.tv/Simon%20and%20Shirley%20Estate/20131101%20ELIOT%20BERNSTEINS%20FIRST%20REQUEST%20FOR%20PRODUCTION%20OF%20DOCUMENTS%20AND%20THINGS%20PROPOUNDED%20ON%20TED%20S%20%20BERNSTEIN.pdf

Updated January 11, 2016
http://www.justice.gov/usao-sdny/pr/statement-us-attorney-preet-bharara-relating-moreland-commission-investigation

319. That the knowledge that Bharara has taken over the Moreland inquiries to the US Attorney's Office may provide an answer as to why the Florida Courts are denying due process to Eliot and participating in a massive court controlled conspiracy against his rights, involving many of the same parties as were in his prior complaints now presumed to be before the US Attorney. This may also explain the need to cover up the current Fraud on the Court, Fraud by the Court and Fraud on Eliot and his family at all costs at this time and explain the retaliation and abuse of process against Eliot's family.

320. Due to the Palm Beach Posts Guardianship series exposing widespread Guardianship abuses Eliot and Candice fear that judge Phillips may abuse the Guardianship process to gain control over Eliot's children and where there is already volumes of online complaints[95] against Judge Phillips this becomes even more frightening.

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[95] "Florida Judge is Taking Children from Good Mothers and Placing Them with Abusers"
Daily Kos Sunday Jul 20, 2014 · 9:10 AM EDT
http://www.dailykos.com/story/2014/7/20/1315240/-Florida-Judge-is-Taking-Children-from-Good-Mothers-and-Placing-Them-with-Abusers
and
Families Against Court Travesties, Inc. - John L. Phillips' Cases
C.C.S.'s Story - https://factscourtwatch.com/c-c-s/
B.D.'s Story - https://factscourtwatch.com/b-d/
E.C.'s Story - https://factscourtwatch.com/e-c/
J.J.'s Story - https://factscourtwatch.com/j-j/
M.J.'s Story - https://factscourtwatch.com/m-j/
M.M.'s Story - https://factscourtwatch.com/m-j/
T.R.'s Story - https://factscourtwatch.com/t-r/
https://factscourtwatch.com/john-l-phillips-cases/
and
John. L Phillips Racist and Biased Judge John L. Phillips Palm Beach Gardens Florida
http://www.ripoffreport.com/r/John-L-Phillips/Palm-Beach-Gardens-Florida/John-L-Phillips-Racist-and-Biased-Judge-John-L-Phillips-Palm-Beach-Gardens-Florida-1177334
and
Judge John Phillips rules Elderly People Incapacitated Violating the Elderly Rights of Due Process
http://ireport.cnn.com/docs/DOC-163498
and
Judge John L. Phillips from Palm Beach Garden is a lose cannon a Prejudicial biased Judge that is hurting our families.

321. That Eliot has been a thorn in the side of these lawyers and judges for many years and with their knowledge that if Eliot succeeds at some point in breaking through the corruption to have a fair and impartial hearing and honest investigations that they may lose everything and many of them may end up in prison on very serious counts including alleged attempted murder and murder according to Ted and others of Simon and thus all of these crimes in the Florida Probate matters may be carefully planned attacks on Eliot and his family to suppress and destroy all records and evidence of Eliot and Simon's relating to Iviewit before investigators can prosecute them.

322. Eliot has reason to fear that the there is no due process in Florida and in fact the opposite, a massive Obstruction by attorneys and judges and other State Agencies[96] Eliot has complained of working hand in hand, allowing years of records to disappear from Simon, allowing forged and fraudulently notarized documents to be submitted to the courts to further the scheme and nothing done when they are caught by the self regulating legal system that has failed, Judge Colin directly interfering with state criminal investigations to shutter them from investigating the Fraud on the Court and Fraud by the Court Officers and Judges alleged and proven in some instances already.

323. Therefore this Court and the US Attorneys with Eliot's Moreland Complaint may not only lose value production documents necessary to prove the truth of this lawsuit but if the Florida Probate Court continues to remove Eliot's rights as a beneficiary, standing and pleadings, this Court may lose Eliot as material and fact witness and all Eliot's records as they try and

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http://www.avvo.com/legal-answers/judge-john-l--phillips-from-palm-beach-garden-is-a-1626549.html
and
Judge John Phillips of West Palm Florida Probate courts does nothing to end the wall of corruption in the Florida Probate Courts. Ted Bernstein Life Insurance Concepts, Judge Martin Colin, Donald Tescher Florida Attorney; Florida Probate Courts.
http://tedbernsteinreport.blogspot.com/2016/02/judge-john-phillips-of-west-palm.html

[96]Iviewit Investigation Master List
www.iviewit.tv/CompanyDocs/INVESTIGATIONS%20MASTER.htm

repeatedly charge Eliot with contempt and more in efforts to have him imprisoned and his children placed in unnecessary and illegal guardianships obtained through fraud on the court and fraud by the court as is the case in tomorrows hearing before Judge Phillips and while jailed may move to evict his family from their home and destroy all records in his possession.

324. Finally, due to the heavy metal poison results of his father and the attempted car bombing of his family, Eliot fears that with the US Attorney now involved they may rush to finally perfect their attempt and murder Eliot and his family. The Court's injunctive power could be no greater to protect its authority and protect the main witness to the facts in this Court's case and where Eliot is a Whistleblower on the Court Corruption he is in need of Federal protection of his life and properties, all important to this Court's determination of the matters before it and all being intentionally interfered with by the Florida Court State Actors who have no immunity for such egregious and criminal misconduct in efforts to thwart Eliot's due process rights and interfere with this Court's matter as well.

325. Eliot apologizes to the Court for any filing errors in advance but this is an emergency situation where my life and the life of my wife and children and all of our properties appear in imminent danger and this Court must act instantly to preserve the powers of this Court despite any technical drafting errors by a Pro Se party.

326. There are so many due process violations and obstructions occurring rapidly that it would take a several hundred page pleading to attempt to deal with all of this ongoing criminal misconduct and civil torts.

327. In seeking leave to amend the counter complaint I will try and put the remainder of items in a proper pleading within two weeks so the Court can further assess the merits of the case.

Parties and Claims to be Added on Leave to Amend for Declaratory Judgment, 42 USC Sec. 1983 and other Fiduciary, tortious interference, negligence and State Claims - See Exhibit A

I respectfully seek Leave to file an Amended Complaint / Counter-Cross Complaint however properly labeled adding parties and claims as set forth above.

WHEREFORE, Eliot I. Bernstein, Pro Se Third Party Defendant/Cross Plaintiff respectfully prays for an Order:

1. Immediate Injunctive Relief under the All Writs Act, Anti-Injunction Act and FRCP against Ted Bernstein and counsel and representatives acting on his behalf specifically including but not limited to attorney Alan M. Rose, against the Estate of Simon Bernstein acting by and through local Illinois counsel and by Florida PRs Brian O'Connell and Joy Foglietta, against Pamela Simon, David Simon, Adam Simon, Jill Bernstein-Iantoni, Lisa Friedstein, and against proceedings in the Florida Probate Courts of Palm Beach County and other parties deemed proper by this Court, temporarily enjoining said parties from further proceedings in the Florida Probate Courts herein until further order of this Court, from disposing, selling, transferring, encumbering or in any way disposing of any assets, properties as specified herein, and further preserving any and all evidence, documents, files, notes, bills, statements, mail, emails, and other evidence herein;
2. Specifically Enjoining at least Temporarily Florida Probate Court Judge Phillips on Thursday, Feb. 25, 2016 at 3:15 PM EST until further Order of this

Court;

3. Permitting the Amendment of the original counter-complaint filed herein to add claims under 42 USC Sec. 1983 and other pendant state law claims including but not limited to tortious interference with rights of expectancy and inheritance;
4. Granting appropriate leave to further Amend said complaint to add specified known parties and have said parties served by the US Marshal service or agency determined by this Court;
5. Granting leave to Amend to include a Declaratory Judgment on specified counts pertaining to Trusts, Wills, Instruments, and the Validity and Construction thereof;
6. Waiving any requirement for Bonding by Eliot I. Bernstein under extra-ordinary circumstances and imposing the requirement of bonding against specified wrongdoers herein if necessary.
7. Such other and further relief as to this Court may seem just and proper.

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED: Wednesday, February 24, 2016

Note: All URL EXHIBITS contained herein are hereby incorporated by reference in entirety herein. The Court should consider printing these URL exhibits as recent hacking of Eliot's website and mail have caused his site to repeatedly be shut down at critical times making drafting and filing of complaints even more difficult. To ensure the court that these links do not disappear copying them down and printing them is requested.

/s/ Eliot Ivan Bernstein

Eliot Ivan Bernstein
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Boca Raton, FL 33434
Telephone (561) 245-8588
iviewit@iviewit.tv
www.iviewit.tv

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on Wednesday, February 24, 2016 I electronically filed the foregoing with the Clerk of the Court using CM/ECF. I also certify that the foregoing is being served this day on all counsel of record identified below via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner.

/s/ Eliot Ivan Bernstein

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EXHIBIT A - LIST OF COUNTER COMPLAINT DEFENDANTS TO BE INCLUDED IN THE AMENDED COMPLAINT

EXHIBIT A
COUNTER COMPLAINT DEFENDANTS / PARTIES

COUNTER-DEFENDANTS/THIRD PARTY DEFENDANTS FOR AMENDED COMPLAINT AND PARTY DESIGNATIONS

1. Hon. Jorge Labarga, Chief Justice of the Florida Supreme Court, professionally;
2. Hon. Jorge Labarga, Chief Justice of the Florida Supreme Court, personally;
3. Judge Martin Colin, professionally;
4. Judge Martin Colin, personally;
5. Judge David French, professionally;
6. Judge David French, personally;
7. Judge Howard Coates, professionally;
8. Judge Howard Coates, personally;
9. Judge John Phillips, professionally;
10. Judge John Phillips, personally;
11. The State of Florida;
12. The Florida Supreme Court;
13. The 4th District Court of Appeals;
14. Palm Beach County Probate and Circuit Courts;
15. The County of Palm Beach;
16. The Palm Beach County Sheriff;
17. Detective Ryan Miller;
18. Detective David Groover;
19. Detective Andrew Panzer;
20. Captain Carol Gregg;
21. Theodore Bernstein, personally;
22. Theodore Bernstein, as alleged Trustee of the Shirley Trust;
23. Theodore Bernstein as Personal Representative of the Shirley Estate;
24. Theodore Bernstein as alleged Trustee of the Simon Bernstein Irrevocable Insurance Trust Dtd. 6/21/95;
25. Theodore Bernstein, acting in any fiduciary capacity, corporate and company capacity and trustee capacity relevant herein;
26. Pamela Beth Simon, personally;
27. Pamela Beth Simon, acting in any fiduciary capacity, corporate and company capacity and trustee capacity relevant herein;
28. Lisa Sue Friedstein, personally;
29. Lisa Sue Friedstein, as Natural Guardian of minor CF;
30. Jill Marla Iantoni, personally;
31. Jill Marla Iantoni, as Natural Guardian of minor JI;
32. David B. Simon, Esq., professionally;
33. David B. Simon, Esq., personally;
34. Adam Simon, Esq., professionally;
35. Adam Simon, Esq., personally;

36. The Simon Law Firm and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
37. Robert L. Spallina, Esq., personally;
38. Robert L. Spallina, Esq., professionally;
39. Robert L. Spallina, Esq., former alleged Co-Trustee of the Simon Bernstein Trust;
40. Robert L. Spallina, Esq., former alleged Co-Personal Representative of the Simon Bernstein Estate;
41. Donald R. Tescher, Esq. personally;
42. Donald R. Tescher, Esq. professionally;
43. Donald R. Tescher, Esq. former alleged Co-Trustee of the Simon Bernstein Trust;
44. Donald R. Tescher, Esq. former alleged Co-Personal Representative of the Simon Bernstein Estate;
45. Gutter Chaves Josepher Rubin Forman Fleisher Miller PA F.K.A. Tescher Gutter Chaves Josepher Rubin Ruffin & Forman PA and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives, Attorneys, Insurers and Fiduciaries;
46. Tescher & Spallina, P.A. and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives, Attorneys, Insurers and Fiduciaries;
47. T&S Registered Agents, LLC and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
48. Kimberly Francis Moran, personally;
49. Kimberly Francis Moran, professionally;
50. Lindsay Baxley aka Lindsay Giles, personally;
51. Lindsay Baxley aka Lindsay Giles, professionally;
52. Alan B. Rose, Esq. – personally;
53. Alan B. Rose, Esq. – professionally;
54. Page, Mrachek, Fitzgerald & Rose, P.A. and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives, Attorneys, Insurers and Fiduciaries;
55. Ciklin Lubitz Martens & O'Connell and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives, Attorneys, Insurers and Fiduciaries;
56. Brian O'Connell, Esq., personally;
57. Brian O'Connell, Esq., professionally;
58. Brian O'Connell, Esq., fiduciary;
59. Joielle "Joy" A. Foglietta, Esq., personally;
60. Joielle "Joy" A. Foglietta Esq., professionally;
61. Joielle "Joy" A. Foglietta Esq., fiduciary;

62. Albert Gortz, Esq., personally;
63. Albert Gortz, Esq., professionally;
64. Proskauer Rose, LLP and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
65. Hopkins & Sutter and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
66. Foley & Lardner LLP and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
67. Greenberg Traurig, LLP and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
68. Jon Swergold, Esq., personally;
69. Jon Swergold, Esq., professionally;
70. Gerald R. Lewin, CPA, personally;
71. Gerald R. Lewin, CPA, professionally;
72. CBIZ, Inc. (NYSE: CBZ) and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
73. John Morrissey, Esq., personally;
74. John Morrissey, Esq., professionally;
75. John P. Morrissey, P.A. and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
76. Mark R. Manceri, Esq., personally;
77. Mark R. Manceri, Esq., professionally;
78. Mark R. Manceri, Esq., P.A. and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives, Attorneys, Insurers and Fiduciaries;
79. Pankauski Law Firm PLLC and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives, Attorneys, Insurers and Fiduciaries;
80. John J. Pankauski, Esq., personally;
81. John J. Pankauski, Esq., professionally;
82. Steven A. Lessne, Esq., personally;
83. Steven A. Lessne, Esq., professionally;
84. GrayRobinson, P.A. and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
85. GUNSTER and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;

86. Brandan J. Pratt, Esq., personally;
87. Brandan J. Pratt, Esq., professionally;
88. Huth & Pratt and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives, Attorneys, Insurers and Fiduciaries;
89. Stanford Financial Group and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives, Attorneys, Insurers, Receivers and Fiduciaries;
90. Oppenheimer & Co. Inc. and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives, Attorneys, Insurers and Fiduciaries;
91. Oppenheimer Trust Company of Delaware and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives, Attorneys, Insurers and Fiduciaries;
92. Janet Craig, personally;
93. Janet Craig, professionally;
94. Janet Craig, fiduciary;
95. Huntington Worth, personally;
96. Huntington Worth, professionally;
97. Huntington Worth, fiduciary;
98. William McCabe, Esq., personally;
99. William McCabe, Esq., professionally;
100. Legacy Bank of Florida and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives, Attorneys, Insurers and Fiduciaries;
101. JP Morgan Chase & Co. and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives, Attorneys, Insurers and Fiduciaries;
102. LaSalle National Trust, NA and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
103. Chicago Title Land Trust and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
104. Heritage Union Life and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;

105. Jackson National Life and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
106. Reassure America Life Insurance Company and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
107. WiltonRe and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
108. First Arlington National Bank as Trustee of S.B. Lexington, Inc. Employee Death Benefit Trust and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
109. United Bank of Illinois and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
110. Bank of America, Alleged successor in interest to LaSalle National Trust, N.A. and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
111. Wilmington Trust Company and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
112. Regency Title dba US Title of Florida and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
113. Old Republic National Title Insurance Company and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
114. Nestler Poletto Sotheby's International Realty and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
115. Bernstein Family Realty, LLC and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
116. Bernstein Holdings, LLC and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
117. Bernstein Family Investments, LLLP and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns,

Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;

118. S.T.P. Enterprises, Inc., and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives, Attorneys, Insurers and Fiduciaries;
119. S.B. Lexington, Inc. and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
120. National Service Association, Inc. (of Illinois) and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
121. Life Insurance Concepts, Inc. and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
122. LIC Holdings, Inc. and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
123. LIC Holdings, LLC and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
124. Arbitrage International Management LLC and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
125. Arbitrage International Marketing, Inc. and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
126. Arbitrage International Holdings, LLC and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
127. National Services Pension Plan and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
128. Arbitrage International Marketing Inc. 401 (k) Plan and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
129. Simon L. Bernstein Trust Agreement (2008) and its current and former trustees, fiduciaries and counsel;

130. Simon L. Bernstein Irrevocable Trust Agreement (2008) and its current and former trustees, fiduciaries and counsel;
131. Simon L. Bernstein Estate and Will of Simon L. Bernstein (2008) and its current and former trustees, fiduciaries and counsel;
132. Simon L. Bernstein Estate and Will of Simon L. Bernstein (2012) and its current and former trustees, fiduciaries and counsel;
133. Simon L. Bernstein Amended and Restated Trust Agreement (2012) and its current and former trustees, fiduciaries and counsel;
134. Wilmington Trust 088949-000 Simon L. Bernstein Irrevocable Trust and its current and former trustees, fiduciaries and counsel;
135. Estate and Will of Shirley Bernstein (2008) and its current and former trustees, fiduciaries and counsel;
136. Shirley Bernstein Trust Agreement (2008) and its current and former trustees, fiduciaries and counsel;
137. Shirley Bernstein Irrevocable Trust Agreement (2008) and its current and former trustees, fiduciaries and counsel;
138. Simon Bernstein Irrevocable Insurance Trust dated 6/21/1995 (currently missing and legally nonexistent) and its current and former trustees, fiduciaries and counsel;
139. Shirley Bernstein Marital Trust and Family Trust created under the Shirley Bernstein Trust (2008) and its current and former trustees, fiduciaries and counsel;
140. S.B. Lexington, Inc. 501(C)(9) VEBA TRUST and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
141. Trust f/b/o Joshua Bernstein under the Simon L. Bernstein Trust dtd 9/13/2012 and its current and former trustees, fiduciaries and counsel;
142. Trust f/b/o Daniel Bernstein under the Simon L. Bernstein Trust dtd 9/13/2012 and its current and former trustees, fiduciaries and counsel;
143. Trust f/b/o Jake Bernstein under the Simon L. Bernstein Trust dtd 9/13/2012 and its current and former trustees, fiduciaries and counsel;
144. Eliot Bernstein Family Trust dated May 20, 2008 and its current and former trustees, fiduciaries and counsel;
145. Daniel Bernstein Irrevocable Trust dated September 7, 2006 and its current and former trustees, fiduciaries and counsel;
146. Jake Bernstein Irrevocable Trust dated September 07, 2006 and its current and former trustees, fiduciaries and counsel;
147. Joshua Z. Bernstein Irrevocable Trust dated September 07, 2006 and its current and former trustees, fiduciaries and counsel;
148. Traci Kratish, Fiduciary;
149. Christopher Prindle, personally;
150. Christopher Prindle, professionally;
151. Peter Montalbano, personally;
152. Peter Montalbano, professionally;
153. Steven Greenwald, personally;
154. Steven Greenwald, professionally;
155. Louis B. Fournet; professionally;

156. Louis B. Fourner, personally;
157. Alexandra Bernstein;
158. Michael Bernstein;
159. Eric Bernstein;
160. Molly Simon;
161. Max Friedstein;
162. John and Jane Doe State Defendants,

EXHIBIT A - LIST OF POTENTIAL DEFENDANTS TO BE ADDED TO COUNTER COMPLAINT BASED ON NEED TO OBTAIN DISCOVERY AND POTENTIAL COMPANY - VEHICLE TO HIDE-MOVE ASSETS ETC

163. John Hancock
164. Delray Medical Center;
165. Ronald V. Alvarez, Esquire, is a mediator;
166. CFC of Delaware, LLC.
167. Life Insurance Connection, Inc.
168. TSB Holdings, LLC
169. TSB Investments LLLP
170. Life Insurance Concepts, LLC
171. Life Insurance Innovations, Inc.
172. National Service Association, Inc. (of Florida)
173. Total Brokerage Solutions LLC
174. Cambridge Financing Company
175. National Service Association, Inc.
176. National Service Corp (FLORIDA)
177. Simon L. Bernstein Irrevocable Trust U/A 9/7/06
178. Shirley Bernstein Irrevocable Trust U/A 9/7/06
179. Simon Bernstein 2000 Insurance Trust (dated august 15, 2000)
180. Shirley Bernstein 2000 Insurance Trust (dated august 15, 2000)
181. 2000 Last Will and Testament of Simon L. Bernstein
182. 2000 Last Will and Testament of Shirley Bernstein
183. Jill Iantoni Family Trust dated May 20, 2008
184. Lisa Friedstein Family Trust dated May 20, 2008
185. Daniel Bernstein Irrevocable Trust 07-JUL-10 049738
186. Jake Bernstein Irrevocable Trust 07-JUL-10 0497381
187. Joshua Z Bernstein Irrevocable Trust 07-JUL-10 0497381
188. Simon Bernstein Irrevocable Trust dated 6/21/95
189. Simon Bernstein Trust, NA
190. S.B. Lexington, Inc. Employee Death Benefit Trust
191. Simon Bernstein Trust Agreement dated May 13, 2008
192. Saint Andrews School Boca Raton