

IN THE CIRCUIT COURT OF THE 15<sup>TH</sup> JUDICIAL  
CIRCUIT IN AND FOR PALM BEACH COUNTY,  
FLORIDA

**File Number: 502012 CP 004391 XXXX NB**

Division: Probate "IH"

IN RE: ESTATE OF  
SIMON L BERNSTEIN,  
Deceased.

**Judge Keever-Agrama**

**Date of Hearing**  
**10.11.2019 at 10:00 AM**

**Righteous Crossmotion**  
**Filed Oct 01, 2019**  
**Mandated by Selfrighteous Motion**

**[Selfrighteous] MOTION TO STRIKE ELIOT BERNSTEIN'S FILINGS AND TO BAR  
ELIOT BERNSTEIN FROM OBJECTING TO ESTATE ADMINISTRATION FILED  
ON JUNE 14, 2019 [DE 859]**

With *all due respect* to **Judge Keever-Agrama** under *penalties of perjuries since day one*,  
Pro Se Attorney-in-fact Eliot Ivan Bernstein ("EIB") is forced to file this *righteous* Crossmotion  
required by the *righteous LKJESQ* Memorandum of Law ("*LKJMOL*") that *is for Free Use in*  
*All Cases in All Courts (A1-A4)* since it is mandated by Selfrighteous Motion *only because*:

"The *point is*: judicial discretion for universal belief in righteous<sup>1</sup> activities of *daily living*  
("ADLs") *leaves Courts with no choice but mandatory-error-correction* using the *newly*  
*invented everlasting legal lightbulb* ("*NIELL*"). It *ends* selfish beliefs in self-righteous *ADLs*  
causing irreversible injuries<sup>2</sup> in evil governments<sup>3</sup> as the *Savior of the guilty*.<sup>4</sup> It *continues* due  
process of law until *evidence is used*<sup>5</sup> to *make* injurers<sup>6</sup> give Mandatory Restitution<sup>7</sup> making  
their injureds whole<sup>8</sup> to "establish Justice [by laws correctly applied]"<sup>9</sup> (Preamble, Cons). It  
*helps* politically-sick-people STOP digging their own graves as threats to their own countries  
and *upgrade* into politically-unsick-people in billions making 100% commonsense.<sup>10</sup>

**A Opening Statements**

1 The *point is* that the buck *has to* STOP with the injurers ("Justice") because injurers  
began passing the buck still enjoying the wealth stolen from the injureds ("Injustice") to make the  
injurers retribute their injureds as an effective deterrent required by the *NIELL*.<sup>4</sup>

2 Ted Bernstein ("Ted") is a client of Spallina & Tescher ("*Zealous Attorneys*")<sup>4</sup>  
and his appointment as successor Trustee to Simon's Trust is a *legal nullity* as proved below:

.1 Ted's *Zealous Attorneys*<sup>6</sup> as CO-TRUSTEES and CO-PRs of the Simon Bernstein Trust and  
Estate were judicially removed from ALL Bernstein matters for submitting fraudulent and  
forged documents in the Simon Estate and for fraudulently altering the Shirley Trust document;

- .2 Upon their judicial removal for good, Ted's *Zealous* Attorneys<sup>6</sup> *violated* the terms of the Simon Amended Trust that they authored *precluding* Ted from being a successor Trustee since Ted is considered predeceased, "for all purposes of this Trust and the dispositions made hereunder, my [Simon's] children, TED S. BERNSTEIN, PAMELA B. SIMON, ELIOT BERNSTEIN, JILL IANTONI and LISA S. FRIEDSTEIN, shall be deemed to have predeceased me [Simon]" (Simon Trust, Art. III E.1, pp 5-6);
- .3 Upon their judicial removal for good, Ted was also precluded from being successor Trustee since he is related to Simon (Simon Trust, Art. IV C pp 6-17: "A successor Trustee appointed under this subparagraph *shall not be* a Related or Subordinate Party of the trust... Notwithstanding the foregoing, a designation under this Subparagraph of a successor trustee to a corporate or entity trustee shall be limited to a corporate or entity trustee authorized to serve as such under Florida law with assets under trust management of no less than one billion dollars"; and
- .4 Ted's *Zealous* Attorney<sup>6</sup> Alan Rose, Esq will keep getting paid legal fees to keep concealing Ted's appointment as successor Trustee to Simon's Trust as a *legal nullity* since day one.

3 Today on Oct 1, 2019 at 03:05 PM, Brett C Barner, Esq., as Counsel for Ciklin Lubitz ("Ciklin"), filed Notice (Add On) of Specially Set Hearing (30 minutes Permitted) that "he will call up for hearing...[to be] heard on...Ciklin Lubitz' Joinder in Ted S Bernstein's Motion to Strike Bernstein's Filings and to Bar Eliot Bernstein from Objecting to Estate Administration filed on June 14, 2019 [DE 859 ***BUT NOT IN THE SUBJECT MOTION TO DIRECT PAYMENT FOR BENEFIT OF THE SAME ELIOT IVAN BERNSTEIN BE PAID INTO COURT REGISTRY FILED ON AUGUST 1, 2019 [DE 869]***]", *knowing that* Ciklin, Lubitz & O'Connell ("CLO") attorney **Brian O'Connell Esq PR is a convicted Florida attorney with 0% credibility** since he was *found guilty* of Breaches of Fiduciary Duties and Negligence in the Biven lawsuit on claims of financial breaches<sup>a</sup> *same as claims made in the Estate of Simon Bernstein*.

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<sup>a</sup> "... Attorney Greg Coleman, past president of The Florida Bar, wrote to the work group in June to alert it to "inappropriate, improper and illegal activities of a *very small number of Florida attorneys*" practicing in the guardianship arena. ¶ "Unfortunately, the way guardianship statutes and rules are currently constituted *allows for a window of exploitation by bad attorneys and bad guardians for their own personal monetary gain*," said Coleman, who was not associated with the Bivins guardianship or any of the relating litigation. ¶ *Coleman said everything is moving in the right direction for seniors*. "The issue has the (Florida Supreme) Court's attention, I can tell you," he said. "*It is not something that is being ignored or swept under the rug.*" <https://tinyurl.com/y6ej9gqb>

## **B Righteous Crossmotion**

4 EIB’s “right to insist upon the highest level of judicial honesty and integrity [**with no lies ...**]”<sup>4</sup> will keep forcing EIB to keep helping this Court to begin to protect itself *from* law firms whose lawyers, who are still lucky as not yet caught thus not yet been **convicted same** as their partners who were not that lucky have been **convicted**; and thus to also begin to protect itself *from* their clients as well.

5 MOTION TO STRIKE ELIOT BERNSTEIN'S FILINGS AND TO BAR ELIOT BERNSTEIN FROM OBJECTING TO ESTATE ADMINISTRATION FILED ON JUNE 14, 2019 [DE 859] filed by *Zealous* Attorneys Alan Rose Esq, who is still lucky as not yet caught thus not yet **convicted**, is 100% evidence of *self-righteousness* forcing the Court to believe in the injurers’ lies on oath and make the injurers as the wrong parties win *knowingly violating* the *NIELL*<sup>4</sup> knowing that due process of law shall continue with no time limit until *evidence is used*<sup>5</sup> to make *the Court make the u-turn* from self-righteousness into righteousness since day one.<sup>1</sup>

6 *Even if* Courts prove that *absolute judicial immunity created judicial rights* to make injurers’ lies on oath *prevail over* injureds’ truths on oath *but for which* injurers will not win and injureds will not lose, the *NIELL* in *public service shall keep going viral ending the seminal judicial scam illegitimately fathered* by the self-righteous **Legal Maxim**: “The law *admits no proof* against that [*injurers’ innocence*] which it presumes [*as the seminal judicial scam*],”<sup>10</sup> *knowing that* injurers include *zealous* attorneys<sup>6</sup> and Florida attorneys’ breaches of fiduciary duties and legal duties acting as *Zealous* Attorneys<sup>6</sup> are judicially confirmed and published by the media<sup>b</sup>. because:

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<sup>b</sup> “... Attorney Greg Coleman, past president of The Florida Bar, wrote to the work group in June to alert it to “inappropriate, improper and illegal activities of a *very small number of Florida attorneys*” practicing in the guardianship arena. ¶ “Unfortunately, the way guardianship statutes and rules are

“Jurisdiction exists that rights [to insist upon the highest level of judicial honesty and integrity with no lies...]”<sup>4</sup> may be maintained. Rights are not maintained that jurisdiction may exist.” *Matter of Berkowitz v Arbib & Houlberg*, 1922, Ct App, J. Cardozo, 230 NY 261, 274.

7 *But for a truly true, correct and complete* forensic audit and report by a duly licensed attorney at law and accountant (“*Truthful* Forensic Audit Report”) helped by attached timeline of events prepared by the injured EIB (E1 to E6) *duly ordered by this Court*, the Court *is again destined to again fail to protect its own “highest level of honesty and integrity [with no lies to make righteousness prevail over self-righteousness as every Judge’s absolute judicial duty with absolute judicial immunity for truly true, correct and complete finality in every criminal, civil, tort and other case]....”*<sup>4</sup> as it did in all its prior Orders involving the Bernsteins.

8 *Omnipotently, Truthful* Forensic Audit Report shall be ordered to include the wealth owned by Simon Bernstein years before the day one day after his death on 09.13.2012 *but for which* the dollar amount of his wealth stolen with never ever see the light of the day.

9 Knowing that *zealous* attorneys’ motions *will keep ordering* Hon Judge to be bound by *self-righteous judicial tradition to see, hear and speak no judicial evil still being done using duly documented self-righteous legal filings to keep committing Justicide, judicial discretion* for universal belief in righteous<sup>1</sup> *ADLs leaves Courts with no choice but mandatory-error-correction* using the *NIELL*:

- .1 Because it *ends* selfish beliefs in self-righteous *ADLs* causing irreversible injuries<sup>2</sup> in evil governments<sup>3</sup> as the *Savior of the guilty*;<sup>4</sup>
- .2 Because it *continues* due process of law until *evidence is used*<sup>5</sup> to *make* injurers<sup>6</sup> give Mandatory Restitution<sup>7</sup> making their injureds whole<sup>8</sup> to “establish Justice [by laws correctly applied]”<sup>9</sup> (Preamble, Cons); and

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currently constituted *allows for a window of exploitation by bad attorneys and bad guardians for their own personal monetary gain*,” said Coleman, who was not associated with the Bivins guardianship or any of the relating litigation. ¶ *Coleman said everything is moving in the right direction for seniors*. “The issue has the (Florida Supreme) Court’s attention, I can tell you,” he said. “*It is not something that is being ignored or swept under the rug.*” <https://tinyurl.com/y6ej9gqb>

.3 Because it *helps* politically-sick-people STOP digging their own graves as threats to their own countries and *upgrade* into politically-unsick-people in billions making 100% commonsense.<sup>10</sup>

10 Knowing since day one of the death of Simon Bernstein, *if not since even before that date while the grand scheme was being masterminded by Ted, criminally aided and abetted by his army of Zealous Attorneys*,<sup>6</sup> that the injureds in this case include, but are not limited to, EIB, his wife, his three sons and their friends and extended family members who are still being deprived of their money-making, non-moneymaking and other social ADLs (“All Lives’ ADLs”), the *NEILL* requires that the injurers give *restitution to end destitution* caused by the injuries they will still keep causing and make their injureds whole for the entire period of time of the injureds’ lives that have been deprived of All Lives’ ADLs aka *destitution*, supported by the self-proving obvious facts that they are still being forced to invest their 24/7 time to keep revealing to the Court what Zealous Attorneys will still keep concealing from the Court since day one.

### C Righteous Conclusion

WHEREFORE may it please Judge Keever-Agrama to please take judicial notice of the foregoing self-damning facts, deny the selfrighteous Motion, grant the righteous Crossmotion, Order, Wait for and Study a *Truthful* Forensic Audit Report, and only then pass its *first* legally valid and enforceable decision, order and/or judgment with “no lies”<sup>4</sup> (“Valid DOJ”) mandated by the *NIELL* to *vacate* as void all prior legally unenforceable thus void DOJs (“Void DOJs”), *end* committing still ongoing Justicide, *begin* to resurrect Justice, *Order* restitution to *insure* that *all Zealous* Attorneys, who submitted papers to this Court which deliberately withheld information to keep inveigling the Court into making decisions *it should not have made when uninveigled, are duly held in Contempt of Court* and the papers together with all the pertinent facts as evidence thereof *are duly submitted* to the Grievance Committee for appropriate *action*,<sup>4</sup> *knowing that*:

- A *Action by the Grievance Committee is appropriate only when it protects all courts from all zealous attorneys-in-fact and attorneys-at-law alike to let them hold all politically-sick-people in Contempt of Court if and when they even try to foil truthful local and global marketing of the righteous NIELL;*
- B *All Courts have to be safe havens for righteous ADLs and thus unsafe havens for self-righteous ADLs, always but for which due process of law will not end with no time limit, period, case closed; and*
- C *Until then, Zealous Attorneys shall keep deliberately withholding information to keep inveigling the Courts with no fear from the Courts still conspiring with Zealous Attorneys as before?*

Dated: Oct 1, 2019

Respectfully Submitted by,

**/s/Eliot Ivan Bernstein**  
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Encs **LKJMLOL A1 to A4 + E1 to E6**  
**Copies to Service Lists**

**CERTIFICATE OF SERVICE**

I CERTIFY that a copy of the foregoing has been furnished to parties listed on attached Service List by E-mail Electronic Transmission and/or Court ECF; this 1<sup>st</sup> day of Oct, 2019.

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**SERVICE LIST**

**File Number: 502012 CP 004391 XXXX NB**

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**ENCLOSURES**

OM	"The newly invented everlasting legal lightbulb ("NIELL") to serve all countries is 100% safe for all."™	☞
"Good Law Day" began 10.31.2013. 07.04.2019	<b>LAW OFFICES OF LALIT K JAIN ESQ</b> Practice of Law in NY State, US Tax and District Courts, US Supreme Court, and all Courts in India.™	Fon: 718-255-6576 Cell: 718-316-5921 Fax: 347-637-5498
"After re-examining the statute more closely and...as I reread it, many, many more times, my initial reading [and application] of it was incorrect... I have to change my verdict to not guilty [as constitutionally mandated]." The Oct 31, 2013 Self-Correcting NYS Queens County Criminal Court.		

The Righteous LKJESQ Memorandum of Law ("LKJMOL") is for Free Use in All Cases in All Courts.

No. 96-57

IN THE  
SUPREME COURT OF THE UNITED STATES  
October Term, 1995

ANDREW C. SCHIFFER,  
*Petitioner,*

vs.

TARRYTOWN BOAT CLUB, INC.,  
and its BOARD OF DIRECTORS individually,  
JOHN MILLAR, KEVIN McDERMOTT,  
ROBERT ROSSI, EDWARD THOMAS,  
DONALD BRAINARD, THOMAS KENEALY,  
ANTHONY ISMAILOFF, and JOHN PUFF,  
*Respondents.*

ON PETITION FOR A WRIT OF CERTIORARI  
TO NEW YORK STATE COURT OF APPEALS

PETITION FOR A WRIT OF CERTIORARI

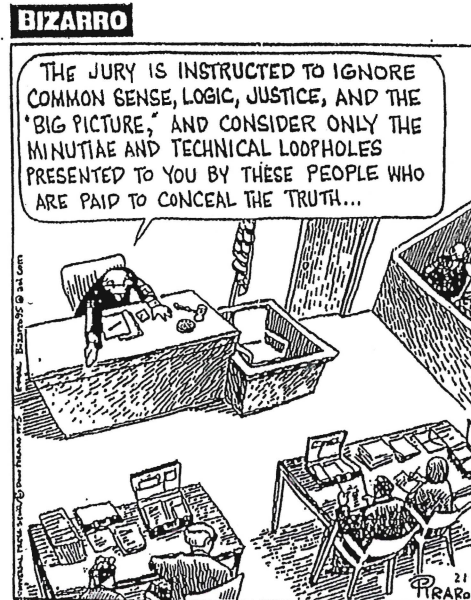
LALIT K. JAIN  
*Counsel of Record for Petitioner*  
61-22 Booth Street  
Rego Park, N. Y. 11374-1034  
718 476-9757

June 25, 1996

TWO UNSETTLING QUESTIONS

Judgments are, as it were, the sayings of the law,  
and are received as truth [even if not the truth].<sup>a</sup>

Personally ashamed but constitutionally constrained by  
oath to support our Constitutions WE THE PEOPLE still  
honor, Counsel presents very basic questions raised by the  
judicial truth as received and judicial satire as published.



<sup>a</sup> *Judicia sunt tanquam juris dicta, et pro veritate accipiuntur.*  
*Bl. Dict., (6th ed.), p. 850. [Emphasis added].*

<https://tinyurl.com/y2r0roxy><sup>a</sup> is the compromised system resecured for good on Oct 31, 2013.

The *point* is: judicial discretion for universal belief in righteous<sup>1</sup> activities of daily living ("ADLs") leaves Courts with no choice but mandatory-error-correction using the newly invented everlasting legal lightbulb ("NIELL"). It ends selfish beliefs in self-righteous ADLs causing irreversible injuries<sup>2</sup> in evil governments<sup>3</sup> as the *Savior of the guilty*.<sup>4</sup> It continues due process of law until evidence is used<sup>5</sup> to make injurers<sup>6</sup> give Mandatory Restitution<sup>7</sup> making their injureds whole<sup>8</sup> to "establish Justice [by laws correctly applied]"<sup>9</sup> (Preamble, Cons). It helps politically-sick-people STOP digging their own graves as threats to their own countries and upgrade into politically-unsick-people in billions making 100% commonsense.<sup>10</sup>

Claimer instead of Disclaimers: May it please the Courts to please forgive LKJESQ for his first free gift to all Courts to serve Justice instead of Justice? Learn and live in truth Knowing Justice always insures nature.™

LKJESQ@LKJESQ.COM / 61-22 Booth Street Rego Park NY 11374-1034

A1 of A4

*Lalit K Jain*  
10/01/2019



<sup>1</sup> “**Righteousness** is...“the quality of being *morally correct*...synonymous with “rightness”...that implies that the practice of righteousness leads to world peace and harmony [**being ruined by Courts, Churches and Congresses conspiring and enjoying immoral self-righteousness**]...” <https://en.wikipedia.org/wiki/Righteousness>.

“**Self-righteousness** (...holier-than-thou attitude...) is a feeling or display of...*moral superiority* derived from a sense that one’s beliefs, actions, or affiliations are of greater virtue than those of the [**morally correct**] average person. Self-righteous...are often *intolerant* of the opinions and behaviors of [**the morally correct**] others ... particularly because [the *morally superior*] are often thought to exhibit *hypocrisy* due to the belief that humans are imperfect and can therefore never be infallible [knowing that *self-correcting is infallibility, isn’t it?*]...”

<https://en.wikipedia.org/wiki/Self-righteousness>

<sup>2</sup> **Raping is causing irreversible injuries.** “Taxes are what we pay for civilized society [*with no raping*]...A *penalty*...is...to prevent [raping].” *Compania General v Collector, 1927, Holmes, 275 US 87, 100.*

“...if *two policemen see a rape and watch it just for their own amusement, no violation of the Constitution [in the grand scheme of [raping]]* as the *tax-funded State Created Danger from human rights to do wrongs assassinating the tax-funded State Confirmed Security from human duties to do right*]...(laughter).”

*May It Please the Court*...Transcripts of...Landmark Cases before the SCOTUS ...1993, p39-60 at p46-47. This Nov 2, 1988 **judicial raping by Rehnquist** at <http://tinyurl.com/pnu9lrj> from 39:00 to 41:00 minutes made the *DeShaney* case **one more EVIL landmark case** reported as 1989, 489 US 189. Justice *has to* reverse and correct this physical-abuse case same as all sexual-abuse cases and only then end due process of law with no time limit.

“It has to be stated that though the accused [*rapists*] have not used any external weapon, they have used **more powerful weapon in their possession** i.e. *penis* with which each one of them have caused the most grievous injuries not only to the body of [*their raped victim*] but also to her mind which will *last forever*.”

The State of Maharashtra, Complainant v Vijay Mohan Jadhav aka Nanu, 18, et al. Accused *In the Court of Principal Sessions Judge Gr Bombay* (Presided Over by *Dr Mrs Phansalkar-Joshi*) as Sessions Case No 846 of 2013, ¶336 on Page 202 in 232 Page Decision dated Apr 04, 2014, <http://tinyurl.com/plghcp2>.

<sup>3</sup> A “...government even in its best state is but a *necessary evil*; in its worst state an *intolerable one* [*still dying to be necessary good instead*]; ...” Feb 14, 1776 *Common Sense* by *Founding Father Thomas Paine*.

<sup>4</sup> “[p20] ...**Court:** ... I [**the Judge**] do find the defendant *guilty*...unless you [**Jain**] want to be heard... [p21] MR JAIN: Yes ... [p22]. **Court:**...Parties *step up real quick.* (Whereupon a bench discussion was held) ... **Court:** After *re-examining the statute more closely*... as I *reread it, many, many more times, my initial reading of it was incorrect*... [p23]... I *have to change* my verdict to *not guilty* [for the newly invented everlasting legal lightbulb (“*NIELL*”)]. Case dismissed. ... ¶ **Court Officer:** *You’re free to go.*” Docket No. 2012QN040877. *People v Onuorah* in NYS Queens County Criminal Court’s 23-page 10.31.2013 Transcript.

*Everyone in every* “society, that empowers Judges to decide *the fate of human beings and disposition of property [in all cases]* has the right to insist upon the *highest level of judicial honesty and integrity [with no lies to make righteousness prevail over self-righteousness]* as every Judge’s absolute judicial duty with absolute judicial immunity for *true, correct and complete finality in every criminal, civil, tort and other case*]...”

*Matter of Mazzei v State Commission on Judicial Conduct, 1993, Ct App, 81 NY2d 568, 571-578.*

**Judiciary protected itself** against a pro se litigant [**attorney-in-fact**] in *Sato v Plunkett, 1994, ND Ill, 154 FRD 189* same as against a *zealous lawyer*<sup>5</sup> in *Garcia v Silverman, 1972, Civ Ct NY Co, 70 Misc2d 537-538.* **These judicial warnings to all attorneys-in-fact and attorneys-at-law alike are both equally 100% constitutional.**

“...Henceforth, *any attorney* who submits papers to this [*or any*] court which deliberately...withholds information to inveigle the court into making a decision it should not make [when uninveigled], *will be* held in contempt of court and the papers together with all the pertinent facts [as evidence] *will be submitted* to the Grievance Committee...for appropriate action.” *Action is appropriate only when it protects all courts from all zealous attorneys-in-fact and attorneys-at-law alike to let them hold all politically-sick-people in Contempt of Court if and when they even try to foil truthful local and global marketing of the righteous NIELL, knowing that Courts have to be safe havens for righteous ADLs and thus unsafe havens for self-righteous ADLs, always.*

<sup>5</sup> “...if you think that it is terribly important that the case came out wrong, *you miss the point* of the common law [to *misuse discretion*] *In the grand scheme of [predation], whether the [law-compliant] right party won*

*is really secondary [since making the law-defiant wrong parties win is primary].”* The Supreme Court of the United States (“SCOTUS”) Justice Scalia, 1997 reconfirmed it in *A Matter of Interpretation, Federal Courts and the Law*, p6 as did the *iconic denial* of LKJESQ’s June 25, 1996 Petition in the Dec 2, 1996 publication by the Legal Information Institute and Project Hermes.

6 Injurers causing injuries include, but are not limited to, *zealous* lawyers who *also misuse their discretion* to force jurists to *misuse their discretion* to assume Justice is being done while Injustice is assassinating Justice.

“...when an opposing [law-compliant] party is *well represented [pro se attorney-in-fact with no need to lie]*, a lawyer *can [but does not have to] be a zealous advocate [with need to lie]* on behalf of a [law-defiant] client [making tax-funded coward jurists judicial assassins of Justice] and...assume that justice is being done.”

ABA Model Rules of Professional Conduct: Preamble, A Lawyer’s Responsibilities, ¶1 to ¶13 at ¶8, to make Courts, lawyers and forensic experts *sell lies as truth* using marriages, not DNA-matches, to prove paternity.

7 “When rule providing for relief from *void judgments* is applicable, relief is *not a discretionary* matter, but is *mandatory* [to make torturers *restitute* torturees, *return all properties held in constructive and/or deemed trusts* and *even pay punitive damages too* to resurrect Justice assassinated by Injustice (“Mandatory Restitution”)].

*Orner v Shalala, Colo. 1994*, 30 F3d 1307.

Under ‘...*universal sentiments of justice*, the principle [is] that no [one] shall profit from [one’s] own inequity or take advantage of [one’s] own wrong [citing *Riggs*].” *Cardozo, J.*, The Nature of the Judicial Process, p. 41; see, also, *Imperator Realty Co. v Tull*, 1920, Ct App, *Cardozo, J.*, 228 NY 447, 457. “... what law, human or divine, will allow [*zealous lawyers as parasites to make evil governments necessary and criminals*]...enjoy the fruits of crime...” *Riggs et al. v Palmer et al.*, 1889, Ct App, 115 NY 506, 512.

“...where a court has jurisdiction, it has a right to decide every question which occurs in the cause...But if it act [*above the law thus without jurisdiction or authority in law to be a judicial assassin*], its [void] judgments and orders are [*Justicide making Injustice assassinate Justice*] regarded as *nullities*...all persons...executing [*nullities*] are considered in law as trespassers [*in law (“Outlaws”) with no executive immunity*].

*Elliott v Lessee of Piersol, 1828*, 26 US (1 Pet.) 328, 340-341.

“A void act ... *may be attacked in any forum*, state or federal, where its validity may be drawn in issue.” *Pennoyer v Neff, 1878*, 95 US 714, 732-733, *World-Wide Volkswagen Corp. v. Woodson*, 444 US 286

8 “...A petition for a writ...is *rarely granted* when the asserted error consists of *erroneous factual findings* or the *misapplication of a properly stated rule of law [committing Justicide by conspiracy]*.” SCOTUS Rule 10.

“A *conspiracy* is a partnership in criminal process.” *US v. Kissel*, 1910, *Holmes*, 218 US 601, 608 and “[t]he Constitution [*correctly applied*] *does not make conspiracy a civil right* [as it is a partnership in criminal process].” *Dennis v. US*, 1951, *Jackson*, 341 US 494, 572.

9 “...a long line of cases shows that it is *not merely of some importance but is of fundamental importance* that *justice should not only be done, but should manifestly and undoubtedly be seen to be done*. ...What I find sad is the way in which standards of justice have been allowed to slip [*into standards of injustice instead*]...”

*R v Sussex Justices ex parte McCarthy, 1924*, Lord CJ Hewart, 1 KB 256, 259, Nov 9, 1923, All ER Rep 233.

[564] ... any judge who *understands the judicial office and oath would be the first to insist that another judge hear the case*. [565] In matters of ethics, appearance and reality often converge as one. See *Offutt v United States*, 348 US 11, 14 (1954) (“[J]ustice must satisfy the appearance of justice”); *Ex parte McCarthy*, [1924] 1 KB 256, 259 (1923) (“[J]ustice *should not only be done, but should manifestly and undoubtedly be seen to be done*”). I do not see how the appearance of fairness and neutrality can obtain if the bare possibility of a fair hearing is all that the law requires. Cf. *Marshall v Jerrico, Inc.*, 446 US. 238, 242 (1980) (noting the importance of “preserv[ing] both the appearance and reality of fairness,” which “generat[es] the feeling, so important to a [good thus] popular [not evil thus unpopular] government, that justice has been done”) (quoting *Joint AntiFascist Refugee Comm. v McGrath*, 341 US 123, 172 (1951) (Frankfurter, J., concurring)).

*Liteky v US, 1994, Justice Scalia*, 510 US 540, 564-565, 114 S. Ct. 1147, 1162; see also, *Levine v US, 1960*, 362 US 610, 80 S. Ct. 1038, citing *Offutt v US, 1954*, 348 US 11, 14, 75 S. Ct. 11, 13; see also, *Ex parte McCarthy*...

10 *Same as all Courts of law, LKJESQ also has no choice but* to be immunized for this *righteous LKJMOL* on pages A1 to A4 <sup>10</sup> ([www.TruthIsPrudence.Com](http://www.TruthIsPrudence.Com)) dictated by case laws in endnotes.<sup>1-10</sup> *The NIELL is for all*

Courts to *please connect all the dots to be righteous, convict the correctly charged* guilty, acquit the *mischarged* innocents, make the injurers who *unsettled* injureds’ *settled ADLs* retribute them to resurrect Justice, and **STOP** being *self-righteous to acquit* the guilty, *convict* the innocent and *make* the injureds pay their injurers instead.

*Even if* Courts prove that *absolute judicial immunity created judicial rights* to make injurers’ lies on oath *prevail over* injureds’ truths on oath *but for which* injurers will not win and injureds will not lose and **even if** *LKJESQ is silenced*, the *NIELL in public service shall keep going viral ending the seminal judicial scam illegitimately fathered* by the self-righteous Legal Maxim: “**The law admits no proof** against that [*injurers’ innocence*] which it presumes [*as the seminal judicial scam*],” <https://tinyurl.com/y24ozsja>, Page 147, 1200.... (LOFFT, 573), *A Collection of Legal Maxims...* by Seymour S. Peloubet, Harvard Law Library, April 26, 1880.

*Everyone lives one life not knowing when one dies. Everyone knows this universal truth. Without delay*, it requires that the injurers give *restitution to end destitution* caused by the injuries they caused and make their injureds whole for the entire period of time of the injureds’ lives deprived of their righteous moneymaking and non-moneymaking *ADLs* aka *destitution*. *The positive influences of using the NIELL as the true, correct and complete Scripture blessed since the creation of the world by everyone’s One Creator include the following:*

- . 1 It *rescues* Courts of law from being *misused* as Courts of lie yet sold as Courts of truth making it *fair* for judicial intervention to make wrongdoers causing injuries retribute their injureds, knowing that rightdoers not causing injuries get paid without judicial intervention. “*Tortura Legum Pessima*. The torture or wresting [*distorting*] of laws is the worst [*kind of torture*]., 4 Bacon’s Works, 434.” Bl Dict., 5<sup>th</sup> Ed., p 1661, which is self-righteous, kills everyone’s peace of mind and forces everyone to live happy by being chancy.
- . 2 It *ends tax-funded miseducation on marriages between harmonious sexes still misused to corrupt families*. *Miseducated* leaders, jurists, stars, celebs and other victims of self-righteousness *still misuse* marriages that are 0% as 100% proof of paternities knowing that marriages do not prove paternities (“*Universal Problem*”).
- . 3 It *begins tax-funded correct education on sex between harmonious sexes to still keep families uncorrupted*. Righteousness makes same world leaders, etc. *use* DNA-matches that are at least 99% as 100% proof of paternities and *stop idiotizing themselves and their lawman and laymen alike* (“*Universal Solution*”).
- . 4 It *lifts* the *Royal Baby Bastard Curse* (“*BBC*”) on everyone’s purse to help *self-righteous* Courts *upgrade into righteous* Courts, *disinfect* everyone’s brain infected with the *BBC* created by the *profession* of law (*lie*) blessed as sacred by *forced miseducation on marriages misused* to prove paternities that they don’t prove and *end* the *seminal judicial scam nursed by the Baby Is Bastard Legally Enshrined* (“*BIBLE*”).
- . 5 It *cures all politically-sick-people* with selfish beliefs in self-righteousness *into politically-unsick-people* with universal belief in righteousness as they should have been *but the BIBLE etc. sold as the Scriptures*.
- . 6 It *begins correct use of law to use evidence* of criminal, civil and other wrongdoings to *reward* human duties to *not rape as right*, punish human rights to *rape as wrong, since to be raped is neither sex’s human duties*,
- . 7 It *mandates* penalizing *misuse of law* as politically, judicially, legally, ethically, morally, correct word for *lie* since due process of law *continues until* legally valid decisions, orders and/or judgments (“*Valid DOJs*”) *insuring* immunized law enforcement by policemen *prevail over and prevent* legally null and void DOJs (“*Void DOJs*”). *Valid DOJs stop* making policemen protect rapists, etc. *with human rights to shoot and kill policemen as the American freedom before policemen deprived of same human rights can kill rapists*.
- . 8 It *mandates recalling all Void DOJs in all paternity cases and other cases too to use evidence of guilt to convict* law defiant fathers seeding women besides their own wife as illegitimate fathers or bastards guilty of adultery, rape etc. *and use evidence of innocence to acquit* law compliant mothers, babies and others too.
- . 9 It *helps Gov’s litigious world of lies* (it makes every man and woman a *liar, more so if he or she is a lawyer or a judge with license to lie*) *to upgrade into God’s harmonious world of truth* (it makes neither sex to be a *liar* as above) since God does not bless a mess and Gov is a mess with due thanks to the *BIBLE*.
- . 10 It *helps* State Created Danger from *truthlessly* convicting babies doing no wrong as illegitimate bastards aka *Jurisprudence upgrade into* State Confirmed Security from *truthfully* convicting fathers doing wrongs and denying wrongdoings as illegitimate bastards aka *Truthisprudence* with due thanks to the *NIELL*.

## Timeline of Events Simon Estate and Causes

### YEAR 1 - 9/13/12 to 9/13/13

1. Simon Bernstein died 9/13/2012
2. Ted Bernstein filed PBSO Complaint of Murder and Ordered Coroner Investigation 9/13/2012
3. Ted Bernstein and his counsel Spallina and Tescher who claimed to be Personal Representatives and Trustees of Simon and Shirley Bernstein Estates and Trusts refused to release any dispositive documents to Eliot Bernstein Family.
4. Eliot Bernstein forced to retain counsel Christine Yates to get estate and trusts documents.
5. 1/11/2013 Documents sent to Yates
6. Discovery of 6 Forged Documents for six separate individuals in Estates, including a Post Mortem forgery of Simon Bernstein and a forged Eliot Bernstein document leads to filing in Court's to contest Estates and Trusts in May 06, 2013.
7. It takes the Court's until exactly 1 year to the date of his death, 9/13/2013 to hold a hearing. At the hearing admissions of forgery by the law firm of Spallina & Tescher are made leading to a later arrest and conviction of their notary public for forgery and fraud. Judge Martin Colin states to Ted, Spallina and Donald Tescher that he should read them their Miranda's once they confess to the forgeries. Shirley Bernstein's Estate is reopened at hearing as it was closed using forged documents.
8. Eliot Bernstein family posits complaints of Multiple Crimes with PBSO for crimes discovered in Estates and Trusts of Simon and Shirley Bernstein. Also goes to Governor who later finds notary frauds.
9. Spallina and Tescher state they are unaware of any further document tampering by their offices.
- 10.

### YEAR 2 – 9/13/13 to 9/13/14

11. Spallina and Tescher allowed by Colin to continue as CO-PR and CO-Trustees of Simon Estate and Trust and Ted as PR and Trustee of Shirley Estate and Trust despite their offices committing direct fraud upon the court and Eliot Bernstein family, blaming it on their Notary Public who claimed Depo Prevara made her commit the crimes.
12. On or about February 11, 2014 Spallina then admits to Palm Beach Sheriff that he Fraudulently Altered Shirley's Trust and sent it to Eliot Bernstein family's attorney Christine Yates that altered the Beneficiaries of Shirley's Trust to include the children of Ted and Pam Bernstein who with their children were considered predeceased in her trust on the day she died and the trust became IRREVOCABLE.
13. Spallina also states to PBSO that the only beneficiaries of Shirley's Trust can be Eliot, Jill and Lisa and their children as Ted and Pam were considered predeceased.
14. Spallina and Tescher then Resign from All Bernstein related matters and file their Resignation with the Courts.
15. After resignation they fraudulently appoint Ted Bernstein as Successor Trustee to Simon's Trust despite the language of the Amended Trust that they authored that Precludes Ted from being a Successor found in the Amended Trust @  
Ted Bernstein cannot be Trustee of Simon Trust as Trust Language Precludes him as predeceased for ALL Purposes of Trust.

Page 5-6

Article III E.1

"Notwithstanding the foregoing, for all purposes of this Trust and the dispositions made hereunder, my children, TED S. BERNSTEIN, PAMELA B. SIMON, ELIOT BERNSTEIN, JILL IANTONI and LISA S. FRIEDSTEIN, shall be deemed to have predeceased me as I have adequately provided for them during my lifetime.

and

Page 16-17

C. Appointment of Successor Trustee.

A successor Trustee appointed under this subparagraph shall not be a Related or Subordinate Party of the trust. The appointment will be by a written document executed by such person in the presence of two witnesses and acknowledged before a notary public delivered to the appointed Trustee and to me if I am living and not Disabled or in a valid last Will. Notwithstanding the foregoing, a designation under this Subparagraph of a successor trustee to a corporate or entity trustee shall be limited to a corporate or entity trustee authorized to serve as such under Florida law with assets under trust management of no less than one billion dollars.

16. Delays occur to get new PR and Trustees for Estate of Simon as Ted is denied to become Successor PR of Simon Estate by Colin and is illegitimately made Successor of Simon Trust, as the language of the trust above clearly shows. The appointment was made by Tescher and Spallina, Ted's attorneys, close friends and business partners after they admitted their law firm committed fraud and resigned, this was their last act in efforts to have Ted cover for their crimes as a fiduciary.
17. Curator is brought in by Order on March 11, 2014 in Simon's Estate.
18. Federal Lawsuit filed for Insurance Policy that was part of the Estate of Simon being cashed in Illinois outside of Estate Administration, the Creditor of the Estate of Simon, William Stansbury, is court ordered to pay for the litigation that in the end has the Policy become a part of the Estate of Simon and paid in part to Estate of Simon despite Ted and his counsel's claim that it was not part of the Estate of Simon.
19. Curator refuses to continue to become PR and new PR is necessary. 7/25/14 Brian O'Connell happens to show up in court that day and Colin appoints him as Successor PR in Simon Estate and claims he likes Brian who always shows up with young women for him.
20. Motions to Remove Colin are filed with Colin who denies, then 4<sup>th</sup> DCA and then Supreme Court on Appeal and then new complaints are filed that Colin initially denies.

YEAR 3 – 9/13/2014 to 9/13/2015

21. May 18, 2015 Colin denies Mandatory Disqualification on May 19, 2015 he Sua Sponte recuses himself.
22. June 15, 2015 Coates Sua Sponte Recuses himself at first hearing after receiving all files knowing of Conflicts he has.
23. July 30, 2015 1<sup>st</sup> Hearing with John Phillips for Status Hearing whereby Alan Rose first claims EIB is not a beneficiary of Simon and Shirley Estates and Trusts.  
20150914 Filing # 32030300 E-Filed 09/14/2015 05:18:25 PM "TRUSTEE'S OMNIBUS STATUS REPORT AND REQUEST FOR CASE MANAGEMENT CONFERENCE"

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/EXHIBIT%2021%20-%2020150914%20Trustees%20Omnibus%20Status%20Report%20and%20Request%20for%20Case%20Management%20Conference.pdf>

“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.”

YEAR 4 – 9/13/2015 to 9/13/2016

24. 12/15/2015 Phillips holds validity hearing and determines documents presented by Rose are valid.
25. 4/4/16 Order for Guardian Ad Litem in only Shirley Trust case
26. Rose claims Phillips issued Orders claiming Eliot was not a beneficiary of Simon and Shirley Estates and Trusts and Eliot is barred from hearings in both Simon and Shirley Estate cases despite no Orders for other cases. Based on Rose erroneous claims that Eliot’s children are Beneficiaries of Shirley Trust, Shirley Estate and Simon Estate and claims that a GAL was appointed for all cases when it was not, Eliot is refused due process rights to participate in hearings, settlements etc and GAL makes appearances in the Simon Estate and approves of Settlements etc. when she has no legal rights to act on anyone’s behalf in Simon Estate.
  - a. Further, Guardian is appointed for Eliot Bernstein’s minor children while one is actually an adult, again led by false claims by Rose and his client Ted Bernstein, the Uncle to Josh Bernstein who was an adult at the time and whereby Ted Bernstein knew he was an adult as they share the same Birthday and despite knowledge of this and no Adult Guardianship hearing or competency hearing for the adult child Josh, the GAL acts illegally on his behalf.
  - b.
- 27.

YEAR 5 – 9/13/2016 to 9/13/2017

28. 11/22/16 Rosemarie Scher hearings on 2/16/17 and 3/2/17 determines from testimony in Court that Eliot is a beneficiary of Simon Estate and issues ruling determining Eliot is a beneficiary with standing despite prior claims by Rose and O’Connell who both state under oath at hearing that Eliot is a beneficiary despite their prior claims to court that he was not. Scher allows Eliot to again participate in Simon Estate.  
From Transcript Pages 34-35

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21  
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25

CROSS (BRIAN O'CONNELL)

BY MR. ELIOT BERNSTEIN:

Q. Mr. O'Connell, am I a devisee of the will  
of Simon?

MR. ROSE: Objection, outside the scope of  
direct.

1 THE COURT: That is true. Sustained.

2 That was not discussed.

3 BY MR. ELIOT BERNSTEIN:

4 Q. Do I have standing in the Simon estate  
5 case --

6 MR. ROSE: Objection, calls for a legal  
7 conclusion.

8 BY MR. ELIOT BERNSTEIN:

9 Q. -- in your opinion?

10 MR. ELIOT BERNSTEIN: Well, he is a  
11 fiduciary.

12 THE COURT: He was asked regarding his  
13 thoughts regarding a claimant, so I will allow  
14 it. Overruled.

15 THE WITNESS: You have standing in certain  
16 actions by virtue of your being a beneficiary  
17 of the tangible personal property.

18 BY MR. ELIOT BERNSTEIN:

19 Q. Okay, so beneficiary?

20 A. Right.

21 Q. Okay. Thank you. Which will go to the  
22 bigger point of the fraud going on here, by the  
23 way.

March 02, 2017 Transcript p138



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.

29. All Orders issued with GAL acting as beneficiary in Simon Estate for Eliot's children as beneficiaries will have to be vacated as void and there are many as the grandchildren are not beneficiaries and consents on settlements etc were given by them to deals in the estate.

YEAR 6 – 9/13/2017 to 9/13/2018

30. Eliot fell ill and had several near death falls from vasal vagal syncope due to BP medicine and he has been recovering since but BP at 220/120 since no BP medicines work without causing fainting.

YEAR 7 – 9/13/2018 to 9/13/2019