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October 18, 2017

RE: **ELIOT BERNSTEIN FAMILY**

Dear Mssrs. Ted S. Bernstein and Alan B. Rose,

As you are aware from our prior correspondences<sup>1</sup> and <sup>2</sup> and <sup>3</sup>, see attached, I represent the Eliot Ivan Bernstein family, including Joshua (Adult), Jacob (Adult) and Daniel Bernstein (Minor). I request all documents you have in your possession pertaining to any/all beneficial

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<sup>1</sup> January 06, 2016 Letter to Alan B. Rose, Esq.

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20160106%20Schwager%20Letter%20to%20Alan%20Rose.docx.pdf>

<sup>2</sup> December 15, 2015 Letter to Alan B. Rose, Esq.

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151212%20Candice%20Schwager%20Letter%20to%20Alan%20Rose%20re%20Counsel%20For%20Eliot%20Children.pdf>

<sup>3</sup> December 15, 2015 Schwager Filing

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151212%20Candice%20Schwager%20Pro%20Hac%20Vice%20ECF%20Filing%20Stamped%20Copy.pdf>

interests you claim any of them have in the Estate of Shirley Bernstein and the Trusts of both Simon and Shirley, where Ted Bernstein is acting as Personal Representative and Trustee. Further, I request any information you have on any trusts solely in Joshua, Jacob and Daniel's names, whether they be independent trusts or trusts that are part of any other trusts.

I will be reviewing the documents and attempting to find the boys additional counsel to represent them in all litigations ongoing and those to be forthcoming and your prompt reply Mr. Rose as counsel to the fiduciary is therefore requested. As you have refused to tender dispositive documents in the past to counsel for the beneficiaries on formal request, if you continue to deny my clients rights to the documents I will be forced to pursue the matters further. Already, the refusal in the past has caused my clients a wealth of damages that toll and the sooner we have your cooperation the sooner we can begin to resolve the issues and cease the damages.

I have come to learn that over the course of the time you have refused me as counsel the documents necessary to represent my clients and legally due my clients that there has also been a predatory guardianship gained of an adult, Joshua, through a Guardian Ad Litem proceeding for minors, where you knowingly with your client Ted Bernstein and others advanced to multiple courts in pleadings and hearings that Joshua was a minor and thereby evaded any adult guardianship proceedings required by law. Further, I have learned that you both are aware that another of my clients, Jacob Bernstein turned 18 years old on January 01, 2017 and despite the GAL being legally over at the age of consent, you have continued to make representations to multiple courts and in proceedings and pleadings and settlements that you maintained both his and Joshua's consent through the GAL despite knowing you, nor your client, Ted Bernstein, nor the Guardian Ad Litem Diana Lewis have ever spoken with Jacob or Joshua about any of their beneficial rights or any rights whatsoever.

You have never have their authorization or consent for any action taken on his behalf by you, your client Ted Bernstein and Guardian Ad Litem former Judge Diana Lewis. Despite Cease and Desist letters by my clients Joshua and Jacob it appears Diana Lewis refuses to release her Guardianship over them despite being advised by my clients directly to file for her formal discharge and return all assets over to them and correct her prior consents she gave on their behalf while they were adults in any proceedings, pleadings, settlements, etc. and notify all parties and courts of the frauds and frauds on the court.

I am aware that my clients Joshua and Jacob Bernstein have notified Diana Lewis, Brian O'Connell, Ted Bernstein and Alan Rose<sup>4</sup> and <sup>5</sup> of the fraudulent pleadings claiming he was a minor when he was not, which led to the improper guardianship of my client Joshua and the continued predation of both Joshua and Jacob by Diana Lewis in acting as a GAL, Ted Bernstein acting as Fiduciary and Alan Rose acting in a variety of legal capacities and making representations on behalf of them when you knowingly have no legal guardianship over them and I demand that their requests in their letters to Diana Lewis referenced and exhibited herein be immediately followed by you.

My clients who are claimed to be beneficiaries believe that Diana Lewis, Ted Bernstein, Alan Rose, Brian O'Connell and Stephen Lessne should all voluntarily notify the courts of the fraudulent pleadings submitted to the courts that led to fraudulent orders gained through these fraudulent claims to the court and others. Notify any/all parties of the improper consents or actions taken on their behalf, including but not limited to, any/all settlements made on their behalf without their consent, any insurance carriers involved in any settlements. Notify your insurance carriers that there is both pending and threatened litigation against you by my clients and your firms for these most egregious breaches of fiduciary duties and then voluntarily withdraw from any fiduciary and legal capacities on behalf of any Bernstein Family member in any proceedings, including but not limited to, the Eliot Bernstein family and the Simon and Shirley Bernstein family.

Mr. O'Connell and his partner Ashley Crispin and their law firm Ciklin Lubitz Martens & O'Connell who are representing the Estate of Simon Bernstein have also recently been found in a civil case in Federal Court to have been involved in very egregious breaches of fiduciary duties and frauds on an Estate client Oliver Bivins and awarded by a jury over 16 Million dollars of damages, whereby several of the claims made by my clients of civil and criminal fraud and more against Mr. O'Connell et al. are almost identical to those made by Bivens. I would

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<sup>4</sup> July 11, 2017 Joshua Bernstein Cease Desist Letter to Diana Lewis et al.  
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20170711%20CLEAN%20COPY%20FINAL%20SIGNED%20Joshua%20Bernstein%20Cease%20and%20Desist%20Diana%20Lewis%20re%20Guardian%20Ad%20Litem.pdf>

<sup>5</sup> July 11, 2017 Jacob Bernstein Cease Desist Letter to Diana Lewis et al.  
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20170711%20CLEAN%20COPY%20FINAL%20SIGNED%20Jacob%20Bernstein%20Cease%20and%20Desist%20Diana%20Lewis%20re%20Guardian%20Ad%20Litem.pdf>

presume that Mr. O'Connell and his firm would immediately withdraw from these matters or that you Mr. Rose and your client Ted would be moving to remove the Ciklin Lubitz Martens & O'Connell firm to protect any parties you are representing in the Bernstein matters as alleged fiduciaries and counsel. I am also aware that Mr. O'Connell has been represented by Mr. Rose in the Bivins matters and this now appears to be a conflict of interest and adverse interest in the Bernstein matters that would require Mr. Rose to further have reason to resign any representations he is making in any Bernstein family matters due to this additional conflict of interest.

Finally, I am aware that my clients, Joshua, Jacob and Daniel have several trusts that originated with the Stanford Trust Company, which was part of the Sir Allen Stanford Ponzi schemer's empire of companies and that those trust assets were then transferred to JP Morgan and Oppenheimer Trust Company of New Jersey and the Oppenheimer Trust Company of Delaware and managed in part by former employees of Stanford. I am aware that Eliot Bernstein has filed papers in the Allen Stanford action ongoing in the Texas courts and in this regard I am demanding that any records that either of you have pertaining to Stanford, JP Morgan and Oppenheimer Trust relating to my clients trusts be turned over as well. Please include all information on any alleged settlements made with any parties related to Stanford in the Simon and Shirley Estates and Trusts, as we are considering additional legal actions in the Texas courts as well, including but not limited to, parties involved in the Florida and Illinois actions ongoing.

In addition to sending me the files please make a copy to deliver to Joshua, Jacob and Daniel at 2753 NW 34th Street, Boca Raton, FL 33434. One copy for them will suffice.

Sincerely,

Candice Schwager