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, **ESTATE BENEFICIARY AND INTERESTED**

 **PERSON ELIOT BERNSTEIN’S CLOSING**

Deceased. **STATEMENT IN STANSBURY FEE**

 **DISCHARGE AND MOTION FOR COURT**

 **TO PERFORM MANDATORY**

 **OBLIGATIONS UNDER FRAUD UPON**

 **THE COURT, STAY, INJUNCTION,**

 **DISCOVERY COMPLIANCE, CONFLICT**

 **DETERMINATION AND OTHER RELIEF**

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

**THIS COURT SHOULD STAY ANY CURRENT AND FUTURE OBLIGATIONS OF CLAIMANT WILLIAM STANSBURY TO PAY CHICAGO ILLINOIS “LITIGATION COUNSEL” IN THE ILLINOIS INSURANCE CASE ON BEHALF OF THE ESTATE OF SIMON BERNSTEIN:**

1. I am Eliot Bernstein pro se, a Beneficiary of the Estate of Simon Bernstein with standing and an interested party herein.
2. I support William Stansbury’s motion to be relieved from any current and future payment obligations to Chicago litigation counsel on behalf of the Estate of Simon Bernstein but assert that these obligations should be Stayed at this time and the matter stayed and continued pending outcome of future hearings and the sorting out of conflicts of interest and correction of the multiple and various frauds upon the Court.
3. There has always been an inherent Conflict of Interest in this arrangement whereby William Stansbury as a Claimant against the Estate of Simon Bernstein has simultaneously been paying for Litigation Counsel for the Estate which Stansbury is otherwise litigating against in a separate civil action.
4. 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.
5. 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.
6. 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.**
7. 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.
8. 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**

1. 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.
2. Judge Scher is obligated under law to Order appropriate Discovery to correct these frauds and held proper evidentiary hearings.
3. 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
4. This court and others have held that if a party files a motion pursuant to rule 1.540(b)(3), pleads fraud or misrepresentation with particularity, and shows how that fraud or misrepresentation affected the judgment, the trial court is required to conduct an evidentiary hearing to determine whether the motion should be granted.[7]See Seal v. Brown, 801 So. 2d 993, 994-95 (Fla. 1st DCA 2001); St. Surin v. St. Surin, 684 So. 2d 243, 244 (Fla. 2d DCA \*782 1996); Estate of Willis v. Gaffney, 677 So. 2d 949 (Fla. 2d DCA 1996); Dynasty Exp. Corp. v. Weiss, 675 So. 2d 235, 239 (Fla. 4th DCA 1996); Townsend v. Lane, 659 So. 2d 720 (Fla. 5th DCA 1995); S. Bell Tel. & Tel. Co. v. Welden, 483 So. 2d 487, 489 (Fla. 1st DCA 1986)”.
5. ("[W]here the moving party's allegations raise a colorable entitlement to rule 1.540(b)(3) relief, a formal evidentiary hearing on the motion, as well as permissible discovery prior to the hearing, is required."); Kidder v. Hess, 481 So. 2d 984, 986 (Fla. 5th DCA 1986); Stella v. Stella, 418 So. 2d 1029 (Fla. 4th DCA 1982); see also Robinson. Moreover, the courts have held that the hearing requirement applies when fraud is asserted as a grounds for relief under either rule 1.530 or 1.540, Florida Rules of Civil Procedure. See Stella. The motion filed by Robinson sufficiently alleges fraud and demonstrates how it affected the judgment, thereby satisfying the requirement for an evidentiary hearing under either rule 1.530 or 1.540.”
6. In fact, as clear and convincing proof that this scheme to defraud set in motion before this Court is Central to the proceedings and thus Fraud on the Court standards met now triggering this Court’s duty to act, this Court of Judge Scher’s own Case Management Order of Dec. 13, 2016 which set the schedule for why we are all present in Court today on Feb. 16, 2017 in fact recites and relied upon the Fraud and False statements of Alan Rose attorney in the Case Management Order itself Paragraph 4 showing-claiming “Ted S. Bernstein as Successor Trustee of Trust which is Sole Beneficiary of the Estate { DE 473 }.”.
7. 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.

**WHEREFORE**, it is respectfully prayed for an Order staying and continuing all current and future obligations for William Stansbury to pay the Chicago Litigation counsel fees of the Estate of Simon Bernstein and for a Stay and continuance of all proceedings herein until Discovery is complied with and Ordered if necessary and all conflicts of interest sorted out, all frauds corrected and and for such other relief as may seem just and proper.

Respectfully submitted,

Dated: June 28, 2017

 **/s/ Eliot Ivan Bernstein**
 Eliot Ivan Bernstein

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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, Court ECF on this 28th day of June, 2017.

**/s/ Eliot Ivan Bernstein** Eliot Ivan Bernstein

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EXHIBIT 1

EXHIBIT 2

EXHIBIT 3