

Families Against Court Travesties, Inc. (FACTs)
www.FactsCourtWatch.org (800) 201-5560 facts courtwatch@gmail.com
Family Court Watch Report

Names of Litigants: Ted Bernstein as Trustee v. Eliot Bernstein as Trustee
 Judge: John Phillips Case No. 502014CP003698 XXXXSB
 Court: North Branch Room No. 3
 Date: 2-25-16 Time: 3:15 pm
 Children and Ages: Joshua 18, Jake 17, Danny 13
 Attorney for mother: Pro Se
 Witnesses for mother: N/A - PROBATE

Attorney for father: Pro Se
 Witnesses for father: N/A - PROBATE

Purpose of Hearing or Trial: MOTION TO APPOINT GUARDIAN AD LITEM TO REPRESENT ELIOT'S CHILDREN, GAG ORDER TO PROTECT GUARDIAN AND STRIKE ELIOT'S FILINGS

- Please write an evaluation on the back of this paper, and fill in the judicial evaluation below.
- Send completed form to: FACTS, PO Box 7322, Delray Beach, FL 33482 or by email (above).

FAMILY COURT JUDGE

PERFORMANCE RATING

E - EXCELLENT | S - SATISFACTORY | N - NEEDS IMPROVEMENT

E	S	N	JUDICIAL EVALUATION BY FACTS COURT WATCH
		✓	Knowledge & application of law
		✓	Impartiality (freedom from bias & prejudice)
			Diligence & preparedness
			Judicial demeanor & courtesy to lawyers
			Judicial demeanor & courtesy to male litigant
			Judicial demeanor to female litigant
			Judicial demeanor to pro se litigants
			Control of courtroom
			Punctuality & timeliness in rendering rulings & decisions
			Enforcement of professionalism standards
			Common sense (use of practical consideration in decision making)
			Adherence to rules of due process
			Consideration of the best interest of the child when ruling
			other:

Submitted by: _____

Email: _____

Phone: _____

February 21, 2016

Dear Court Watchers,

This is a very brief summary of the events that have transpired in the Estate and Trusts cases we are currently involved with in the 15th Judicial of Palm Beach. Eliot Bernstein's, (my husband) parents, Simon Bernstein deceased 9-13-12 and Shirley Bernstein deceased 12-8-10. Since Shirley passed away first, Simon was her Personal Representative and Trustee. When Simon passed away, Shirley's Estate was still open and being administered. Simon's attorneys Donald Tescher and Robert Spallina (Tescher and Spallina PA) continued the administration, signed documents, notarized them, submitted them to the court and finally closed the Estate of Shirley using Simon as if he were alive after he was deceased.

After Simon's death Ted Bernstein, Eliot's brother became successor Trustee of Shirley's Trust and also hired Tescher and Spallina to represent him. Together they all refused to disseminate documents including the Wills and Trusts. Eliot and Candice hired an Attorney Christine Yates at Tripp Scott to demand the documents and also went to the courthouse to get filed documents. It was then discovered documents had been forged, falsely notarized and submitted to the court. Eliot and Candice contacted the PBSO and Governor's office and investigations were conducted and the Notary at Tescher and Spallina was arrested. When brought to the attention of Judge Colin he stated "He had enough evidence to read them their Miranda rights" to the attorneys and fiduciaries involved. He never did however.

More PBSO investigations were initiated to investigate the frauds that have occurred including Fraud on the Court, Forgery, Theft of Personal Property, and Theft of Jewelry against the attorneys and Eliot's brother, Ted acting as Trustee of Shirley's Trust. Ted began swift action of selling asset including a Condo at the Aragon in Boca Raton, making distributions and most recently selling the parents' home at Saint Andrews County Club both at values below market. All transactions, sales, buyers, accountings and administration has been secreted and no accountings have EVER been filed in Shirley's Trust and she passed away almost 6 years ago. They offered distributions if Eliot would sign off, accept the fraud and stop the actions for breach of duty, Eliot refused, so they made distributions to all except our family.

During a later PBSO interview, attorney Robert Spallina also admitted to fraudulently altering Shirley's Trust document and sending that copy to Eliot's attorney for his children, Christine Yates causing continued damages and years of litigation while he was also representing Ted Bernstein as Trustee. We were told Robert Spallina later surrendered his bar license pending further investigation. Ted went on to hire Alan Rose who continued the harassment and attacks on Eliot and continues to protect, aid and abet Ted, Tescher and Spallina.

Judge Colin presided over this case and continued to ignore the fraud on his court, protect the attorneys and allow the guilty parties to continuously attack Eliot in retaliation. Eliot submitted a disqualification for Judge Colin, he denied it and recused himself the next day in an order requesting the clerk to send all five cases to North Branch because he contacted the judges at South Branch and nobody wanted it. We

then got Judge Howard Coates, where at the first hearing he recused himself due to a conflict with his prior law firm Proskauer Rose that was directly involved with Eliot's company and patents, then it transferred to Judge Phillips. We have had a few hearings where he does not let us speak, grants all the orders requested from the other side, refuses to review Judge Colin's orders and address the ongoing frauds and now is going to decide a hearing for Guardian Ad Litem for our 3 children and a gag order to prevent us from speaking to the Guardian Ad Litem. We are Pro Se and have used every resource we have on attorneys for as long as we could, we have no choice but to represent our children Pro Se and are doing a great job uncovering all the fraud and fraudsters. They are attempting to remove our rights as their parents and natural guardians. Judge Phillips is unfair, biased, rude and will not listen to anything we say. He has attacked me, the children's mother for speaking in court and will only let me sit in the galley instead of helping Eliot with documents, evidence etc.. I am so very frightened of what he can order and having a Guardian in our children's lives. Eliot is named the Trustee of a Family Trust created for our Family and Trustee for the individual Trusts established for our children and in no way is a Guardian Ad Litem necessary other than to quiet us and stop the truth from coming out. This is a retaliation and direct attack for bringing to light the mis-conduct and fraud perpetrated on our family and the court from these Attorneys. Most notable is also Tescher and Spallina were recently indicted for securities fraud for stealing confidential corporate information from another one of their clients and telling their friends to buy the stock, as well as themselves, before the company's merger. Tescher and Spallina are currently under an SEC Consent Order under a bargain plea where they admitted guilt. However Robert Spallina said in court the other day that he is in good standing with The Bar. Scary.

Thank you for your time, efforts and consideration in helping our family,

Candice Bernstein

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Family Court Watch Report

Names of Litigants: OPPENHEIMER TRUST CO VS ELIOT + CANDICE BERNSTEIN
 Judge: PHILLIPS Case No. 502014CP002815 XXXXNB (IH)
 Court: NORTH BRANCH Room No. 3
 Date: 2-25-16 Time: 3:15
 Children and Ages: JOSHUA 18, JACOB 17, DANIEL 13
 Attorney for mother: PRO SE
 Witnesses for mother: N/A - PROBATE

Attorney for father: PRO SE
 Witnesses for father: N/A - PROBATE

Purpose of Hearing or Trial: GUARDIAN AD LITEM FOR MINOR CHILDREN, CONTEMPT OF COURT OF COURT ORDER AND STATEMENTS ASSAULTING DIGNITY OF COURT, ESTABLISH PROTOCOL FOR ACCOUNTING AND TURNOVER

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Dear Court Watchers,

This is a very brief summary of the events that have transpired in the Estate and Trusts cases we are currently involved with in the 15th Judicial of Palm Beach. Eliot Bernstein's, (my husband) parents, Simon Bernstein deceased 9-13-12 and Shirley Bernstein deceased 12-8-10.

In 2008 Simon and Shirley's health was not well. Eliot and I decided to relocate from California to Florida to bring our children closer to them. Arrangements were made including the purchase of our home by three trusts owned by our children Joshua, Jacob and Daniel. The children were also enrolled in a private school directly behind our home, Saint Andrews. During Simon and Shirley's lifetime expenses for the home and schooling were paid for and elaborate estate plans were in place to continue these plans. There were companies in place owned by trusts for the home including an Investment Company, a Holding Company and an LLC.

After Shirley and then Simon passed away, their attorneys stepped in and became Personal Representatives and Trustees. When the bills to our home and schooling began contacting us that they were not being paid we contacted the attorneys Tescher and Spallina as the bills were not ever sent to us they went directly to Simon and Shirley as Simon Bernstein was the Manager of the Company. We were then informed there were no liquid assets to pay the expenses and they were directing Oppenheimer who held trusts for our children to pay such items until the estate has liquid assets then they would replenish those trusts.

When the attorneys and fiduciaries refused to disseminate documents and information we requested including the Wills and Trusts. Eliot and Candice were forced to hire an Attorney Christine Yates at Tripp Scott to demand the documents and also went to the courthouse to get filed documents. It was then discovered documents had been forged, falsely notarized and submitted to the court. Eliot and Candice contacted the PBSO and Governor's office and investigations were conducted and the Notary at Tescher and Spallina was arrested and other investigations were pending.

During a later PBSO interview, attorney Robert Spallina also admitted to fraudulently altering Shirley's Trust document and sending that copy to Eliot's attorney for his children, Christine Yates causing continued financial damages, family arguments, conflicts of who were the rightful beneficiaries and fiduciaries and years of litigation while he was also representing Ted Bernstein, Eliot's brother as Trustee.

At this time, Oppenheimer was aware of the frauds and issues and was paying for our children's counsel Christine Yates from their trusts. Tescher and Spallina finally sent her documents including the three trusts at Oppenheimer of which one of them was not even signed. We also received an Operating

Agreement for an Investment company with liquid assets that was to be paying for our expenses and schooling during probate, instead Tescher and Spallina were paying their legal bills from it.

After discovering their fraud, forgery and their notary being arrested they refused to reimburse our childrens trust and the trusts then were depleted. Oppenheimer then resigned as Trustee of the trusts, submitted accountings and moved to close the trusts in a lawsuit action against us.

After receiving the accountings we were notified of several withdrawals and transactions that Oppenheimer performed at the sole direction of Robert Spallina as well as submitting a company asset value of Simons as "undetermined". Many of the withdrawals were unknown to us as Parents and Natural Guardians and were Simon Bernstein's Estate's liability including an umbrella insurance policy that covered the two homes and cars of Simon and Shirley Bernstein but because our son's car was also on that policy, Robert Spallina ordered our sons trust to pay the whole thing. Our children's trust also paid all the Saint Andrews school bills and other bills even though Simon Bernstein and later his Estate was the responsible party.

We filed a Counter Claim Petition against Oppenheimer for breach of duty, fraud etc.. that Judge Colin Stayed. In addition we later discovered, Oppenheimer had retained Robert Spallina as counsel to represent THEM against us and our children's trust paid those legal fees as well while they were paying Christine Yates legal fees against him.

When the notary frauds and forgery were brought to the attention of Judge Colin in the other cases he stated "He had enough evidence to read them their Miranda rights" to the attorneys and fiduciaries involved. He never did however.

Now Oppenheimer and their attorney Steve Lessne has teamed up with Eliot's brother, Ted Bernsetin's attorney Alan Rose to combine hearings to get a Guardian Ad Litem over our children to further harass and retaliate against us. They are bringing forth an order that Judge Colin ordered before his recusal for us to amend our accountings objections and now saying we are violating the order and they are requesting incarceration until we comply. Since Judge Colin's recusal we were sent to North Branch to Judge Coates who later recused himself now to Phillips where we have just started with the other four Estate and Trusts cases. Steve Lessne on behalf of Oppenheimer is also accusing us of Contempt for assaulting the dignity of the Court. We have requested Judge Phillips disqualification based on Judge Colin steering the cases to him instead of random selection by the clerk. Again we feel that Judge Phillips is unfair, biased and signing all orders the other side asks him to. Since this case started, Steve Lessne has moved law firms and is now a partner at Gunster Yoakly Stewart where Alan Rose used to be and the same firm that has represented Donald Tescher in the past.

I am so very frightened of what he can order and having a Guardian in our children's lives. Eliot is named the Trustee of a Family Trust created for our Family and Trustee for the individual Trusts established for our children and in no way is a Guardian Ad Litem necessary other than to quiet us and stop the truth from coming out. This is a retaliation and direct attack for bringing to light the mis-conduct and fraud perpetrated on our family and the court from these Attorneys. Most notable is also Tescher and Spallina were recently indicted for securities fraud for stealing confidential corporate information from another

one of their clients and telling their friends to buy the stock, as well as themselves, before the company's merger. Tescher and Spallina are currently under an SEC Consent Order under a bargain plea where they admitted guilt. However Robert Spallina said in court the other day that he is in good standing with The Bar. Scary.

Thank you for your time, efforts and consideration in helping our family,

Candice Bernstein