

**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, )  
 )  
Defendant, )  
 )  
HERITAGE UNION LIFE INSURANCE )  
COMPANY )  
 )  
Counter-Plaintiff ) **Urgent Emergency Omnibus Motion**  
v. )  
 )  
SIMON BERNSTEIN IRREVOCABLE )  
INSURANCE TRUST DTD 6/21/95 )  
 )  
Counter-Defendant )  
 )  
and, )  
 )  
FIRST ARLINGTON NATIONAL BANK )  
as Trustee of S.B. Lexington, Inc. Employee )  
Death Benefit Trust, UNITED BANK OF )  
ILLINOIS, BANK OF AMERICA, )  
Successor in interest to LaSalle National )  
Trust, N.A., SIMON BERNSTEIN TRUST, )  
N.A., TED BERNSTEIN, individually and )  
as purported Trustee of the Simon Bernstein )  
Irrevocable Insurance Trust Dtd 6/21/95, )

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and ELIOT BERNSTEIN, )  
))  
Third-Party Defendants. \_\_\_\_\_ )  
))  
ELIOT IVAN BERNSTEIN, )  
))  
Cross-Plaintiff )  
))  
v. )  
))  
TED BERNSTEIN, individually and )  
as alleged Trustee of the Simon Bernstein )  
Irrevocable Insurance Trust Dtd, 6/21/95 )  
))  
Cross-Defendant )  
and, )  
))  
PAMELA B. SIMON, DAVID B. SIMON, )  
both Professionally and Personally )  
ADAM SIMON, both Professionally and )  
Personally, THE SIMON LAW FIRM, )  
TESCHER & SPALLINA, P.A., )  
DONALD TESCHER, both Professionally )  
and Personally, ROBERT SPALLINA, )  
both Professionally and Personally, )  
LISA FRIEDSTEIN, JILL IANTONI )  
S.B. LEXINGTON, INC. EMPLOYEE )  
DEATH BENEFIT TRUST, S.T.P. )  
ENTERPRISES, INC. S.B. LEXINGTON, )  
INC., NATIONAL SERVICE )  
ASSOCIATION (OF FLORIDA), )  
NATIONAL SERVICE ASSOCIATION )  
(OF ILLINOIS) AND JOHN AND JANE )  
DOES )  
))  
Third-Party Defendants. \_\_\_\_\_ )  
))  
BRIAN M. O'CONNELL, as Personal )  
Representative of the Estate of )  
Simon L. Bernstein, )  
))  
Intervenor. )

## Omnibus Motion... Monday, May 4, 2015

**URGENT EMERGENCY OMNIBUS MOTION FOR:**

**FEDERAL PROTECTION FROM LIFE-THREATENING DANGER TO ELIOT AND HIS FAMILY VIA NEW THREATS OF PHYSICAL DANGER ACTING AS WHISTLEBLOWER, CONTINUATION OF RICO ACTIVITIES AFTER PRIOR FAMILY MINIVAN CAR BOMBING, PRIOR THREATS, SCHEME TO DENY PROPER MONETIZATION OF INVENTIONS, DENIAL OF DUE PROCESS AND PROCEDURE THAT IS OBSTRUCTING JUSTICE;**

**DESIGNATION OF STATUS AS WHISTLEBLOWER AND AFFORD ALL STATE AND FEDERAL WHISTLEBLOWER PROTECTIONS AND PROVIDE FEDERAL WITNESS PROTECTION;**

**STAY OF ALL PROCEEDINGS IN THE FLORIDA PROBATE COURT AND TRANSFER OF ALL FLORIDA PROBATE MATTERS TO THIS COURT;**

**APPOINTMENT OF PROTECTED COUNSEL;**

**PROVIDE IMMEDIATE EMERGENCY DISTRIBUTIONS OF AT MINIMUM \$200,000.00 FOR ELIOT AND HIS MINOR CHILDREN;**

**FREEZING AND TRANSFER OF ALL PROBATE ASSETS TO THIS COURT;**

**RE-OPENING OF RICO MATTER DUE TO NEW PREDICATE ACTS;**

**APPOINTMENT OF FEDERAL PROSECUTOR, MONITOR AND INVESTIGATOR TO INVESTIGATE FRAUD ON AND IN THE FLORIDA PROBATE COURT;**

**EXTENSION OF TIME FOR ALL COURT MATTERS INCLUDING EXTENDED TIME TO TAKE DEPOSITION OF DONALD SANDERS OR PROVIDE INTERROGATORIES;**

**DECLARATORY JUDGEMENT; AND**

**SEEK LEAVE TO AMEND COUNTER COMPLAINT.**

That Eliot Ivan Bernstein (“Eliot”), a Third Party Defendant, Pro Se, files this Urgent Emergency Omnibus Motion and states under information and belief as follows:

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**FEDERAL PROTECTION FROM LIFE-THREATENING DANGER TO ELIOT AND HIS FAMILY VIA NEW THREATS OF PHYSICAL DANGER ACTING AS WHISTLEBLOWER, CONTINUATION OF RICO ACTIVITIES AFTER PRIOR FAMILY MINIVAN CAR BOMBING, PRIOR THREATS, SCHEME TO DENY PROPER MONETIZATION OF INVENTIONS, DENIAL OF DUE PROCESS AND PROCEDURE THAT IS OBSTRUCTING JUSTICE.**

1. That Eliot has previously filed a RICO and ANTITRUST lawsuit before Honorable Judge Shira A. Scheindlin, 07cv11196 Bernstein, et al. v Appellate Division First Department Disciplinary Committee, et al. and these matters and the criminal elements both proven and alleged herein appear to be continuations of those crimes by similar and related parties mostly reprobate attorneys at law. That Eliot filed an Amended Complaint<sup>1</sup> in that case and this Court can review those records from that case for more information regarding how the Iviewit matters tie in to many significant events in US History, including the Bush v Gore election fraud and Supreme Court nomination in a 5-4 vote for President, the collapse of Enron and more.
2. That Scheindlin in her err filed dismissal of the RICO<sup>2</sup> writes an excellent synopsis of the case as defined at the time.
3. Eliot has recently come under new and continued life threatening danger and severe duress and seeks this Court's urgent protection from his Whistleblowing efforts on attorneys at law

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<sup>1</sup> Iviewit / Eliot Bernstein Amended Complaint

<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20080509%20FINAL%20AMENDED%20COMPLAINT%20AND%20RICO%20SIGNED%20COPY%20MED.pdf>

<sup>2</sup> March 08, 2008 Shira Scheindlin Dismissal of Iviewit RICO complaint

<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20080808%20Scheindlin%20Dismissal%20of%20Complaint%20no%20comments.pdf>

March 08, 2008 Shira Scheindlin Dismissal of Related Cases to Christine C. Anderson, Esq.

<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20080808%20Scheindlin%20Dismissal%20of%20related%20complaints.pdf>

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acting outside the color of law in Florida, in a variety of titles, as judges, prosecutors, private attorneys, state bar disciplinary agent and more. This danger is evidenced by all the following ongoing issues in the life of Eliot and his family.

4. Massive recent further fraud and other crimes against Eliot and his family, primarily committed by attorneys at law, with court escalation of retaliation and denial of due process and procedure against Eliot that obstructs justice, intentionally and with scienter, to interfere with expectancies/inheritance for Eliot and his minor children and this retaliation due to his exposing and having reported to prosecutors and criminal authorities attorneys at law involved directly in crimes committed in, on and by the Florida Probate court and its Florida Bar members. Eliot and his family are subjected to domestic terrorism under 18 U.S.C. § 2331 and crimes against Humanity.
5. It appears there is a domestic terrorist organization operating with the legal system, where a mob styled infiltration has occurred at the highest level in the legal system, using the courts as their business addresses to facilitate their crimes and operate a human trafficking scheme through guardianships that rob the victims of their legal rights and theft and money laundering through the probate courts to steal families properties upon the death of their loved ones. The courts abuse of process creates a mob styled racketeering enterprise committed under a tainted color of law in the State of Florida that is given cover by the Florida Bar, which protects its reprobate members who are part of the scheme and artifice to defraud citizens.
6. A victim is targeted in the Probate/Guardianship court, their assets then stolen after they are dead in probate or while still living through guardianships of unlawful chicanery designed to

bleed their victims assets as they are slowly put to their death by illegal court “edicts”, stripped of legal right through illegal legal custody gained and then defenseless stripped of their assets and isolated from their family members who get in the way.

7. The officers of the Florida Probate court in Eliot’s parents probate and trusts matters were caught and have admitted to their law firm committing felony criminal acts, including but not limited to, proven Post Mortem Fraudulent Alteration and Notarization of Court documents and Dispositive documents posited with the court as a Fraud on the Court, Post Mortem Admitted Forgeries of documents for decedents Simon and Shirley and other living parties including Eliot, numerous past and ongoing Frauds on the court and multiple Frauds committed against Beneficiaries of the estates and trusts. Further they are undergoing investigations for other crimes not yet proven but formally alleged, including but not limited to, Insurance Fraud, Fraud on a Creditor, Fraud on a Federal Court (this Court), Mail and Wire Fraud, Theft of Estate and Trust Assets, Conversion, Extortion, alleged Murder of Simon Bernstein by Plaintiff Theodore Bernstein and more.
8. Eliot’s exposure of and objections to the court corruption and his filings with criminal authorities for acts committed by these attorneys at law, operating as officers and fiduciaries of the probate courts of Judge Martin Colin, Esq. (“Colin”) and Judge David E. French, Esq. (“French”)<sup>3</sup>, has been covered up and further aided and abetted by the judges of the Florida

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i. Case # 502012CP004391XXXXSB – Simon Bernstein Estate  
ii. Case # 502011CP000653XXXXSB – Shirley Bernstein Estate  
iii. Case # 502014CP002815XXXXSB – Oppenheimer v. Bernstein Minor Children  
iv. Case # 502014CP003698XXXXSB – Shirley Trust Construction  
v. Case # 502015CP001162XXXXSB – Eliot Bernstein v. Trustee Simon Trust Case OLD CASE #502014CA014637XXXXMB

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Probate court, which are facilitating these highly sophisticated illegal legal crimes under the guise of probate proceedings and providing cover for the reprobate attorneys who were caught.

9. These harms are caused by the very courts that should be upholding Eliot's rights and protecting him, especially after he cleaned house for the judges by exposing the bad faith acts of Florida attorneys at law practicing before their courts, the officers appointed by the courts, who were found acting in concert to Fraud the court and commit a variety of crimes against the Beneficiaries, these crimes primarily targeting Eliot.
10. Why Eliot? Eliot was joined together in 2008 with American Hero Whistleblower, New York Supreme Court Appellate Division Departmental Disciplinary Committee attorney at law, Christine C. Anderson, Esq., by Federal Judge Shira A. Scheindlin who legally related Eliot's RICO case involving a massive corruption inside government and almost all attributable to those with legal degrees, to Anderson's riveting Whistleblower lawsuit that exposed a criminal cartel operating at the highest levels of the country's legal system and protected by the self-regulating failed attorney at law disciplinary departments they controlled.
11. That Scheindlin related several other Whistleblower citizens fighting the corruption in the courts for many years together with Anderson and so began a lengthy and ongoing effort to expose the corruption that plagues our nation by a small group of very dedicated citizens who fearlessly took on the corruption machine inside the courts, at great personal and familial costs.

12. That after finding out how the innards of this corruption scheme worked whereby criminals disguised as attorneys at law are violating law with impunity, it was apparent that they have seized the keys to the kingdom at the highest outposts of law and turned a country built on law into lawlessness society.
13. This has created an unprecedeted situation in our country, a coup d'état of the legal system and everything it controls and now requiring unprecedeted actions by both citizens and a brave few lawyers and judges who are willing to stand up in their roles as honorable and duty bound to justice attorneys at law and bust up this racket that threatens our nation by turning in those reprobate members who are acting outside the color of law, despite the consequences against them by those in control of their profession at this time, unafraid of the retaliation they most certainly will face.
14. Eliot has recently met even more brave Whistleblower attorneys at law, upholding their oaths to report the misconduct of their brethren, although these are false brethren, as they are really criminals using law to commit crime and cover them up, using the courts as retaliatory weapons against the victims and the retaliation of these lawyers who have done nothing wrong but fulfill their duty to report other members misconduct is swift and vicious.
15. Joining Anderson's heroic whistleblowing are now Barbara Stone, Esq., Candice Schwager, Esq., Joanne Denison, Esq., Kenneth Ditkowski, Esq., Kevin R. Hall, Esq. and Dean Loren, Esq. and other attorney Whistleblowers who are all exposing the illegally formed bar associations and the crimes in the court they have witnessed firsthand. Now they are in danger of losing their livelihoods and being viciously retaliated against for their exposure of the bad actors by what at first glance appears lawyers, judges, prosecutors and the bar

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associations and with deeper inspection one finds they are lawbreakers misusing law to target their victims.

16. There is also another citizen, William Windsor, who has been jailed for his efforts to expose the public office corruption in the nation by assembling video of nationwide victims and again Mr. Windsor's only crime is that of exposing the underbelly of the legal system through the eyes of victims. <http://www.lawlessamerica.com/index.php>
17. The reprobate attorneys are acting to commit crimes in various combinations of racketeering type fraudulent illegal legal schemes that utilize the courts as host to the crimes and using the their legal degrees to commit these crimes and then having other criminals disguised as lawyers planted in the regulatory agencies to cover them up for them, with virtually no fear of retribution, as the cover up is at the highest levels of the failed self-policing attorney at law failed Disciplinary Departments, State Bars, Judicial Conduct Commissions and criminal prosecutorial agencies.
18. The self-policing bar associations and the judicial qualifications commissions instead of protecting the Whistleblowers exposing their reprobate members and investigating the complaints filed by the Whistleblowers and citizen victims reporting the misconduct of judges to them are instead retaliated against.
19. Retaliation against the Whistleblower members of the Florida Bar who are reporting against other members of the bar committing the crimes include extortionary threats of disbarment used in efforts to force these brave and heroic whistleblowers from pursuing their acts to expose the bad actors or else.

20. Further the state bar associations and judicial conduct commissions are denying due process and procedure of the attorney at law Whistleblowers by disbarring them and preventing and dismantling their efforts to protect their clients, themselves, their families and the public at large from the dangers of the reprobate attorneys at law, judges and prosecutors they are exposing who have corrupted and polluted the legal system, casting a grave appearance of impropriety over the whole system of jurisprudence and leaving no one capable of putting it down.
21. The danger to Eliot directly is further evidenced by Eliot and his wife Candice's receipt of a phone call at 4am. on April 11, 2015 by his children's counsel, Candice Schwager, Esq. of Texas, informing him that their lives were in imminent danger for their whistleblowing efforts against judicial and attorney at law corruption and to instantly seek federal and state protections. This phone call and the following actions with state and federal authorities already involved in Eliot's life is documented below by attorney at law Barbara Stone, Esq. who also received a similar call from Candice Schwagger, Esq.:

**From:** Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]  
**Sent:** Monday, April 13, 2015 7:07 AM  
**To:** Michael Horowitz [Inspector General @ US DOJ OIG] ~ Partner @ Cadwalader, Wickersham & Taft LLP ([michael.horowitz@cwt.com](mailto:michael.horowitz@cwt.com)); 'The Honorable Glenn Alan Fine, Inspector General ~ Department of Justice'  
**Cc:** 'Barbara Stone ([bstone575@gmail.com](mailto:bstone575@gmail.com))'; 'JoAnne M. Denison Esq. @ Denison & Associates, PC ([jdenison@surffree.com](mailto:jdenison@surffree.com))'; Candice Schwager @ Schwager Law Firm ([candiceschwager@icloud.com](mailto:candiceschwager@icloud.com)); 'Andrew Dietz @ Rock-It Cargo USA, Inc. ([andyd@rockitcargo.com](mailto:andyd@rockitcargo.com))'; 'CANDICE BERNSTEIN ([tourcandy@gmail.com](mailto:tourcandy@gmail.com))'; 'Caroline Prochotska Rogers Esq. ([caroline@cprogers.com](mailto:caroline@cprogers.com))'; 'Eliot I. Bernstein ([iviewit@iviewit.tv](mailto:iviewit@iviewit.tv))'; 'Marc R. Garber Esq. ([marcrgarber@gmail.com](mailto:marcrgarber@gmail.com))'; 'Marc R. Garber Esq. @ Flaster Greenberg P.C. ([marc.garber@flastergreenberg.com](mailto:marc.garber@flastergreenberg.com))'; 'Michele M. Mulrooney ~ Partner @ Venable LLP ([mmulrooney@Venable.com](mailto:mmulrooney@Venable.com))'  
**Subject:** Eliot Bernstein. FW: We have been warned by counsel that we are in danger and need of Federal protection

Dear Inspector General Horowitz, please add this email to my ongoing case file with DOJ OIG. As this involves further potential dangers to my family, where it has been alleged my father was murdered and a Coroner's report reveals several elevated heavy metals, I take this warning very seriously, especially where I have uncovered and proven fraud and forgeries of deceased parties to gain Dominion and Control of my deceased father's estate, the crimes committed by Attorneys at Law. I have been trying to contact the FBI for several months to report several very serious crimes that require federal investigations and have supposedly contacted the FBI who refused to give me names of the people that were supposed to be doing the intake and have not heard back from them at all. I have tried to contact your offices and similarly I was unable to confirm anyone's name that I was speaking to and if in fact you had gotten my messages. Please feel free to contact me at my numbers below. Eliot

Eliot I. Bernstein  
Inventor

**From:** Eliot Bernstein [mailto:[iviewit5@gmail.com](mailto:iviewit5@gmail.com)]  
**Sent:** Monday, April 13, 2015 6:57 AM  
**To:** 'Detective Andrew Panzer @ Palm Beach County Sheriff ([PanzerA@pbso.org](mailto:PanzerA@pbso.org))'  
**Subject:** Eliot Bernstein. FW: We have been warned by counsel that we are in danger and need of Federal protection

Dear Detective Panzer, please add this to the ongoing investigation of my family estate and trust matters. Barbara Stone is a Florida Attorney who is exposing Judicial Corruption. I got a call at 4am from attorney Candice Schwager who informed me and Candice my wife that our lives and those of our children were in imminent danger for our Whistleblowing efforts. This warning came from a licensed attorney. Paul Wright is at the FBI according to Barbara. I was told to contact state and federal authorities for protection. Eliot

**From:** barbara stone [mailto:[bstone575@gmail.com](mailto:bstone575@gmail.com)]  
**Sent:** Sunday, April 12, 2015 7:36 PM  
**To:** Paul Wright  
**Cc:** Eliot Bernstein; Candice Schwager, Esq.; JoAnne M Denison, Esq.  
**Subject:** We have been warned by counsel that we are in danger and need of Federal protection

My attorney, Candice Schwager who is also the attorney for Eliot Bernstein contacted both of us on or about 4:00 am EST on Saturday and advised us to contact Federal authorities for protection.

She warned me and Eliot Bernstein that we and our families are in danger and in need of immediate Federal protection due to our efforts to expose judicial corruption.

Ms Schwager is a licensed attorney in the state of Texas and can be reached at 832.315.8489

I can be reached at 305 494 2463 and Mr. Bernstein can be reached at 561 245.8588.

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Barbara Stone  
on behalf of myself and my mother and on behalf of Eliot Bernstein and his family.

22. That this wakeup call warning of imminent danger and to get the children protected by a licensed Attorney at Law has left Eliot and his wife Candice panicked and frantic for the last two plus weeks trying to get help and keep an eye on the children at the same time and left them hardly able to keep up with the sudden increased legal hearings and pleadings dumped on them as the pressure is mounting on the bad actors from the criminal acts being uncovered in the courts.
23. These sharp practices of heaping hearing after hearing on Eliot seems calculated to heighten the pressure on them intentionally in the six legal cases involving the Estates and Trusts of Eliot's deceased parents, Simon and Shirley as pressure mounts and their crimes are further uncovered and reported on.
24. Many of the legal actions require strict deadlines, there are a mass of scheduled hearings, hearings of Eliot's changed overnight and moved up a month by Judge Colin on his own initiative with demands that Eliot be present at that time or else lose his rights regarding complicated accounting proceedings, where thousands of pages of documents were dumped on him without giving him the opportunity to review them before the hearing and all this coming as Eliot and others are finding out about a plethora of crimes committed by the attorneys at law, fiduciaries and other parties involved in the Estates and Trust cases of Simon and Shirley Bernstein.
25. That the court will again take note that it was alleged by Ted Bernstein and Pamela Simon on the day Simon died that he was murdered, TED and PAM are his estranged son and daughter

who were cut out of the Estates and Trusts with their lineal descendants and if the murder allegation is true Eliot could be next.

26. That the Court will take note that a bomb was placed in Eliot's car (see Graphic images of car bombing @ [www.iviewit.tv](http://www.iviewit.tv)) that blew up three cars next to it as well and where every day of Eliot and Candice's life that all of these matters are not investigated and handled properly with fair and impartial due process given them, they are in danger every time they start their vehicle to take the children to school in the morning.
27. This car bombing alleged to have taken place over Eliot's claims that reprobate attorneys at law stole his and others Intellectual Properties worth an estimated billions to trillions (currently over 90% of internet traffic uses the technologies as they are backbone imaging and video technologies), and the attorneys at law were using the Court system and other Government agencies, including the US Patent Office, to enable the highly sophisticated legal crimes deployed by major law firms to steal the technologies.
28. When caught in the act it is alleged that these lawyers infiltrated some of the highest outposts of law in efforts to cover up the crimes by interfering with Eliot's due process rights and by obstructing Justice inside government agencies and when caught at the cover up then tried to murder him and have since been pursuing a pattern and practice of crimes to hurt and damage Eliot and his family.
29. The death of Simon Bernstein if he was murdered may also have been due to his ownership interests in the Intellectual Properties, his potential settlement interests in Eliot's RICO and his intimate knowledge of how the royalties were being converted illegally by the law firms that stole the technologies (primarily Proskauer Rose LLP) through the Madoff and Sir Allen

Stanford Ponzi Schemes (aka criminal attorney at law and law firm money laundering schemes for monies stolen from clients.)

30. As the court will note in the Probate and Trust cases involving Eliot's three minor children and Oppenheimer, there are accounts at the heart of that matter that came from Stanford Bank and Stanford Trust that then transferred with the agents from Stanford to Oppenheimer Trust and the accounts and agents transferred to JP Morgan, where it is alleged that millions of dollars of Simon's monies in the estates and trusts disappeared weeks before his untimely and strange death.
31. Eliot has had repeated death threats over a thirteen year period reported to state and federal authorities for his Whistleblowing efforts against the highest ranking members of three state bar associations, judges, prosecutors, attorneys at law and high ranking government officials throughout the nation who were involved in the thefts of the Intellectual Properties.

*Wherefore, Eliot requests that there be an order of federal protection from life threatening danger to Eliot and his family.*

**DESIGNATION OF STATUS AS WHISTLEBLOWER AND AFFORD ALL STATE AND FEDERAL WHISTLEBLOWER PROTECTIONS AND PROVIDE FEDERAL WITNESS PROTECTION**

32. That while Eliot is not an attorney at law, nor a member of any bar association, his efforts to expose the corruption of the members of three state bar associations have led to Orders ( see URL @

<http://iviewit.tv/CompanyDocs/2004%2006%2017%20Cahill%20Motion%20to%20move%20complaints%20krane%20rubenstein.pdf> )

from the New York Appellate Division of the Supreme Court, First Judicial Departmental Disciplinary Committee for investigation of three of its members, including former deceased President of the New York State Bar at the time, Steven C. Krane, Esq. of Proskauer Rose (who died suddenly after the investigations were ordered), Kenneth Rubenstein, Esq. of Proskauer Rose and sole patent evaluator for MPEGLA, LLC (who Eliot claims is the largest infringer of his Intellectual Properties) and Thomas Cahill, Esq., the former Chief Counsel for the First Judicial Departmental Disciplinary Committee (who Whistleblower Anderson sued and immediately after losing her trial against him Judge Scheindlin came into the Court after the jury had left and entered into the record that she had just learned that Cahill and others had perjured their testimony in the trial and thus poisoned the jury decision and where Cahill resigned early amidst the Anderson case and the legally related Iviewit RICO). The Iviewit RICO<sup>4</sup> is legally related to Anderson and other actions that allege widespread attorney at law corruption in various divisions of the courts, prosecutors' offices and more.

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<sup>4</sup> Anderson and Related Cases @ New York Second Circuit

1. File USCA Case Number 10-5303 = Iviewit Appeal Docket No. Case 08-4873-cv United States Court of Appeals for the Second Circuit Docket - Bernstein, et al. v Appellate Division First Department Disciplinary Committee, et al. - TRILLION DOLLAR LAWSUIT
2. Capogrosso v New York State Commission on Judicial Conduct, et al.
3. Esposito v The State of New York, et al.
4. McKeown v The State of New York, et al.

Anderson Related Cases @ US District Court - Southern District NY

5. 07cv09599 Anderson v The State of New York, et al. - WHISTLEBLOWER LAWSUIT which other cases have been marked legally "related" to by Fed. Judge Shira A. Scheindlin, including Eliot RICO
6. 07cv11196 Bernstein, et al. v Appellate Division First Department Disciplinary Committee, et al.
7. 07cv11612 Esposito v The State of New York, et al.,
8. 08cv00526 Capogrosso v New York State Commission on Judicial Conduct, et al.,
9. 08cv02391 McKeown v The State of New York, et al.,
10. 08cv02852 Galison v The State of New York, et al.,
11. 08cv03305 Carvel v The State of New York, et al., and,
12. 08cv4053 Gizella Weiss Haus v The State of New York, et al.
13. 08cv4438 Suzanne McCormick v The State of New York, et al.
14. 08 cv 6368 John L. Petrec-Tolino v. The State of New York
15. 06cv05169 McNamara v The State of New York, et al

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That the fraud on the Court in the Anderson case and related cases should lead, when the time is ripe, for a rehearing for Anderson and the related cases once the court corruption is cleaned up and it was truly extensive and widespread as Anderson's testimony revealed.

33. The New York Appellate Division of the Supreme Court, First Judicial Departmental Disciplinary Committee was Ordered to be investigated by the New York Appellate Division of the Supreme Court, Second Judicial Departmental Disciplinary Committee. The reason those ordered investigations were never completed was because new allegations of conflict were levied against the New York Appellate Division of the Supreme Court, Second Judicial Departmental Disciplinary Committee.
34. Eliot therefore should be considered a Whistleblower as he is instrumental in bringing about law enforcement to investigate the corruption in the legal system and because his RICO case in New York is legally related to New York Appellate Division of the Supreme Court, First Judicial Departmental Disciplinary Committee Attorney at Law Christine C. Anderson, Esq. whistleblowing lawsuit against State Actors and Disciplinary Departments. So too, the retaliation against Eliot involved in denying due process to Eliot's RICO and his bar and disciplinary complaints is substantially the same as the retaliation suffered by attorney at law members of the state bar for their Whistleblower efforts.
35. Due to Eliot's efforts as a Whistleblower he has come under repeated life threatening retaliations by attorneys at law over the last decade who desire to cover up their crimes through continued misuse of the courts and justice system to deny him due process, deprive him of inheritance and to intentionally obstruct his efforts to get fair and impartial treatment under law and essentially obstructing any/every effort Eliot makes to seek relief, state or

federally to protect his rights and protect his family, all in efforts to try and silence Eliot and his family.

36. That immediately after the recent warnings by Candice Schwager, Esq.<sup>5</sup> that Eliot and his family and Attorney Barbara Stone, Esq. were in imminent danger of their lives, exhibited already herein, the bar associations in the respective states recommended disbarment of two of the attorneys involved with Eliot and helping him, Joanne Denison, Esq. (IL)<sup>6</sup> and Barbara Stone, Esq. (FL)<sup>7</sup> in what appears retaliation by the bar associations against them for blowing the whistle on massive corruption schemes being operated under the color of law by certain judges and attorneys in their states who they blew the whistle on.
37. These Whistleblowing attorneys are duty bound to report the misconduct of other members of their profession by their respective state bar Rules of Professional Conduct in the first place. By following The Rules of Professional Conduct that they take oath under G-d to uphold, they are compelled to report any misconduct of other attorneys and judges they are aware of.
38. The good actors are then rewarded with retaliation by the very institution charged with investigating the corruption of the reprobate attorneys at law and judges they are exposing and their law licenses are dangled as leverage to silence them and thus their livelihoods that

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<sup>5</sup> <http://atty4kids.org/>

<sup>6</sup> <http://marygsykes.com/tag/joanne-denison>

<sup>7</sup> Florida Bar Attorney Affidavit – Judge and Lawyer Threatening Counsel for 87 Year Old Woman  
<http://www.iviewit.tv/Exhibit%202%20-%20Barbara%20Stone%20Attorney%20Affidavit.pdf>  
and  
<http://www.iviewit.tv/BarbaraStoneCriminal%20ComplaintMarch2%202015.pdf>  
and  
<http://www.iviewit.tv/Barbara%20Stone%20Florida%20Bar%20Whistleblower.pdf>

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are held captive by the Bar Associations who can disbar them are used as threats, which is like being blacklisted from the profession, a typical mob styled racketeering extortion scheme reminiscent of mob controlled Unions and their extortion of their members.

39. Like the retaliation from Whistleblowing on the corrupt courts by honest attorneys at law doing what they are duty bound to do, Eliot is also subject to continuous retaliation by these reprobate attorneys at law because he is pursuing the law firms and thousands of corporations worldwide that are using Eliot's technologies through illegal patent pooling schemes the lawyers are using to benefit themselves not Eliot from the stolen technologies of Eliot's and who have illegally blocked Eliot from market through anticompetitive monopolistic patent pooling schemes and disabling his legal rights to pursue to such illegal combinations like those conducted by MPEGLA, LLC., which is controlled by Eliot's former Intellectual Property Counsel, Proskauer Rose LLP and which licenses thousands of corporations.
40. Many of these companies such as YouTube and Facebook are wholly dependent on Eliot's SUSPENDED Intellectual Properties and these companies are directly tied to the alleged perpetrators of the Intellectual Property crimes in many instances directly to Proskauer Rose, a large law firm that Eliot is pursuing as the initial conspirator in the thefts and where these corporations also have incentive to see Eliot and his family and other shareholders and patent interest holders dead (including his father) versus successful in Court where they could lose everything if Eliot succeeds and he will in time, when the due process blocks are busted up.
41. That Eliot has alleged that further retaliation comes from the recent Estate and Probate crimes being committed against his family, which once again are crimes again done primarily by attorneys at law and judges acting in conspiracy against Eliot's rights and designed to

deny him his inheritances and where the crimes now include the alleged murder of Simon (alleged by Ted the day his father died.)

42. That Eliot alleges that the theft of the insurance policy that is the subject of the lawsuit before this Court is yet further retaliation to deny him expectancies, where Eliot was initially NOT told of this lawsuit and was not made party to the original complaint and is yet another effort to steal the estate property and deny him inheritances through fraud committed again by attorneys at law, Donald R. Tescher, Esq. and his junior partner Robert L. Spallina, Esq., in concert with Ted, designed to steal millions of dollars of monies for Eliot's family.
43. This insurance policy theft scheme is to further disable any chance of Eliot getting monies, which could be used to get counsel to defend his family's inheritance (he has not received a dollar from the Estates and Trusts in over two years due to frauds committed that have delayed their expectancies) and where the inheritance could also be used to pursue his and others Intellectual Property rights and his RICO, feed his children and more.
44. Eliot and his family were wholly dependent on their inheritances for income as Simon had set up elaborate estate plans for Eliot's family to continue to receive monthly income that Simon and Shirley Bernstein had set up and begun many years before their deaths to protect Eliot and his family due to the dangerous situation their lives became entangled in and their inability to seek employment with the onslaught against them.
45. The danger prevented Eliot from gaining employment, as not many employers want to hire people who have bombs put in their cars and are in the middle of complex RICO litigation and these funds Simon and Shirley set up paid for all basic living and household expenses for the home that Eliot's children own, private school tuitions for the children and all of their

other expenses and needs, including but not limited to Health Insurance, Food, Clothing, Entertainment, etc.

46. That Simon had set up continuation of these payments to occur long into the future upon his death through his Estate plans and took many precautions to make sure Eliot and his family would have no problems once he died with income to survive many years and through all the children's college educations. That the hijacking and theft of these funds via the crimes in the probate court are fully intended to cause grave harm and damage to Eliot to keep him from pursuing his whistleblowing efforts.
47. That Eliot must now protect his family without help from authorities who have been virtually silent for years on ongoing investigations and silent since being noticed regarding the recent threat of imminent danger to his family made by a licensed attorney at law, Schwager, and where Eliot alleges this delay may also be intentional and created by lawyers who are in prosecutorial roles and controlled by the law firms that are against Eliot, in direct efforts to deny Eliot and his family state and federal protections.
48. However, it appears that wherever attorneys at law in whatever role they play (private attorneys, prosecutors, judges, etc.) become involved in Eliot's life there is no relief and in fact further retaliations and denials of due process and procedure to Obstruct any chance at Justice. Hence, there should be an Injunctive Relief that: 1) the Bar Associations or any of the judges against whom the whistle is being blown on cannot take any action against Eliot or his family for publishing the truth and 2) the courts must refrain from restricting our pleadings and motions to protect the innocent.

***Wherefore, Eliot request that Eliot be designated with the status of a Whistleblower and afford all the state and federal Whistleblower protections and provide federal witness protection.***

**STAY OF ALL PROCEEDINGS IN THE FLORIDA PROBATE COURT AND  
TRANSFER OF ALL FLORIDA PROBATE MATTERS TO THIS COURT**

49. The denial of due process, equal protection and obstruction of justice and retaliatory acts proliferate because the Florida Bar protects the corruption and criminal actions of its members instead of holding them accountable and issuing strong sanctions as it appears the enterprise has infiltrated any agency that can investigate them and their self-policing Bar Association.
50. The Bar Association's reprobate attorneys at law in charge of disciplinary sanctions against members appears steeped in corruption and is used to retaliate against honest members doing the right thing by reporting the corruption they witness that they are duty bound under Oath of G-d to report and instead promote the bad actor members reported who are acting outside the color of law for personal gain and who aid and abet the racketeering enterprise.
51. Victims who are turned to the Florida Bar for relief when they report civil, ethical and criminal misconduct of attorneys at law and judges are subjected to the same retaliatory acts by the Florida Bar as their member whistleblowers and in giving their complaint information to the Florida Bar they have basically turned their evidence over to those they are complaining against as the Florida Bar then gives that information to the accused parties and again this deprives rights to victims ingrained in traditional investigations.

52. The Florida Bar then typically issues letters to victims of how they reviewed the matters and found no cause to investigate further and that you owe your attorney fees or words to that effect. In Eliot's case, the goodbye good luck letters were found to be written by or aided by Proskauer Rose attorneys who were violating Florida Bar rules by interfering in the complaints filed against their firm, which is what led to the investigations in New York and that led Eliot to the Florida Supreme Court and then the US Supreme Court, where it appears the attorney protections go all the way up the chain, as neither would review the bar associations misconduct and thus no remedy avails victims.
53. There is a conflict of interest inherent in the Florida Bar's self-disciplinary regulatory body policy for how can a state organization regulate itself and its members and skirt traditional discipline from criminal investigation, as the bar association disciplinary agencies cannot investigate or regulate the criminal misconduct of its members and only investigate their ethical misconduct and sanction or disbar them.
54. The self-policing policy of the Florida Bar does not work – Florida Bar members cannot unbiasedly investigate the actions of other Florida Bar members and victims complaining about their members or be counted on to report them to criminal authorities when necessary, as a protection of brethren members is inherent.
55. Therefore, a loophole in justice is created whereby lawyers committing crimes may evade criminal prosecution if the state bar fails to contact criminal authorities to investigate claims made by victims that involve criminal elements and this covers up the felony misconduct instead. When citizens have complaints, criminal or civil, against judges, prosecutors and

private attorneys at law they are directed by law enforcement to contact the Florida Bar or the Judicial Qualification Committee to report the criminal or civil misconduct of bar members.

56. These bar association and judicial commissions have regulatory bodies (which have no criminal jurisdiction or powers to prosecute or investigate criminal acts), which are then supposed to review the victims complaints and report any criminal misconduct they find to the proper criminal authorities for investigation.
57. If they find criminal misconduct and fail to report the felonies alleged the loophole to evade justice is fulfilled, as no criminal investigations are instituted because they have been blocked. Every once in a while an attorney may be disbarred or a judge suspended when they are involved in criminal misconduct but no criminal prosecution of them is made and the victim is left helpless with no due process for the crimes against them.
58. If the victims turn back to criminal authorities after the regulatory agencies determine no cause to investigate the complaint, law enforcement then states that the agencies did not find wrong doing and that they do not want to review the matter as it will be taken to a prosecutor member of the Florida Bar in the end who will review and work with the State Bar and thus the effort will be futile.
59. That Eliot states that victims should never seek State Bar sanctions or disbarment of the attorneys who have committed crimes against them and only work with criminal authorities who are often not associated with the Florida Bar, as there is nothing sexier in a prison environment than a lawyer with a license who everyone wants as a cellie at night to do his pleadings and so disbarment for criminal acts of lawyers is not good, as if a lawyer is guilty of a criminal act against a client, it would serve well the victim to know that the lawyer is not

only criminally charged, prosecuted and sentenced but that he is then being worked to death while serving his sentence in the pen by everyone who needs a lawyer in jail.

60. This “Get Out of Jail Free” card that lawyers and judges have written themselves by creating the state bar associations and disciplinary departments to have regulatory power over their members in ethical and criminal complaints filed by citizens and whistleblowers and move the matters to their organization for improper adjudication is unconstitutional.
61. This perversion of the system allows bar members who commit felony acts to be first reviewed by the bar association and determinations made that can evade criminal authorities, such as intentionally failing to report the criminal acts of their members in victim complaints (Misprision of a Felony or Aiding and Abetting) to criminal authorities and this directly impacts the victims’ rights to fair and impartial due process of parties that committed criminal acts against them.
62. The complaints get moved from criminal authorities to the very organization where the complained members are beholden to for their livelihoods and who may be part of the organized criminal element within the bar association and regulatory body and this is like going to the Gestapo and complaining camp guards are beating you and anticipating justice will be served and the guards will now treat you with respect.
63. ANY OTHER AMERICAN without legal title who has to face criminal authorities for crimes alleged against them by a victim have no place or organization they are members of that they can go to and try and wiggle out of criminal misconduct by the organization they belong to failing to pursue criminal misconduct against them by failing to report the crimes

and instead charge them with a slap on the wrist with useless disciplinary sanction, suspension from profession such as disbarment and evade criminal prosecution.

64. The state bars are NOT a law enforcement agency. This ability to evade criminal authorities and punishments creates unequal protections in the application of law and places certain parties above the law and getting preferential treatment, while denying their victims fair and impartial due process.
65. Florida Bar members should be conflicted out from investigating any another attorney who is a member of the Florida Bar, which is a patent denial of due process through conflict that obstructs justice and creates an overwhelming Appearance of Impropriety to the general public that lawyers and judges are untouchable or immune to the criminal misconduct they do and the reason lawyers and judges have the lowest approval rating of any professional organization in America next to Congress (again made up primarily by attorneys at law.)
66. The self-policing aspect of the Florida Bar becomes even more inherently biased, conflicted and unjust when the complaint is made by another Florida Bar member against another Florida Bar member that is connected and the investigator is yet another connected Florida Bar regulatory member. In this instance, the lawyer complaining can be threatened with disbarment the ole Hollywood mob line modified to, “you’ll never practice or rule in this state again,” forcing them to give up their complaint or go against the organization that holds their livelihood and be destroyed.
67. The same inherent conflict of interest that exists with the Florida Bar also exists with the Judicial Qualifications Commission. Florida Bar members again regulate Judges, who are other Florida Bar members when a Florida Bar member whistleblower or a victim of judicial

injustice files a complaint against a Florida State Judge with the Judicial Qualifications Commission.

68. For these reasons Florida Bar members and the Florida Bar are inherently conflicted from handling any aspect of Eliot's Whistleblower matters or other civil actions due to these conflicts from Eliot's pursuit of the organization that conflict him with every member, whether they are directly involved or not, as Eliot cannot know which members are involved in the conspiracy against him due to the secretive nature of a conspiracies members who conceal their criminal intent or know who the good lawyers trying to help him who are then being threatened to drop his matters or else.
69. Due to the inherent conflict in the Florida Bar self-policing its members, it has manifested into an criminal protection agency composed of reprobate attorneys who threaten and extort members and victims who play by the rules seeking justice and protection and where it is in no way a consumer protection agency in the way it operates.
70. That due to Eliot's exposing reprobate members of the Florida Bar, he is also perusing attorneys at law and judges in three states and their bar associations (PA, NY & VA) and Eliot's complaints allege collusion by a host of judges and he is now being legally abused by misuse of the Florida Probate courts and aided and abetted by the courts acting as accomplice and facilitator to ongoing crimes against him in Florida and this Court.
71. All of these new crimes taking place in this Court and the Florida Probate court are again done by reprobate attorneys at law and all intended to deprive Eliot of his properties by legal schemes and disabling his rights, including his right to counsel (as everyone of over 100

lawyers contacted to help him have declined, most expressing fear of retribution by their bar associations or stating it was too complicated to sue attorneys.)

72. After the Candice Schwager, Esq. warning call, no attorneys after learning of that even want to talk about representation, as if telling them about the car bombing up front does not scare them away. After the call, Schwagger had to decline further representation to Eliot's minor children as she too is fearful of retribution and now suffering from the legal process abuse directed at her for efforts to expose the corruption and truly help and provide justice to victims.
73. Eliot, his wife Candice and their minor children are all afraid for their lives and in need of immediate protections. All court proceedings in all Florida court cases should be immediately stayed by this Court while they are transferred to this Court to prevent further mis-adjudication, Fraud on the court, Fraud in the court and Fraud by the court and to prevent further criminal activities from occurring against Eliot.
74. Eliot also seeks this Court to federally intervene in all prosecutorial and criminal investigations due to the influence on these agencies by members of the Florida Bar and Florida Supreme Court who Eliot is suing and pursuing in criminal and civil complaints filed with state and federal agencies and to ensure and provide conflict free investigations and prosecutions.
75. Eliot is pursuing all of the following parties that are members of the Florida Bar, Florida Supreme Court and other reprobate bar members acting in private practices (and this is only a partial list in Florida and Eliot has three other similar states he sued with a similar cast of

criminals in each<sup>8</sup>) for their involvement in the prior crimes alleged involving the Intellectual Properties theft, including but not limited to the following Defendants sued in the RICO filed. These bar members were public officials involved at the time of filing the RICO in the cover up and subsequent crimes:

**STATE OF FLORIDA,**

**OFFICE OF THE STATE COURTS  
ADMINISTRATOR, FLORIDA,**

**HON. JORGE LABARGA in his official and individual capacities,  
[this lawsuit prior to his unbelievable rise to Chief Justice of the Florida Supreme Court after the Bush v. Gore election he aided in the failure to recount when he was a civil circuit judge and for effort to derail Eliot's legal rights in the first lawsuit involving Eliot and others stolen Intellectual Properties that has led to this mess]**

**THE FLORIDA BAR,**

**JOHN ANTHONY BOGGS, ESQ. in his official and individual capacities,**

**KELLY OVERSTREET JOHNSON, ESQ. in her official and individual capacities,**

**LORRAINE CHRISTINE HOFFMAN, ESQ. in her official and individual capacities,**

**ERIC TURNER, ESQ. in his official and individual capacities,**

**KENNETH MARVIN, ESQ. in his official and individual capacities,**

**JOY A. BARTMON, ESQ. in her official and individual capacities,**

**JERALD BEER, ESQ. in his official and individual capacities,**

**BROAD & CASSEL, and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities,**

**JAMES J. WHEELER, ESQ. in his professional and individual capacities,**

**FLORIDA SUPREME COURT,**

**Hon. Charles T. Wells, in his official and individual capacities,**

**Hon. Harry Lee Anstead, in his official and individual capacities,**

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<sup>8</sup> Full List of Iviewit RICO Defendants @  
<http://iviewit.tv/CompanyDocs/Appendix%20A/index.htm>

**Hon. R. Fred Lewis, in his official and individual capacities,**  
**Hon. Peggy A. Quince, in his official and individual capacities,**  
**Hon. Kenneth B. Bell, in his official and individual capacities,**  
**THOMAS HALL, ESQ. in his official and individual capacities,**  
**DEBORAH YARBOROUGH in her official and individual capacities,**

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION – FLORIDA,**

**CITY OF BOCA RATON, FLA.,**  
**DETECTIVE ROBERT FLECHAUS in his official and individual capacities,**  
**CHIEF ANDREW SCOTT in his official and individual capacities,**

**CHRISTOPHER C. WHEELER, ESQ. in his professional and individual capacities,**

**MATTHEW M. TRIGGS, ESQ. in his official and individual capacity for The Florida Bar and his professional and individual capacities as a partner of Proskauer,**

**ALBERT T. GORTZ, ESQ. in his professional and individual capacities.**

76. Eliot once again in the Probate matters has caught lawyers and judges in Florida involved in crimes against him and his family in efforts to shut him down financially by stealing his inheritance and stop Eliot from inheriting several million dollars that could be used in part to further his pursuit of he, his father's and his shareholders' interests in the Intellectual Property but instead their crimes were discovered and the backlash has elevated as Eliot has pressed for criminal prosecutions.
77. Eliot discovered the sneaky and diabolical crimes committed by these “trusted” estate planning lawyers of his parents, TESCHER and SPALLINA, who through fraud and deceit

seized Dominion and Control of the Estates and Trusts of Eliot's parents by inserting themselves into the dispositive documents as Co-Personal Representatives and Co-Trustees (later removed after admitting to fraudulently altering dispositive documents Post Mortem.)

78. TESCHER and SPALLINA then used two of five estranged children who had been cut out of the Estates and Trusts with their lineal descendants, by Simon and Shirley, who were tipped off that they were disinherited by TESCHER and SPALLINA while Simon was alive without his consent and who then became enraged and tried to force Simon to make changes to his Estate and Trust plans immediately prior to his death and this feud these attorneys intentionally created left Simon a sitting duck and opened a portal once he was dead to use these estranged children to aid them in stealing the inheritances being left to Eliot and try and remove from the estates and trusts the interests in the Intellectual Properties that are worth billions of dollars.
79. Despite the mounds of evidence against the attorneys and others the Florida courts and prosecutors presented by Eliot, authorities seem to be deaf and blind to the multitude of crimes reported and docketed with them involving the Estate and Trust crimes, including the alleged Murder of Simon and have tried to wiggle out of prosecuting the attorneys and attempt to shift the investigation to the Florida Bar, which has no legal authority to investigate these FELONY CRIMINAL ACTS as they are not ethical violations (which really should be crimes too.)
80. For example, the murder investigation ordered by TED through his lawyers done by Palm Beach County Sheriff investigators the day Simon died at his home is docketed with the Palm Beach Sheriff as a hospital maintenance record check, as indicated in the Sheriff Report

exhibited herein and was closed without even contacting Simon's girlfriend at the time, Maritza Puccio, who TED and PAM and others claimed had poisoned him.

81. Despite an autopsy ordered by TED through his lawyers for alleged poisoning on the day Simon died, suspiciously no heavy metal screening was done until Eliot over a year later demanded it be done by the Coroner who failed to screen for poisons initially, despite the claim Simon had been poisoned. Shockingly over a year later this heavy metal poison report came back with three elevated heavy metals and arsenic three times the reportable level and where Eliot does not believe in coincidence.
82. Despite ample evidence of the crimes submitted to authorities of the Fraud on the Court, Theft of Assets, Forgeries, Frauds and more the cases linger with criminal authorities allowing the criminals to continue to commit more and more criminal acts and prepare cover ups with more fraudulent documents and all with no fear of retribution. This failure to properly and timely investigate has aided and abetted in the cover up for the criminals.
83. That despite Judge Colin knowing of very serious felony acts that occurred in his court, by the attorneys at law and fiduciaries appointed by him, he has failed to uphold his duty to inform criminal authorities of the crimes, to take necessary steps to insure protection of the beneficiaries and assets in his custody, further aiding and abetting the criminals by failing to report and committing Misprision of a Felony or two or three and more.
84. In removing judges or judges removing on their own motions, courts have repeatedly held that positive proof of the partiality of a judge is not a requirement, only the appearance of partiality. *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847, 108 S.Ct. 2194 (1988) (what matters is not the reality of bias or prejudice but its appearance); *United States*

*v. Balistrieri*, 779 F.2d 1191 (7th Cir. 1985) (Section 455(a) “is directed against the appearance of partiality, whether or not the judge is actually biased.”)

85. “Section 455(a) of the Judicial Code, 28 U.S.C. §455(a), is not intended to protect litigants from actual bias in their judge but rather to promote public confidence in the impartiality of the judicial that Court also stated that Section 455(a) “requires a judge to recuse himself in any proceeding in which her impartiality might reasonably be questioned.” *Taylor v. O’Grady*, 888 F.2d 1189 (7th Cir. 1989). In *Pfizer Inc. v. Lord*, 456 F.2d 532 (8th Cir. 1972), the Court stated that “It is important that the litigant not only actually receive justice, but that he believes that he has received justice.”
86. The Supreme Court has ruled and has reaffirmed the principle that “justice must satisfy the appearance of justice”, *Levine v. United States*, 362 U.S. 610, 80 S.Ct. 1038 (1960), citing *Offutt v. United States*, 348 U.S. 11, 14, 75 S.Ct. 11, 13 (1954). A judge receiving a bribe from an interested party over which he is presiding, does not give the appearance of justice.
87. “Recusal under Section 455 is self-executing; a party need not file affidavits in support of recusal and the judge is obligated to recuse herself *sua sponte* under the stated circumstances.” *Taylor v. O’Grady*, 888 F.2d 1189 (7th Cir. 1989).
88. Further, the judge has a legal duty to disqualify himself even if there is no motion asking for his disqualification. The Seventh Circuit Court of Appeals further stated that “We think that this language [455(a)] imposes a duty on the judge to act *sua sponte*, even if no motion or affidavit is filed.” *Balistrieri*, at 1202.
89. Judges do not have discretion not to disqualify themselves. By law, they are bound to follow the law. Should a judge not disqualify himself as required by law, then the judge has given

another example of his “appearance of partiality” which, possibly, further disqualifies the judge. Should another judge not accept the disqualification of the judge, then the second judge has evidenced an “appearance of partiality” and has possibly disqualified himself/herself. None of the orders issued by any judge who has been disqualified by law would appear to be valid. It would appear that they are void as a matter of law, and are of no legal force or effect. Should a judge not disqualify himself, then the judge is in violation of the Due Process Clause of the U.S. Constitution. *United States v. Sciuto*, 521 F.2d 842, 845 (7th Cir. 1996).

90. For the foregoing reasons, again this case cannot be heard by any member of the Florida bar Probate Court without the appearance of impropriety.

***Wherefore, Eliot requests to stay of all proceedings in the Florida Probate Court and transfer of all Florida Probate Matters to this Court.***

**FLORIDA PROBATE COURT DENIALS OF DUE PROCESS THAT OBSTRUCT  
JUSTICE AND HARM AND CAUSE GRAVE DAMAGE TO ELIOT AND HIS FAMILY**

***FRAUD ON THE COURT, FRAUD IN THE COURT, FRAUD BY THE COURT***

91. That following are some of the reasons that the Florida Probate matters must be moved to insure fair and impartial due process and procedure to a non-Florida court for adjudication.
92. That Eliot has not received fair and impartial due process in the Florida Probate courts due to his past pursuit of members of this same court and many parties relating to his Intellectual Property thefts who are again involved in these new probate crimes and for his current

relentless pursuit of the criminal acts that have occurred in the court of Judge Martin Colin and Judge David French by officers and fiduciaries under their tutelage, who they appointed.

93. Eliot and his family have instead been subjected to a series of further injustices in the courts that appear designed to withhold his inheritances entirely from him through calculated abuse of process delays, while the assets are stolen, hidden and depleted through a stream of lawyers and fiduciaries who have committed crimes and billed the Estates and Trusts for their crimes and their cover up of them, all aided and abetted by the court's blind eyes.
94. First, Judge Colin and French should have upon learning of Fraud In and Upon their courts committed by reprobate attorneys at law acting as officers of their courts and fiduciaries, immediately disqualified themselves from the proceedings and allowed new non conflicted judges to adjudicate and investigate the matters, the court the crime scene.
95. Judge French and Judge Colin's failure to disqualify themselves immediately after learning of the crimes committed in their court and the fact that they will now be material and fact witnesses in these matters and the possibility that they could be discovered as part of the crimes was absolute cause to turn these matters over to non-conflicted justices but instead they held on and this began a series of Frauds on the court and FRAUD BY THE COURT with every decision or ruling they made forward while in conflict and directly involved in the matters with serious interests, as they could be implicated if a proper investigation by a non-conflicted judge were instituted.
96. Eliot asks this Court how a judge can investigate the crimes committed in his court by his court appointed lawyers and fiduciaries fair and impartially when the appearance of impropriety is overwhelming that he may cover up, as the judges may either be directly

involved in the crimes that took place in and upon their court or they may have incentive to cover them up so as not to have such heinous crimes exposed publically and taint their reputations and all of these reasons impart an appearance of impropriety. However, their actions to deny due process and derail investigation of their brethren who committed crimes speaks for itself in showing that they do have more invested in these matters than initially meets the eye.

97. The cases in French's court and Colin's court were then improperly merged into Judge Colin's court without separate hearings before each judge to determine if the cases of Simon and Shirley could be transferred and merged, as required by Statute.
98. Instead, Judge Colin had a hearing and determined it was OK to transfer them to him and Judge French's hearing was set on a day the court was closed (the day before Christmas) where only Candice and Eliot appeared to the empty and locked courthouse for the hearing that was alleged scheduled by French.
99. Then at the rescheduled hearing before Judge French, Judge Colin appeared in his stead and stated that he could hear Judge French's matters, as it was common, despite Eliot's protest that it was not proper according to statute and that both judges had to hear the transfer request independently and adjudicate it separately. Judge Colin therefore singlehandedly transferred the case to himself and Judge French never held a hearing regarding the Simon Estate case being transferred from his court to Colin's.
100. Judge Colin then chose instead of disqualifying himself from the matters for the obvious conflicts, to continue handling the proceedings without securing any of the evidence at the

crime scene (his and judge French's courts) or securing evidence from the criminals (the court appointed attorneys at law and fiduciaries.)

101. The crime scene being in part Judge French and his own court should have been secured and instead of acting to protect the beneficiaries (including minor children) under his custody and care by calling in authorities to investigate and dust for prints, etc., Colin did nothing, failing to secure the courts files and records himself or interview his staff regarding the fraudulent documents entered into the court record and further Colin failed to seize all records of those involved in the frauds and forgeries and more, the officers of the court he appointed.
102. Most importantly it was discovered that Colin's chambers had told a Palm Beach County Sheriff investigator, Detective Ryan Miller, that his court would handle the criminal aspects of the complaints Eliot filed with the Sheriff and for them to put Eliot's criminal investigations on hold. This led Eliot to have to go to internal affairs and the Chief to get the cases out of the holding pattern and investigated and prosecuted again.
103. Judge Colin then failed to secure all the records from the lawyers and fiduciaries involved in the crimes and secure and protect the assets for the beneficiaries (including at the time 6 minor children) and instead allowed the reprobate attorneys at law to continue filing pleading after pleading for months, even after Judge Colin stated in the initial hearing evidenced below that he enough evidence at that time to read Miranda Warnings twice for different crimes discovered to the fiduciaries, Spallina and Ted and their counsel<sup>9</sup>.

17 THE COURT: Okay. Who are the PR's that

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<sup>9</sup> Sept 13, 2013 Hearing Transcript @  
<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20130913%20TRANSCRIPT%20Emergency%20Hearing%20Colin%20Spallina%20Tescher%20Ted%20Manceri%20ELIOT%20COMMENTS.pdf> (fully incorporated by reference herein)

18 you represent?

19 MR. MANCERI: Well, Shirley Bernstein  
20 there is no technically any PR because we had  
21 the estate closed.

22 THE COURT: Okay.

23 MR. MANCERI: And what emanated from  
24 Mr. Bernstein's 57-page filing, which falls  
25 lawfully short of any emergency, was a petition  
00024

1 to reopen the estate, so technically nobody has  
2 letters right now.

3 Simon Bernstein, your Honor, who died a  
4 year ago today as you heard, survived his wife,  
5 Shirley Bernstein, who died December 10, 2010.  
6 Simon Bernstein was the PR of his wife's  
7 estate.

8 As a result of his passing, and in attempt  
9 to reopen the estate we're looking to have the  
10 estate reopened. So nobody has letters right  
11 now, Judge. The estate was closed.

12 THE COURT: So you agree that in Shirley's  
13 estate it was closed January of this year,  
14 there was an order of discharge, I see that.

15 Is that true?

16 MR. ELIOT BERNSTEIN: I don't know.

17 THE COURT: Do you know that that's true?

18 MR. ELIOT BERNSTEIN: Yes, I believe.

19 THE COURT: So final disposition and the  
20 order got entered that Simon, your father --  
21 MR. ELIOT BERNSTEIN: Yes, sir.

22 THE COURT: -- he came to court and said I  
23 want to be discharged, my wife's estate is  
24 closed and fully administered.

25 MR. ELIOT BERNSTEIN: No. I think it  
00025

1 happened after --

2 THE COURT: No, I'm looking at it.

3 MR. ELIOT BERNSTEIN: What date did that  
4 happen?

5 THE COURT: January 3, 2013.

6 MR. ELIOT BERNSTEIN: He was dead.

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In Re\_ The Estate of Shirley Bernstein.txt

7 MR. MANCERI: That's when the order was  
8 signed, yes, your Honor.

9 THE COURT: He filed it, physically came  
10 to court.

Omnibus Motion...

Monday, May 4, 2015

11 MR. ELIOT BERNSTEIN: Oh.  
12 THE COURT: So let me see when he actually  
13 filed it and signed the paperwork. November.  
14 What date did your dad die?  
15 MR. ELIOT BERNSTEIN: September. It's  
16 hard to get through. He does a lot of things  
17 when he's dead.  
18 THE COURT: I have all of these waivers by  
19 Simon in November. He tells me Simon was dead  
20 at the time.  
21 MR. MANCERI: Simon was dead at the time,  
22 your Honor. The waivers that you're talking  
23 about are waivers from the beneficiaries, I  
24 believe.  
25 THE COURT: No, it's waivers of  
00026  
1 accountings.  
2 MR. MANCERI: Right, by the beneficiaries.  
3 THE COURT: Discharge waiver of service of  
4 discharge by Simon, Simon asked that he not  
5 have to serve the petition for discharge.  
6 MR. MANCERI: Right, that was in his  
7 petition. When was the petition served?  
8 THE COURT: November 21st.  
9 MR. SPALLINA: Yeah, it was after his date  
10 of death.  
11 THE COURT: Well, how could that happen  
12 legally? How could Simon --  
13 MR. MANCERI: Who signed that?  
14 THE COURT: -- ask to close and not serve  
15 a petition after he's dead?  
16 MR. MANCERI: Your Honor, what happened  
17 was is the documents were submitted with the  
18 waivers originally, and this goes to  
19 Mr. Bernstein's fraud allegation. As you know,  
20 your Honor, you have a rule that you have to  
21 have your waivers notarized. And the original  
22 waivers that were submitted were not notarized,  
23 so they were kicked back by the clerk. They  
24 were then notarized by a staff person from  
25 Tescher and Spallina admittedly in error. They  
00027

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1 should not have been notarized in the absentia  
2 of the people who purportedly signed them. And  
3 I'll give you the names of the other siblings,

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4 that would be Pamela, Lisa, Jill, and Ted  
5 Bernstein.

6 THE COURT: So let me tell you because I'm  
7 going to stop all of you folks because I think  
8 you need to be read your Miranda warnings.

9 MR. MANCERI: I need to be read my Miranda  
10 warnings?

11 THE COURT: Everyone of you might have to  
12 be.

13 MR. MANCERI: Okay.

14 THE COURT: Because I'm looking at a  
15 formal document filed here April 9, 2012,  
16 signed by Simon Bernstein, a signature for him.

17 MR. MANCERI: April 9th, right.

18 THE COURT: April 9th, signed by him, and  
19 notarized on that same date by Kimberly. It's  
20 a waiver and it's not filed with The Court  
21 until November 19th, so the filing of it, and  
22 it says to The Court on November 19th, the  
23 undersigned, Simon Bernstein, does this, this,  
24 and this. Signed and notarized on April 9,  
25 2012. The notary said that she witnessed Simon  
00028

1 sign it then, and then for some reason it's not  
2 filed with The Court until after his date of  
3 death with no notice that he was dead at the  
4 time that this was filed.

5 MR. MANCERI: Okay.

6 THE COURT: All right, so stop, that's  
7 enough to give you Miranda warnings. Not you  
8 personally --

9 MR. MANCERI: Okay.

10 THE COURT: Are you involved? Just tell  
11 me yes or no.

12 MR. SPALLINA: I'm sorry?

13 THE COURT: Are you involved in the  
14 transaction?

15 MR. SPALLINA: I was involved as the  
16 lawyer for the estate, yes. It did not come to  
17 my attention until Kimberly Moran came to me  
18 after she received a letter from the Governor's  
19 Office stating that they were investigating  
20 some fraudulent signatures on some waivers that  
21 were signed in connection with the closing of

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22 the estate.

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104. That in that hearing on September 13, 2013 Judge Colin discovered that not only had documents been fraudulently notarized and forged and then posited with his court but also that an elaborate plan to close the Estate of Simon's deceased wife Shirley took place that used Simon for four months after he was dead as the Personal Representative/Executor to close her estate and where the fraudulent and forged documents were posited by TESCHER and SPALLINA's law firm Tescher & Spallina, PA and then disseminated further through mail and wire to beneficiaries and others.
105. This macabre scene of a dead person being used to close another dead person's estate as part of a financial necrophilia crime is alleged to have been done to attempt to then switch Shirley's beneficiaries of an irrevocable trust to include TED and his sister PAM's families into Trusts they had been disinherited from but they needed Simon to be alive when Shirley's Estate was closed (where Simon died with it unclosed) to then say he made the changes to her Trust after closing her estate by using an alleged Power of Appointment from an alleged Simon Trust he was to have amended and signed allegedly approximately 48 days prior to his death. The alleged Amended Trust is already deemed to have not been properly notarized by the Florida Governor Rick Scott's Notary Public division and appears to have been been fraudulently constructed from the original trust.
106. Judge Colin however having the information that crimes were committed allowed the fiduciaries and their counsel to continue in the proceedings providing them cover for another year instead of reporting them instantly to the proper criminal and ethical authorities as he is duty bound to do under law and judicial canons, instead leaving Eliot to do all the reporting to criminal authorities (which Colin was blocking and telling authorities he would handle)

and forcing Eliot to file pleadings to remove TED and his counsel as a Pro Se litigant that he has consistently evaded and made scheduling hearings impossible each time taking now over a year.

107. This shifting of the burden to Eliot by Colin to report to the authorities, despite the fact that Colin and French's court were the scene of the crimes, their court appointed Officers and court appointed Fiduciaries were the criminals and it was their duty to take corrective actions, of which the first step for both judges would have been to disqualify themselves from the proceedings due to their involvement (whether they were involved in the crimes or not) as proscribed in their Judicial Cannons, Attorney Conduct Codes and Law that require such immediate disqualification in such scenarios to avoid the inevitable Appearance of Impropriety created by their remaining involved.
108. Once Judge Colin decided to continue handling the cases in conflict, instead of freezing the assets, securing the documents as evidence of he and Judge French's courts involvement, securing the documents as evidence of all the Fiduciaries and Counsel involved in the frauds and staying the proceedings while he called in investigators, Judge Colin continued to proceed in hearings as if nothing happened and never read Miranda's or called in someone who could.
109. Judge Colin continues to use dispositive documents prepared illegally by those that have now admitted to fraudulently altering dispositive documents POST MORTEM, TESCHER and SPALLINA and despite that these documents were challenged by Eliot in his initial pleading to the court as further evidence of fraud and now dispositive documents have been proven in several instances to be executed improperly by the Governor Rick Scott's Notary division.

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110. Further dispositive documents have been admitted to being fraudulently altered Post Mortem by the attorney at law that drafted them to make changes illegally to alter beneficiaries and it is alleged further to alter the fiduciaries to gain Dominion and Control of the Estates and Trusts and rob the Estates and Trusts.
111. No validity hearings were called for by Judge Colin, no request to have all documents and court records be forensically analyzed by the proper authorities was ordered and these failures can only be viewed as intentional and with scienter, casting again an overwhelming appearance of impropriety on Colin's court and expanded the possibility that these judges are directly involved in the crimes.
112. Judge Colin has since that time, despite learning of more and more crimes committed by the Officers of his Court has done nothing to either report or regulate the Officers of his Court and Fiduciaries appointed by him involved and done NOTHING to protect the beneficiaries, including minor children and has repeatedly allowed these attorneys at law involved with the criminal acts and frauds and tied to the main perpetrators, TESCHER and SPALLINA, to continue to act as Officers of his Court and Fiduciaries and to continue to legally abuse Eliot.
113. Judge Colin has further allowed both TESCHER and SPALLINA to continue to operate as attorneys at law and take new clients before that court, as it is alleged that he has close personal relationships with TESCHER and this leaves the public open to these reprobate attorneys at law without knowing of the crimes they committed in judge French and Colin's court.
114. Judge Colin has forced Eliot to file repeated filings to remove the Fiduciaries instead of removing them on his own initiative due to obvious violations of law and ethics he witnessed

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first hand in the September 13, 2013 hearing and each time Eliot gets to a hearing to remove them, Judge Colin derails the hearings for some technical pleading reason and months go by before new hearings are scheduled and new technicalities are used in Eliot's Pro Se pleadings to further stymie and delay the removal.

115. We are now in the second year of this cat and mouse nonsense that allows more and more crimes to be committed against the beneficiaries, creditors and interested parties by fiduciaries and counsel in the matters who replaced TESCHER and SPALLINA and who are directly tied and related and benefitted from the crimes proven against TESCHER and SPALLINA and their law firm, primarily TED and his minion of attorneys.
116. That it was TED's close personal friends, business associates and his counsel, TESCHER and SPALLINA, who committed the initial crimes that benefited TED and his family through the frauds to change fiduciaries and beneficiaries to benefit TED and despite warning TED and his counsel that he had enough evidence to read them their Miranda rights at the first hearing, Colin then unbelievably made TED the Personal Representative of the Estate of Shirley when he reopened it due to the frauds committed and then allowed TESCHER and SPALLINA to transfer trusteeship to TED in Simon's Trusts when they resigned!!!
117. Judge Colin has further looked the other way on assets that were sold by TED and disbursements made by TED (despite language in the Trusts that considers TED dead for all purposes of dispositions of the trust) to improper parties, including to TED's children and has done nothing to recover the assets until the true and proper beneficiaries can be determined. This despite Colin having Sheriff reports that state that TED was advised by counsel that he could not make dispositions to his children.

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118. Judge Colin has further not secured counsel for minor beneficiaries in need of counsel, while allowing TED to waste estate assets on counsel in droves that have billed the Estates and Trusts for committing their crimes and for time they were investigated by authorities.

119. That Eliot on 4/23/2015 at 9:45am was not present in this Federal Court before Your Honor for the Emergency Motion to Extend Time for Ted Bernstein's Deposition due to the fact that he did not get Notice sent to him of the hearing until 7:45pm on 4/21/2015 and did not review the Notice until 4/23/2015 due to his preparation with his wife for two straight days with virtually no sleep for the following hearings on 4/23/2015 at 10am -12pm in Judge Colin's court (some of the Motions for hearing were filed only days before);

- a. MOVANT'S, TED S. BERNSTEIN, AS SUCCESSOR TRUSTEE OF THE SHIRLEY BERNSTEIN TRUST, MOTION TO HOLD ELIOT BERNSTEIN IN CONTEMPT OF COURT AND FOR SANCTIONS
- b. MOTION TO STOP SALE OF 7020 LIONS HEAD LANE PROPERTY
- c. SUPPLEMENT TO MOTION TO APPROVE SALE OF TRUST PROPERTY RE: CLOSING AND TITLE ISSUES FOR SHIRLEY'S HOMESTEAD
- d. TRUSTEE'S MOTION TO DISMISS ELIOT BERNSTEIN'S PETITION TO REMOVE TED S. BERNSTEIN AS SUCCESSOR TRUSTEE OF THE SHIRLEY BERNSTEIN TRUST, MOTION TO STRIKE AND MOTION TO STAY PROCEEDINGS

120. That one of the Sanctions sought in the Contempt Hearing against Eliot in the pleading filed by Attorney Alan Rose, Esq. who was retained by TED and worked intimately with the law firm Tescher & Spallina, Esq. immediately after Simon died when TESCHER and SPALLINA were acting as the Co-Trustees and Co-Personal Representatives of Simon's Estate and Trusts and additionally acting as Counsel for TED as alleged fiduciary in Shirley's Estate and Trusts, prior to their resignation that came after admitting fraudulently altering a Shirley Trust document and more, stated,

“ordering Eliot immediately to remove all posting on the Ted Bernstein report and <http://tedbernsteinreport.blogspot.com> relating to the sale of House, **using the coercive powers of this Court including incarceration if needed** to compel compliance.<sup>10</sup>”

121. This pleading by Rose in effect asks the Probate court to Extort and Coerce the author of blogs relating to the Corruption in the cases before Colin and French, Crystal Cox, by using Eliot as leverage to stop her by incarcerating him, in typical mob fashion extortion to remove her blogs. Cox only attempting to expose the corruption of the Florida Probate court and officers and fiduciaries of that court.
122. For another example of these sudden and unexpected needs for Emergency hearings, there is the recent attempt to sell a major asset of Shirley’s Trust, the primary residence of Simon with no notice to Beneficiaries or the Probate court. That it was discovered on March 21, 2015 that a large asset of the decedent Simon, a home valued at \$3.4 Million Dollars two weeks before Simon Bernstein’s death on Sept. 13, 2012 was secretly being sold by Ted Bernstein for \$1.1 Million Dollars in five days. Eliot found out from a Zillow Alert<sup>11</sup> that property was under contract for sale, not from the Fiduciary TED or his counsel ROSE.
123. The sale was not disclosed to beneficiaries and a sale contract was already entered into weeks earlier and this while Judge Martin Colin who ordered that all pleadings be approved by him

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<sup>10</sup> April 02, 2015 Motion to Hold Eliot in Contempt  
<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20150402%20Motion%20to%20Hold%20Eliot%20in%20Contempt%20Shirley%20re%20Home%20Sale.pdf>

<sup>11</sup> Zillow Listing of 7020 Lions Head Lane, Boca Raton, FL  
[http://www.zillow.com/homedetails/7020-Lions-Head-Ln-Boca-Raton-FL-33496/46627713\\_zpid/](http://www.zillow.com/homedetails/7020-Lions-Head-Ln-Boca-Raton-FL-33496/46627713_zpid/)

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first had been given a Lis Penden Eliot wanted to file on the property in October 2014 and took it under consideration then and had not yet permitted the filing of the Lis Penden by Eliot. Was Colin holding the Lis Penden's to allow TED and ROSE to try and sell the house, where it is much easier to convert cash to improper properties to move to offshore accounts, than trying to run off with a house on your back.

124. A motion to stop the sale was filed by Eliot, the Lis Penden languishing with and obstructed from filing by Judge Colin since October 2014 was then filed instantly by Eliot despite the court's failure to approve it and court hearings were scheduled on an urgent basis by TED and ROSE once they and the realtor were noticed the Lis Penden had been filed.
125. ROSE then using a continued pattern and practice of Sharp Practices again filed a second motion for contempt against Eliot that Colin had the audacity to entertain instead of sanctioning ROSE for the attempted behind the court and beneficiary back fraudulent sale of the property with a pending Lis Penden that was not disclosed to the alleged buyer.
126. These crisis matters took precedence over the many other legal matters that were ongoing simultaneously, like this Court's hearing that Eliot missed and had virtually no notice of it being scheduled and as Eliot stated to this Court already he and his wife are not a law firm and do not have any counsel helping them so these sudden emergency court calamities took precedence, as well as protecting their family's from the imminent danger counsel warned them of.
127. The sale of the home was stopped by Colin who had no choice as he learned that beneficiaries were not notified of any sale prior and lucky for everyone, as the title company

now wants additional information regarding the estate documents before consenting to the transaction.

128. The title companies refusal to clear title has now held the sale up, imagine if the sale had proceeded and then the title issues were raised, the costs of litigation to beneficiaries that would have followed would be enormous and efforts to claw back the properties would have damaged everyone involved.
129. That in a subsequent hearing on April 23, 2015 in a Petition filed by Eliot to remove TED as alleged Trustee of Shirley Bernstein's Trust, TED filed four add on motions to be heard regarding the home in Eliot's hearing time without proper notice and agreement by Eliot, including a contempt motion that Judge Colin entertained that day for  $\frac{1}{2}$  of the two hours allotted to Eliot for his matters.
130. Unconscionably, Judge Colin held a contempt hearing against Eliot who discovered and proved Frauds on his Court by TED's former counsel and now has alleged fraud and conflict charges against TED's new counsel ROSE, who is a Counter Defendant in two counter complaints filed in the matters by Eliot and where ROSE was retained by and worked closely with TESCHER and SPALLINA immediately after Simon died and who should have been removed from the proceedings once the Fraud was discovered and once he was sued as Counter Defendant for very serious alleged Felony acts.
131. Judge Colin further allowed the motion for contempt against Eliot filed by the fiduciary TED and his counsel, ROSE, filed in retaliation for Eliot's exposure of the fraudulent attempted sale and efforts to stop the improper fire sale straw man scheme of the home and divert and

to diffuse the criminal issues alleged against them and instead attempted to slander and legally abuse Eliot instead and with a little help from the judge it worked.

132. Judge Colin has a Pattern and Practice of aiding and abetting this type of vexatious filing and allowing vexatious hearings against Eliot (including many to try and put guardians on Eliot and his children or find him in contempt for nonsense) by parties directly related to those that committed the Fraud on his Court and Fraud on Beneficiaries, who he allows to continue to operate with impunity and with court cover.
133. Instead of denying the contempt motion and other such harassing motions sua sponte and sanctioning the filing parties for their frivolous, vexatious and staged litigations designed to defame and slander Eliot on the record and shift the focus from their crimes, he acts as if this normal and part of the process. Often, he is found in these hearings chastising Eliot rudely and has called him fat, when Eliot simply stated his children were starving from the loss of inheritances and delays caused by his court officers and the court and this comment made in front of Candice's friend who has been supporting Eliot's family with food and necessities during this crises and other parties including the creditor and his counsel. Colin is further found screaming at Eliot and threatening Eliot with contempt or guardianship making sure it is entered into the record at key spots where Eliot is conducting his defenses and he wants to stop him as it involves allegations of Fraud on the Court, etc.
134. Colin's allowing this harassment of Eliot has poisoned the record of many of the hearings over the last two years, with judge Colin chastising and threatening Eliot on the record with contempt threats or guardianship threats for things like Eliot coughing (rather choking at the circus going on his court), hand gestures and more and yet he fails to do a thing to those who

committed and continue to commit crimes in his court and on his court and allows them to operate strategies of force and aggression against Eliot as will be defined further herein.

135. That Judge Colin has refused to disqualify himself despite the fact that the crimes occurred in his Courtroom and other serious matters. See, Colin Disqualification Motion Declined as Legally Insufficient<sup>12</sup>.
136. That despite solid cause for Judge Colin's disqualification ON HIS OWN MOTION as he is duty bound to do under his oath under G-d as a judge and further required to do under the judicial canons, including the fact that he is irrefutably a material and fact witness to the crimes that occurred in and upon his court by officers and fiduciaries he appointed and that his court is the scene of the crime, Colin still refuses to let go of the cases, voluntarily disqualify as required and turn the matters over to criminal authorities for investigation of his court and himself and turn the civil matters over to a non-conflicted judge to adjudicate.
137. Instead Colin waits for Pro Se Eliot to file a "legally sufficient" pleading to disqualify him and continues to make adjudication despite his obvious conflicts of interest, adverse interests to Eliot who is exposing the crimes and criminals in his court and the overwhelming appearance of impropriety created by his involvement in the case other than as a witness or defendant if he is found to acted outside the color of law.

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<sup>12</sup> Disqualification Motions and Orders Regarding Colin  
<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20140101%20Final%20Motion%20to%20Disqualify%20Colin%20and%20more%20131279ns.pdf>

and

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20140108%20ORDER%20DENYING%20MOTION%20TO%20DISQUALIFY%20JUDGE%20MARTIN%20COLIN%20SIGNED%20BY%20MARTIN%20COLIN.pdf>

and

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20140616%20FINAL%20SIGNED%20PRINTED%20OBJECTION%20TO%20PROPOSED%20AND%20EXISTING%20ORDERS%20and%20DISQUALIFY%20OF%20HON%20JUDGE%20MARTIN%20COLIN.pdf>

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138. Where Judge Colin should have held contempt hearings for TED and ROSE's attempt to dispose of a home with a pending Lis Penden before the court that they were aware Colin had been sitting on for months and they failed to seek the court or beneficiaries approval of the sale or give notice of the sale at all to any party while having this knowledge of the Lis Penden.

139. Were it was admitted in sworn oath testimony at the hearing<sup>13</sup> that they (TED, ROSE and John Poletto the Realtor) did not disclose the Lis Penden pending with Colin or disclose the ongoing litigations involving the home with the buyer that they all knew of, Poletto even stating that he would not notify potential buyers of the litigations he was aware of, as it could get in the way of the sale. Poletto had been sent information regarding the litigations in 2014, as illustrated below,

**From:** Eliot Ivan Bernstein [mailto:[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)]  
**Sent:** Thursday, July 31, 2014 6:30 AM  
**To:** John Poletto @ Nestler Poletto Sotheby's International Realty ([john@npsir.com](mailto:john@npsir.com)); Mark Nestler @ Nestler Poletto Sotheby's International Realty ([Mark@npsir.com](mailto:Mark@npsir.com))  
**Cc:** Caroline Prochotska Rogers Esq. ([caroline@cprogers.com](mailto:caroline@cprogers.com)); Michele M. Mulrooney ~ Partner @ Venable LLP ([mmulrooney@Venable.com](mailto:mmulrooney@Venable.com)); Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq. @ Flaster Greenberg P.C. ([marcrgarber@verizon.net](mailto:marcrgarber@verizon.net)); Marc R. Garber Esq. ([marcrgarber@gmail.com](mailto:marcrgarber@gmail.com)); Marc R. Garber Esq. @ Flaster Greenberg P.C. ([marc.garber@flastergreenberg.com](mailto:marc.garber@flastergreenberg.com)); "tourcandy@gmail.com" ([tourcandy@gmail.com](mailto:tourcandy@gmail.com)); 'Eliot Bernstein ([iviewit@iviewit.tv](mailto:iviewit@iviewit.tv))'  
**Subject:** RE SIMON & SHIRLEY BERNSTEIN SERVICE OF COURT DOCUMENT - CASE NUMBER 502014CP002815XXXXSB - Eliot and Candice Bernstein v. Oppenheimer & Co., Inc. et al.

John and Mark ~ there are already two probate cases in ongoing litigation with Motions pending and both estates remain open, my mother's was reopened due to fraud and more. Attached herein is a copy of my counter complaint filed in a related case. Again, I urge you not to sell or partake in the sale of any further properties of my family's that are involved in the Estates or Trusts of my parents without first disclosing these critical litigious issues. Already, as I mentioned, I will be suing those people who were involved in the firesale of my mother's condo

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<sup>13</sup> Hearing Transcript @ URL

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20150326HearingTranscriptHomeSale.pdf>

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and seeking to recover the property, commissions and damages. I hope all is well and if I can be of assistance feel free to call me. Eliot

140. That Colin then issued an Order<sup>14</sup> prohibiting Eliot from notifying the buyer of the potential litigations that could later cause them litigation expenses and loss of the home in an Order that seems to defy Florida Real Estate disclosure laws, especially where he became aware that the realtor, TED and ROSE did not disclose as they should have. Yet, another protection act by Colin for the guilty and his Order threatens Eliot with contempt and more if he in any way, directly or indirectly notified buyers.
141. Further, inside the home at time were the Personal Properties of Simon and Shirley Bernstein which were under the custody of the new Executor of the Estate of Simon, Brian O'Connell, Esq. and the Personal Property items were ordered to be re-inventoried by the Court because TED had sold a condominium in Shirley's Trust, again without notice to beneficiaries and the court and it was discovered by Eliot and others that the contents that were inside and part of Simon's Personal Properties, were missing.
142. Then TED and his Counsel, ROSE and John Pankauski, Esq. stated TED moved the contents worth allegedly millions, in art, furniture and more and they were now stored at the Primary residence of the decedent and where TED had no authority to move the properties as they were not in his custody.
143. That almost a year earlier the court upon finding the items were moved had ordered the new Curator, Benjamin Brown, Esq. to re-inventory the items to make sure nothing was missing

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<sup>14</sup> Order regarding Sale of Saint Andrews home

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20150331OrderRegardingSaleOfSaintAndrewsHome.pdf>

and this had not yet been completed at the time they contracted to sell the house with properties left in it as part of the sale, as TED and ALAN evaded repeated requests to have the re-inventorying done despite the Order to inspect and re-inventory.

144. That upon being informed by Eliot (NOT TED OR ROSE) of the contracted sale of the home with Personal Property he was now in custody of, the Executor of the Estate O'Connell filed for an immediate Order to Inspect and Take Possession of the Personal Properties prior to the sale, since he was not noticed of the sale of the home and the Personal Property was being either sold or moved behind his back before he would have had time to re-inventory.
145. The Order to Take Possession was granted for immediate inspection on March 26, 2015 (the original Order was granted in June 2014) and the inspection was done the following week and where Ted and his counsel had claimed the items from the Condo, a 4,000 sq ft ocean front property, were stored in the Primary Residence garages in so many boxes that it would take many people to unpack and re-inventory, so as to force the Executor O'Connell to file for an amended order to seek more money than the court originally allotted in the 6/14 Order to deal with the manpower necessary to do the job.
146. Yet, on the day of the inspection and re-inventory on March 27, 2015 when the garages were opened, three of them were empty and one had 4 or 5 little boxes<sup>15</sup> about knee high and a table with salt shakers and napkin holders on it and it was obvious that all the items of the condo, which had previously been inventoried<sup>16</sup> were missing. The previous inventory is

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<sup>15</sup> Picture of Garages at Saint Andrews home on day of re-inventorying.  
<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/GaragePics.pdf>

<sup>16</sup> Prior inventory of Shirley Condo (challenged as missing items originally upon inventory) all items missing at re-inventory representing Grand Theft and more.

also being challenged for further evidence of fraud and theft. All of these items were therefore stolen.

147. It is believed that TED stole them, then sold the items of the Condo that were not in his custody and no accounting for the items stolen has ever been done and it is alleged that the sale of the home was also going to try and further confound beneficiaries efforts to enforce the court ordered inspection and provide another layer of crime to cover up the theft and thwart efforts to find out what happened to the now confirmed stolen items.
148. That TED and his Counsel ROSE committed yet another FRAUD ON THE COURT and FRAUD ON THE BENEFICIARIES by telling them that the items were safely stored in the Saint Andrews home and having the court and everyone involved, including the Creditor and his counsel, all waste time and money to re-inventory what they knew all along was not there. Again, Colin asleep at the wheel it appears as he ignored evidence of this crime.
149. The Court can see from the Palm Beach Sheriff Reports exhibited herein (Police Investigations and Coroner Reports See URL @ [www.iviewit.tv/Sheriff Reports.pdf](http://www.iviewit.tv/Sheriff%20Reports.pdf) ) that a complaint for the stolen Personal Properties was filed CASE NO. 13159967 on 12/23/13 and is still languishing and pending and it is believed that TED and his counsel who are the alleged primary suspects in the thefts were trying to further evade and cover up the crimes of the thefts with the sale of the home. Again, the Sheriff appears asleep too and it is alleged that this too is stymied by the Judge Colin's message for the Sheriff not to investigate Eliot's complaints and that he would handle them instead.

150. The Court should note that all this is happening with the secretive undisclosed sale of the house and subsequent motions and hearings in the same week that Eliot's family is warned that their lives are imminent danger and to seek federal and state protection and where the stress alone from that has left Eliot's wife scared to death for her minor children and Eliot trying to seek protection and no one noticed of the dangers calling him back.
151. These extreme situations are making responding to this Court and the pleadings timely with NO COUNSEL virtually impossible and that is only one case that hearings were held in involving the Probate cases since the warning that Eliot's family's lives were in danger and there have been several other hearings in the other Probate cases as reported to this Court in the last motion for extension of time filed a few weeks ago.
152. That it was then learned 4/25/2015 that Eliot's children home is about to be foreclosed on by an alleged Mortgage holder on the home Eliot's children paid for, which is owned inside 3 trusts for the children that are the subject of the Oppenheimer lawsuit cited herein at footnote 3.
153. The children's home is wrapped inside the trust within an entity owned by Eliot's children, Bernstein Family Realty, LLC, and all of these complex estate plans were designed by Simon and Shirley to protect the property from seizure of those trying to murder and financially destroy Eliot and his family after the car bombing.
154. The home is being alleged to be foreclosed by a one Walter Sahm and where Eliot believes that Sahm has been enraged by the acts of TED and his counsel ROSE with scienter to force him to foreclose and where recently TED and ROSE tried to acquire the mortgage from

Sahm and arranged such transaction to take over the alleged home loan Sahm claims to have and to further use it to extort Eliot with a foreclosure themselves.

155. TED and ROSE could then not consummate the deal with Sahm that they promised, after Oppenheimer as Trustee of the children's trust and Manager of Bernstein Family Realty, LLC failed to pay interest or principal on the mortgage to Sahm and even maintain homeowners insurance (which the home still does not have for over a year) as the parties involved found they could not legally effectuate such transaction that TED and ROSE tried to arranged with Sahm, leaving Sahm further harmed and further enraged. Colin had ordered that Sahm get paid by the Simon Estate/Trust but when the new PR needed to get funds allocated from the trust he could not ask ROSE and TED as he already made claims to the court that TED was not a legally valid trustee and so this would have exposed O'Connell to liabilities.
156. All these acts involving the home by the fiduciaries at Oppenheimer (including former Stanford Ponzi members) in combination with TED, SPALLINA, TESCHER and ROSE, were designed to enrage Sahm to file foreclosure in frustration against Eliot's children home, which he did not want to do since he knew the intent of Simon his friend and business partner to protect Eliot and his family<sup>17</sup>.
157. Sahm called Eliot last week very apologetic regarding the Mortgage and claimed he was left with no other choice than to foreclose after all the failed promises of TED, ROSE and Oppenheimer to pay off his loan or even maintain interest and insurance on the property (all

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<sup>17</sup> Sahm Letters @ URL  
<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/EXHIBIT%206%20-%2020130927%20Walter%20Sahm%20Letter%20and%20Note%20information.pdf>

alleged to have been calculated to harm Eliot in Eliot's Counter Complaint filed in the Oppenheimer v Minor Children of Bernstein lawsuit before Colin<sup>18</sup>, which Sahm stated left him saddened as this was directly against the wishes of Simon who told Sahm the Estate would pay off the loan at his death and satisfy the debt, leaving the home free and clear for the children.

158. There is another bogus mortgage Simon had taken on the home to himself to add another layer of protection from Eliot's enemies, which would be unenforceable at his death for a number of reasons and the home that Eliot's children paid for would be theirs free and clear after Sahm was paid off by his estate.
159. That TED, SPALLINA, TESCHER and ROSE are claiming the sham Mortgage from Simon to himself is now suddenly enforceable and that the Estate of Simon should own an interest in Eliot's children's home, again another attempt to harass Eliot and threaten foreclosure and where despite TESCHER and SPALLINA's creating the alleged Mortgage to Simon failed to put the sham loan on the initial inventory of Simon and only later, when the Sheriff came knocking, did they amend the Inventory to add the Mortgage and then use it to try and extort Eliot to cease his pursuit of them or else<sup>19</sup>.
160. That Sahm has retained foreclosure counsel and paid a retainer as of 4/22/15 in order to file and this is yet another emergency that puts Eliot and his family in danger for their lives, on

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<sup>18</sup> Eliot Counter Complaint Oppenheimer Case @ URL  
<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20140730%20FINAL%20SIGNED%20PRINTED%20Answer%20and%20Counter%20Oppenheimer.pdf> (pages 24-109)

<sup>19</sup> Eliot Letter regarding Extortion and More  
<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20131229%20Response%20to%20Ted%20Bernstein%20and%20Donald%20Tescher%20Letter%20re%20Emergency%20Interim%20Distributions.pdf>

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the street if successful and stands as another attempt to wreak havoc on them through further legal process abuse and fraud that was calculated by the fiduciaries in the Estate and Trust cases. This pending foreclosure action making it even harder to respond to many critical court deadlines in order to now deal with this imminent threat to his family's home.

161. Where the only thing Eliot has done in those cases that may incite those involved to try repeatedly in retaliation to have Eliot held in Contempt and/or appoint a Guardian is to have exposed and caught red handed the Officers and Fiduciaries appointed by Judge Martin Colin and David French's court in Fraud on the court, Fraud in the court and now Fraud by the court
162. This Court should note the Consumer Comment #2<sup>20</sup> at the footnote below for excerpts from a threatening Email TED sent to Eliot allegedly intending it to be sent to his counsel whereby he states he wants to use a strategy of "forcefulness and aggression" against Eliot with his lawyers and those lawyers like John Pankauski, Esq. who do not want to participate in such lawless acts TED states he wants to get rid of.
163. The reason Eliot cannot exhibit the email to this Court is because then in an unprecedented ruling Judge Colin ordered that Eliot cannot transmit the email sent to him by TED as it is now declared Inadvertently Disclosed Attorney Client Privileged Matter, despite the fact that it was never sent to an attorney by a client, it was sent directly to Eliot by TED and neither are attorneys. Further, the law clearly is not intended to make privileged information

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<sup>20</sup> <http://www.ripoffreport.com/r/Alan-Rose-of-Mrachek-Fitzgerald-Rose/West-Palm-Beach-Florida-33401/Alan-Rose-of-Mrachek-Fitzgerald-and-Rose-Alan-B-Rose-Suppress-Free-Speech-Cover-Up-1149197>

regarding Trustee and Attorney at Law Misconduct as the email exposes TED planning with his counsel how to harass and intimidate Eliot, his three minor children and anyone helping Eliot, through legal process abuse, misuse of Trust funds and more. And Colin buried it and has threatened contempt and jail if Eliot transmits it even to a federal judge or criminal authorities.

164. TED even claiming he wanted to go after Eliot's minor children and his nephews school records to attempt to find dirt on them (of which there is nothing there but what angels they are) and even claims he wants ROSE to fire Attorney at Law John Pankauski, Esq. (who immediately thereafter resigned as Ted's counsel) for not wanting to go after Eliot with "force" and "aggressive" intent and because he felt TED was misusing trust funds to defend himself.
165. Judge Colin then moved to have this email marked as Attorney Client Privileged Information Inadvertently Disclosed despite the fact that neither Eliot nor Ted is an attorney and thus the privilege could never be established in the first place. The letter was sent by Ted to only Eliot and no counsel was part of the email. The problem for Colin who marked the letter privileged in attempts to cover up the Attorney ROSE and Fiduciary TED's misconduct evidenced in the letter was that prior to even knowing of a claim of privilege by Alan Rose, Esq., Eliot had sent the email to Crystal Cox and many others (including all the parties TED threatened in the letter to go after with legal process abuse) and Cox had already posted the

extortionary letter across many sites on the world wide web before any privilege was learned of and refused subsequent requests and demands by ROSE to remove the posts<sup>21</sup>.

166. From TED's own words in a hearing under sworn oath regarding the letter,

4 TED BERNSTEIN,  
5 a witness herein being of lawful age, and being first  
6 duly sworn in the above cause, testified under oath  
7 as follows:  
8 DIRECT EXAMINATION  
9 BY MR. ELIOT BERNSTEIN  
10 Q Ted, did you send me, Eliot, a letter on May  
11 23 -- or on May 22, 2014?  
12 A I believe I did.  
13 Q Can you describe what the e-mail you sent  
14 was --  
15 MR. ROSE: Objection, best evidence.  
16 BY MR. ELIOT BERNSTEIN  
17 Q -- about?  
18 THE COURT: Yeah, best evidence is the  
19 e-mail. You can ask him questions about it, but  
20 you are asking him to describe it.  
21 MR. ELIOT BERNSTEIN: Okay.  
22 BY MR. ELIOT BERNSTEIN  
23 Q Did you use the words force and aggression  
24 to -- to invoke a strategy of force and aggression  
25 against Eliot Bernstein?  
00093  
1 A I don't know. Can I see the e-mail, please?  
2 THE COURT: That's fair.  
3 MR. ELIOT BERNSTEIN: Sure.  
4 THE COURT: He's showing him a document.  
5 MR. ROSE: I was just cautioning him not to  
6 publish the --  
7 THE COURT: It's still ID only. Go ahead.  
8 So you've shown him, Eliot, the document. What's  
9 your question?  
10 BY MR. ELIOT BERNSTEIN  
11 Q Did you say you were -- that you suggested  
12 using force and aggression with Eliot?

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<sup>21</sup> May 23, 2014 Cox Email to Rose to "Cordially Go Fuck Himself" regarding taking the privileged letter off the web.

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20140523%20Cox%20to%20Rose%20Cordially%20Go%20Fuck%20Yourself.pdf>

13 MR. ROSE: Object to the form.  
14 THE COURT: Overruled.  
15 THE WITNESS: No.  
16 BY MR. ELIOT BERNSTEIN  
17 Q Can you read that section into --  
18 MR. ROSE: Objection to him reading it.  
19 THE COURT: Well --  
20 MR. ROSE: He can read it to himself.  
21 THE COURT: Yeah, you can read it to yourself  
22 and then ask a question. But you also need to  
23 tell me what part you're reading.  
24 MR. ELIOT BERNSTEIN: Him being aggressive  
25 and forceful.  
00094  
1 THE COURT: Where -- what paragraph should I  
2 read?  
3 MR. ELIOT BERNSTEIN: Like the fifth line --  
4 the first one, two, three, four --  
5 THE COURT: Okay. Let me read it.  
6 MR. ELIOT BERNSTEIN: -- sixth line where it  
7 starts --  
8 THE COURT: Give me a chance. Ted and I will  
9 read at the same time.  
10 Okay. I read it. Go ahead.  
11 THE WITNESS: I've read it too.  
12 BY MR. ELIOT BERNSTEIN  
13 Q Does that refresh your memory? Did you use --  
14 if you used the words --  
15 A My answer is still no.  
16 Q -- to be forceful and aggressive with Eliot?  
17 A You asked if I used the words force and  
18 aggression.  
19 Q Okay. I'll ask it again. Did you use the  
20 words being aggressive and forceful?  
21 A **Yes, I did. [EMPHASIS ADDED]**<sup>22</sup>

167. That it appears outside the Judicial Cannons and casts a grand Appearance of Impropriety for  
a judge to hear matters and adjudicate matters where crimes were committed in his Court,

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<sup>22</sup> July 11, 2014 Hearing Transcript  
<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20140711%20TRANSCRIPT%20-%20HEARING%20-%207-11-14%20-%20FULL%20HEARING.pdf>

including FRAUD ON THE COURT, committed by Officers of his Court and Judge David E. French's Court. Whereby they are now material and fact witnesses and possibly involved and how can they investigate their own courts and their Officers, Employees and appointed fiduciaries, instead of giving the matters over to non-conflicted parties who are not centrally involved and who could conduct a fair and impartial review of the criminals and crimes? Judge Colin and French may desire to aid and abet the cover up of the crimes that would embarrass their Court and perhaps lead to revealing involvement in the actual crimes the Appearance of Impropriety apparent.

168. Where Eliot sued the 15th Judicial Circuit, Florida Bar and thousands of Florida Bar member attorneys in the alleged criminal law firms sued in his RICO<sup>23</sup> and also Supreme Court Chief Judge Jorge Labarga, Esq., personally and professionally, for their direct involvement in the theft of his patents and where Judge Colin has claimed in a Florida Bar Resume that Chief Justice Labarga is his mentor, yet another cause for his disqualification.
169. That Eliot is seeking this Court to review and intervene and take over these unprecedeted corrupted Florida Probate cases that directly relate to the matters in this lawsuit and move them to a federal jurisdiction outside the state of Florida (this Court) and outside the reach of Florida Bar members (Eliot is not claiming they are all involved in the conspiracy but due to the nature of conspiracies, it is impossible to know who is good and bad) and preferably move the matters all to This Court under Your Honor's tutelage.
170. That it should be noted that secreted from Eliot attempts to settle this case have been made that involve somehow moving this case from this Court to Judge Colin's court to evade the

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<sup>23</sup>IVIEWIT EXTENDED LIST OF RICO DEFENDANTS  
<http://iviewit.tv/CompanyDocs/Appendix%20A/index.htm>

Federal Court proceedings and Eliot states it should be the other way around, where this Court seizes those cases for their obvious violations of law, including but not limited to, Fraud on the court, Fraud in the court and Fraud by the court.

171. Eliot and Candice are in continued fear to go to the Florida Court as it appears they are continuously trying to entrap them in either Contempt or seek Guardian for them and their children (where factually they all need PRISON GUARDS on them) and where Eliot's CONSTITUTIONAL RIGHTS to due process and procedure have been stripped through Sharp Practice after Sharp Practice, conflict after conflict, fraud after fraud, by the attorneys and judges involved thus far.
172. These acts against Eliot caused by criminal and civil misconduct by the Attorneys at Law have already delayed inheritances for over two years, starving out his children, forcing them out of school, having their electricity turned on and off and other home services by fiduciaries in charge of the bills they cannot access account information on.
173. This insurance policy theft attempted by Fraud on this Court in this lawsuit have caused massive damages financially to Eliot's family as well and this Court should be compelled knowing of the intentional delays caused by fraud and more in Eliot and children's inheritances to allocate funds interpled from the court registry to Eliot and his family until this matter before the court is fully resolved. This should be done without Eliot signing any release that would give implied consent to anything involved in the lawsuit, including any admission that the funds interpled equal the true death benefit of the policy since at this time no legally executed insurance policy with a stated death claim on it has been produced in this lawsuit.

174. That Eliot has submitted to this Court recently a letter from a Florida attorney who represents a creditor in the Probate cases, Peter Feaman, Esq., describing misconduct by Attorney Alan B. Rose, Esq. and his client TED, directly relating to their misconduct in this case before Your Honor and where such misconduct further directly damages Eliot and his children.
175. That Eliot has submitted a filing to Judge Colin by Attorney at Law Brian O'Connell, Esq. who is the new Executor of the Estate of Simon after Ted's Counsel Tescher and Spallina resigned after admitting to Fraudulently Altering a Trust document and disseminating it via Mail and Wire to another attorney at law representing Eliot's children, Christine C. Yates, Esq. of Tripp Scott law firm.
176. That once the fraudulent and forged documents were discovered by Yates to be valid she resigned as Counsel and stated that Eliot would have to bring these lawyers who committed fraud on her and the beneficiaries to the authorities and courts on his own, Pro Se, as it was too complicated for her and of course the impact and retaliation that could come in her trying to report misconduct on Florida Bar members.
177. Eliot understood that Yates attempting to report these crimes against other attorneys at law could put her and her license to practice at risk and perhaps her life for trying to help Eliot and his family, as she was already aware and scared of the car bombing that occurred and so Eliot went about proving the fraud and more to the Court on his own, PRO SE.
178. Eliot was successful at proving the crimes, reopening Shirley's Estate, having the Governor Rick Scott's Notary Division prove improper notarizations leading to arrest, forcing ongoing investigations that revealed admission of fraud by SPALLINA and TESCHER which forced the resignation and removal of TESCHER and SPALLINA as Co-Trustees and Co- Personal

Representatives in the Estate and Trusts of Simon and as counsel to TED as alleged Personal Representative of the Estate of Shirley and Trustee of Shirley's trust.

179. That it should raise the Court's brow that TED and his Counsel, TESCHER and SPALLINA, after calling the Palm Beach County Sheriff on the day Simon died on 9/12/12 and reporting an alleged murder of Simon then contacted the Palm Beach Coroner to conduct an autopsy for murder via poisoning, while they were simultaneously filing a fraudulent Beneficiary claim form with Heritage Union Life on behalf of a Trust, which both TED and his Counsel claim never to have seen or possessed that was DENIED.
180. The claim was DENIED due to the failure to prove a beneficial interest as SPALLINA claimed he could not produce the Trust he stated was beneficiary and that he was acting as Trustee for when filing the fraudulent claim.
181. SPALLINA claimed to be Trustee of a legally nonexistent Trust and failed to mention to the carrier Heritage that he and his client TED had alleged that Simon was murdered to the Sheriff and Coroner, which would also materially affect the payment of the claim.
182. SPALLINA and TED both failed to notice the carrier, the Sheriff and Coroner of a holographic Will<sup>24</sup> that TED was in possession minutes after Simon died as it was hand delivered to him by a one Rachel Walker, Simon's assistant, with stacks of other dispositive documents that TED sent Rachel to the home from the hospital to pick up and bring to the hospital as Simon lay dying in the hospital, which she returned with minutes after Simon passed.

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<sup>24</sup> Simon Holographic Will signed only hours before he may have been murdered.

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/2012%20Simon%20Holographic%20Will%20Martiza%20Life%20Insurance.pdf>

183. Yet, despite what could have provided a motive for authorities to investigate Simon's girlfriend who TED and PAMELA were claiming may have poisoned Simon, TED and TESCHER and SPALLINA failed to turn it over to this Court, the Insurance Carrier, the Sheriff the next day at the Murder Investigation conducted and did not disclose it to parties until TESCHER and SPALLINA were forced by court Order to turn over their records to the Curator upon their removal over a year later.

184. SPALLINA further impersonated the Trustee of this nonexistent Trust claiming to be the contingent beneficiary the legally nonexistent trust that TED now claims to be Trustee for<sup>25</sup>.

185. SPALLINA also at the time impersonated himself as the Trustee of the LaSalle National Trust, NA to the insurance carrier<sup>26</sup>, which he is not Trustee for but the carrier's production documents submitted to this Court revealed that the Primary Beneficiary of the LOST Policy they cannot find is LaSalle National Trust NA.

186. This fraudulent claim form and fraudulent representation by SPALLINA represents alleged multitudes of fraud and criminal misconduct in the claim filed and DENIED by the carrier and where the denial led to this fraudulent Breach of Contract lawsuit being filed before Your Honor filed by TED who magically becomes the TRUSTEE of the legally nonexistent trust and replaces SPALLINA as Trustee.

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<sup>25</sup> SPALLINA DENIED DEATH BENEFIT CLAIM FORM  
<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20121101%20Heritage%20Claim%20Form%20Spallina%20Insurance%20Fraud.pdf>

<sup>26</sup> SPALLINA ACTING AS TRUSTEE OF LASALLE NATIONAL TRUST NA THE PRIMARY BENEFICIARY OF THE POLICY  
<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20121009%20Heritage%20Union%20to%20Spallina%20as%20Trustee%20of%20LaSalle%20National%20Trust.pdf>

187. When the fraudulent claim was DENIED, TED then alleged he was the Trustee of the legally nonexistent Trust that SPALLINA claimed to the carrier he was Trustee for and filed this frivolous and illegal lawsuit with this Court as Plaintiff/Trustee claiming a Breach of Contract for the carriers failure to pay a fraudulent claim submitted where no beneficial interest by the Claimant could be proved, this all in attempts to further abscond with the policy proceeds through this Fraud on a Federal Court and Fraud on the Policy's true and proper beneficiaries.
188. TED as alleged Trustee seemed to ignore that SPALLINA had acted as TRUSTEE of the lost Trust that he claims to be Trustee for as a prudent fiduciary would and instead failed to report this to this Court or criminal authorities and continued the Fraud in and on this Court.
189. TED also failed to notice this Court that he had alleged Simon was murdered, which would affect the payment of the benefits to parties possibly and failed to notify Eliot or other beneficiaries of the Estates and Trusts of this Breach of Contract legal action despite the carrier requesting that to get the claim paid they would need a court order and a list of ALL possible beneficiaries<sup>27</sup>, including but not limited to, Eliot, Maritza and the Estate and Trust beneficiaries.
190. Eliot only found out about this lawsuit when he was sued in this action by Heritage/Jackson National (as he was intentionally and scienter left off the backdoor deal,) which made him cognizant of the lawsuit and the efforts being made to try and pay the policy proceeds to improper parties, the lawsuit claimed four of five children of Simon only as Plaintiffs and not

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<sup>27</sup> Heritage Letter to Spallina regarding Death Benefit Claim  
<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20130308HeritageLetterToSpallina.pdf>

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all interested parties who may have an interest in the Policy including, Maritza and the estate and beneficiaries of the estate.

191. Eliot has had to fight TED and PAM to get their children represented by the Estate in this matter and it took nearly two years to achieve this and get them protected in this matter, with Colin and the Probate court looking the other way until again Eliot forced the issue upon them with the Creditor of the Estate who volunteered to pay from his own pocket the costs of having the estate beneficiaries represented in this action.
192. Colin has made the Creditor of the Estate, William Stansbury, pay for the costs of the Illinois Insurance Litigation to protect the Estate beneficiaries (go figure) and despite counsel for this Court's matter offering a contingency fee instead, Colin still has not released Stansbury from paying the tab and has stated the contingency is a bad idea, again, go figure.
193. Colin prohibited the Creditor Stansbury from arguing to remove Ted as a Fiduciary claiming he did not have standing to remove Ted despite claims against the Estates and Trusts that give him a future possible beneficial interest.
194. Eliot and his family are being criminally denied their inheritance by the probate court judge. Eliot and his family's survival is threatened as they are being deliberately denied any funds for their basic living needs including food, insurance, homeowners insurance, medical attention, school tuitions and supplies and other services. They are facing foreclosure of their family residence, are on food stamps and all the while the assets are being deliberately withheld by Judge Colin who has ignored repeated frantic pleadings by Eliot for adequate funds to provide for his family's living expenses while the crimes of his court are resolved.

195. Judge Colin while having custody of the property of Eliot's family, including his minor children whom he has obligations to protect, especially where the crimes delaying inheritance were caused by Fiduciaries and Officers of his Court, which is depriving Eliot's children of their educations, home not being protected with insurance, children gravely suffering economic and emotional hardships and these heartless acts by Judge Colin to leave them penniless while others make off with assets illegally raise grave red flags of judicial impropriety and worse.

196. Judge Colin allows Trusts for minors to be operated by a Trustee, Oppenheimer, without ANY SIGNATURE PAGES<sup>28</sup> and improperly executed and asks Eliot in hearing what statute prohibits a bank trust company from operating Trusts without signature pages or opening an account (in a different name than on the trust) and using such funds without a signed Trust instrument. When Eliot responded to Colin stating fraud as the statute, Colin states it is not enough and overruled an accounting objection to the Trust accounting claiming Oppenheimer operated without legal documents, and accessed an account with a different name than that on the trust that has no signature pages.

197. Again this raises red flags as to Colin's competency and his acts to try and further cover up for the officers and fiduciaries he appointed, Oppenheimer, who once again are caught in what appears an alleged massive fraud and again Colin fails to notify the authorities of the possible criminal acts this bank fraud depicts and yet entertains guardianship hearings filed by Steven A. Lessne, Esq., ("LESSNE") the attorney for Oppenheimer, who is a counter

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<sup>28</sup> OPPENHEIMER TRUST THEY POSITED WITH COURT AS DOCUMENT THEY ARE OPERATING ON FOR DANIEL BERNSTEIN MISSING SIGNATURE PAGES!  
<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/Exhibit%20C%20Oppenheimer%20Criminal%20Complaint%20PBSO%20-%20Trust%20Daniel.pdf>

defendant in Eliot's counter complaint against Oppenheimer which has been stayed by Colin and yet LESSNE continues to represent other parties despite his conflict.

198. That it should be noted by the Court that LESSNE began his representation of Oppenheimer at the law firm GrayRobinson, P.A. and then after Eliot counter sued LESSNE and Gray Robinson, LESSNE then transferred with the Oppenheimer case, to ROSE's former law firm Gunster, Yoakley & Stewart, P.A. ("GUNSTER")
199. That GUNSTER is the former law firm of Christopher Wheeler, Esq., the central defendant in Eliot's RICO claims of theft of the Intellectual Properties, who was formerly with Proskauer Rose until resigning and going to work at GEO Corporation, the private prison company that incarcerates people for profit as their stock value is dependent on the number of prisoners incarcerated.
200. Again Colin protects the officer of his Court LESSNE that he appointed and shields him from criminal investigation of him and his client while allowing hearings of contempt and guardianship issues filed by LESSNE as retaliation to proceed forward.
201. Judge Colin allegedly transferred Trusteeship of the three minor children's trusts in 2010 and without reviewing the 3 trusts which are not attached to the Petition filed<sup>29</sup>, which have no signatures pages for Daniel, which have conflicting trustees and a Successor named Larry Bishens, Esq. and are improperly executed, which he would have seen these glaring problems had he reviewed the Trusts prior to allegedly transferring Trusteeship to Oppenheimer based on what appear more fraudulent and forged documents.

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<sup>29</sup> Alleged Fraudulent and Forged Petition to Change Trustee of Children Trusts  
<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20100619AllegedForgedEliotCandicePetitiontoAppointSuccessorTrusteeJoshuaJacobandDaniel.pdf>

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202. The Court should note again that Kratish and Greenwald both deny being trustees of the initial trust and Kratish has claimed she replaced Stanford as Trustee and then transferred trusteeship to Oppenheimer but this does not jive with the petition that puts her as the initial Trustee.
203. The documents used in the transfer are alleged to be signed in part by Eliot and Candice Bernstein who have reported them to authorities and the courts as further fraudulent documents with forged signatures on them and yet, Colin seeing all the problems with the Trusts ignores these facts and instead is attempting to terminate the trusts and remove the protected properties out of the protection designed for the corpus to be safe from poachers and exposing the three minor children to risk of loss of trust assets, including foreclosure of the home.
204. That Colin is refusing to allow Candice Bernstein to become the successor trustee of the trusts and made insulting remarks as to her being qualified to be trustee, again abusing his power and making insult that prejudices on of the parties and attempts to deny the natural guardian of the children to act as trustee of the Trusts in efforts to keep the corpus in the Trusts until all the fraudulent acts alleged can be ferreted out.
205. That a new Trustee for the children's Trusts cannot be obtained because Oppenheimer prior to resigning bled the monies dry and failed to get reimbursed by the Estate where SPALLINA and TESCHER had told Oppenheimer that monies used from the children's trusts would be replenished by the Estate when it received liquid funds.
206. That at the time Oppenheimer requested the monies back, SPALLINA and TESCHER who directed Oppenheimer with no authority to misuse the funds, refused to replenish them and

instead of going after TESCHER and SPALLINA they abdicated their fiduciary duties by resigning without notifying authorities of the crime that was committed in misusing the funds directed by SPALLINA and TESCHER.

207. Further, Oppenheimer hired Tescher & Spallina, PA with the children's Trust funds, after they became aware that Eliot was having criminal authorities pursue them and that their law firm was under criminal investigation.
208. That the Court will note on the Oppenheimer Trust that on page on Traci Kratish, Esq. ( a woman attorney at law and accountant ) is described as a "he" as the initial Trustee of the Trust and that on page 4 of the Trust, an attorney at law, Steven Greenwald, Esq. is said to be the initial Trustee and despite in hearing seeing this contradiction, Judge Colin acted as if asleep and allowed the proceeding to continue as if this too was a normal part of Trusts to have switching Trustees.
209. Eliot has spoken to both Kratish and Greenwald and both deny being a part of the initial trust or initial trustees and Eliot has reported this to the Sheriff investigating these matters now, Detective Andrew Panzer of the Palm Beach Sheriff Department, who has languished on this information for several months without interviewing the two conflicting alleged Trustees.
210. Kratish claimed to Eliot, Candice Bernstein and William Stansbury the Creditor in a meeting that she was not an employee at the time of the alleged signing of the Trusts for Simon Bernstein and states that only AFTER Stanford Trust was seized by the Feds in 2009 or thereabouts was she made Successor Trustee and for only a few days before she transferred Trusteeship to Oppenheimer. Kratish's statements wholly contradict the story being told by

Oppenheimer's attorney, LESSNE to the court and the story laid out in the Petition to transfer trusteeship that Colin signed.

211. In fact, LESSNE has submitted further fraudulent documents with a different story to the court recently based on a falsified and forged document Candice and Eliot are alleged to have signed but they have reported to authorities that these too are fraudulent documents.
212. Colin learned that a court Order to pay Eliot children's school by the alleged Trustee Ted of Simon's Trust failed to make the payment and Eliot's children were pulled from their school on the 2nd day of classes and for over a month were not in a new school, which had started a month earlier than their other school and all kids suffered a massive trauma from this, as they had been attending the school for many years and this sudden change caused grades to go the lowest levels, depression to set in and has truly been a nightmare.
213. Upon learning that his court Ordered was violated and the children were thrown out of school, he stated in court that this made him very unhappy and he would deal with it later and later has never come. This again while the children are under his tutelage and the monies for their school held hostage in his court due to the Fraud on the Court, Fraud in the Court and Fraud by the Court.
214. Colin has capped the fees of the Curator Brown and the Successor Personal Representative O'Connell so as to limit their ability to investigate the prior frauds and forensically inspect documents and do a forensic accounting but has not limited the fees for the other Fiduciaries and where Ted has hired up to 8 law firms to defend himself from the actions against him at premium rates and has even allowed payments to Tescher and Spallina for their work in committing fraud on the beneficiaries and fraud on the court and even to go to the Sheriff to

confess that their law firm committed fraud, yet Colin does nothing to limit this waste, fraud and abuse by fiduciaries.

215. Colin while seeing that Eliot is forced to represent his minor children Pro Se has done nothing to allow or compel the fiduciaries to get them counsel to protect them properly despite the fact that they need counsel due to Fraud on his court, Fraud in his court and Fraud by his court all caused by Attorney at Law Officers of his court and fiduciaries appointed by his court. Again, Ted has had a multitude of lawyers billing up the Estates and Trusts with no accounting for their fees and the beneficiaries are denied any access to funds despite the dispositive documents providing for such.
216. Despite repeated calls for Colin's voluntary disqualification<sup>30</sup> on his own motion and Eliot attempting to file disqualification motions Pro Se, which Colin states are legally insufficient, Colin refuses to disqualify despite the statute stating that even if the motion is insufficient nothing precludes the judge from voluntary disqualification on the grounds stated in the insufficient motion, which are beyond cause for voluntary disqualification, yet Colin ignores his duties, the Judicial Canons he violates and continues with the Fraud by the court on the Beneficiaries, Creditors and Interested Parties.

*Wherefore, Eliot prays for this Court to insure forward fair and impartial Due Process and Procedure and preserve Eliot's Constitutional rights by moving these matters to a non-conflicted venue and jurisdiction and any other remedy this Court finds just and equitable.*

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<sup>30</sup> Motion to Disqualify Colin @ URL  
<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20140101%20Final%20PRINTED%20SIGNED%20Motion%20to%20Disqualify%20Colin%20and%20more%20131279ns.pdf>  
and Order Denying Motion to Disqualify @  
<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20140108%20ORDER%20DENYING%20MOTION%20TO%20DISQUALIFY%20JUDGE%20MARTIN%20COLIN%20SIGNED%20BY%20MARTIN%20COLIN.pdf>

## **APPOINTMENT OF PROTECTED COUNSEL AND REMOVAL OF TAINTED COUNSEL**

217. Eliot is requesting this Court set up protected Pro Bono counsel for Eliot that is protected by this Court to aid Eliot free of worries of threats or extortion by any members of any bar association that can provide counsel to one being denied counsel with intent and scienter to disable his due process rights and further abuse him through legal process abuse.
218. Federal Court adjudication and counsel for Eliot and his children that are not Florida Bar members and cannot be influenced or contacted by any member of the Florida while handling these matters and any contact with Florida Bar members ordered to be reported to the Court by such protected counsel.
219. An affidavit<sup>31</sup> of a threat by a Judge in the Barbara Stone, Esq. Whistleblower Counter Complaint against her counsel shows how judges being investigated and reported on for criminal misconduct by a bar member, can threaten and extort counsel to not represent litigants to usurp their due process rights. This is a very scary letter that defines what Eliot has alleged is going on to preclude Florida Bar members from handing him or his three minor children cases to deny them rights to fair and impartial counsel.
220. That the Court should remove all remnants of Florida Bar members influence on these matters in any capacities they currently have be it as lawyers or fiduciaries in Eliot's cases and force all parties to seek counsel that cannot be influenced by Florida Bar member lawyers.

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<sup>31</sup> Affidavit Regarding Threat by Florida Judge Michael Genden

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/1Rochlin%20Affidavit.pdf>

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221. That in the Barbara Stone, Esq., whistleblowing case there has been a recent revelation that Florida Judge Michael Genden and another member of the Florida Bar, Roy Lustig, Esq., have acted in an extortionary manner to threaten an attorney at law representing Stone's mother, an elderly abused and vulnerable adult in a Gestapo guardianship, by threatening her if she continued to represent Barbara or her mother Helen with disbarment and complaints against her.
222. That despite this affidavit that was provided by another attorney at law, Debra P. Rochlin, Esquire, another honest attorney in a sea of scum, following her ethical duty to report the misconduct of reprobate judge Michael Genden and reprobate attorney at law, Roy Lustig, alleging some very serious criminal misconduct by them, including threats, harassment, extortion, obstruction of Stone's constitutional rights to counsel for her and her mother and ex parte conspiratorial acts to deprive counsel, judge Genden is still gunning for Stone despite his obvious and mandated disqualification on the fact that this affidavit by Rochlin is beyond cause for immediate disqualification until he can be investigated for the criminal charges filed by Stone against he and Lustig on May 1, 2015 in Miami Dade county.
223. Genden upon receipt of this letter knows that he will now be a material and fact witness in the civil proceeding and most likely criminal proceedings into the allegations and yet he is still going to try to rule forward despite his self-mandating disqualification which should be made on his own motion and initiative, the minute he became aware of the affidavit and the allegations against him last week.
224. In fact, Genden appears to have had Lustig prepare a Motion to Strike the Disqualification filed by Stone, attempting to claim Stone violated the court illegal Order stating Stone could

not file any pleadings, including more disqualifications against Genden without a Florida Bar member filing them. Yet, the disqualification is no longer the responsibility of Stone once Genden knew of the affidavit and was served a copy he had an obligation to do it on his own and yet he rules on, apparently delusional that he is above the law and does not have to follow the rules of disqualification imposed upon him.

225. That this sharp practice move by Genden to have Lustig remove the disqualification without his having to hear it is revealing and comes on the heels of a the most honorable and sympathetic Broward County Florida Judge, Sandra Perlman, who on April 2014, in a hearing<sup>32</sup> with Stone and Lustig, after hearing the barrage of allegations against Stone by Lustig including all the arrests he had made on her with Judge Genden, looked past that and stated she had sympathy for Stone and that she should amend her complaint to include a Whistleblower count.
226. Genden already has Stone on a tracking collar as if she is a criminal or to further track his victim through violations of her privacy and more and gain advantage over her further.
227. That on May 3, 2015 at 11:30am Genden has demanded Stone to come his chambers for two orders to show cause and face contempt proceeding whereby he is threatening jail if she violated a court order that she could not file pleadings without a licensed member of the Florida Bar filing them for her and a second show cause for allegedly violating his orders to remove ALL contact between Stone and her mother and the facilities she is being tortured in.

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<sup>32</sup> Stone Hearing Transcript

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20150421JudgePerlmanTranscript.pdf>

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228. That Lustig then filed a disqualification motion against Judge Perlman for her showing sympathy to Stone and advising her to file a Whistleblower count by amending her complaint and Perlman disqualified and judge with a drunk driving conviction took over.
229. Genden's actions reminiscent of the two lines at Auschwitz that separated mother and child forever with a steel toed boot Gestapo agent acting above law and violating the law of G-d. Stone's mother is reported in grave condition and being deprived of loved ones and her home and more, imprisoned in Genden's abusive guardianship and now Genden is trying to remove all rights of a daughter to protect her.
230. Where Stone has filed a disqualification pleading in potential violation of the Order but where Stone could not find counsel to file for her, despite her being an attorney at law and once she received affiants affidavit she became aware of why she was having problems retaining counsel and then keeping counsel once they were retained after they appeared before Genden.
231. Once in receipt of the Affiant's affidavit of the threats by Genden to force counsel off her and her mother cases or else, Stone was caught in a catch 22 of either file the disqualification as mandated by Florida Bar rules that require her to report misconduct such as claimed in the Affiants Affidavit, acting Pro Se, since her lawyer quit and where it was learned she quit based on the new information of criminal misconduct and threats by Genden.
232. Again, Genden should be forced to disqualify from the maters until the affiants allegations are resolved on his own initiative once he was served the affidavit last week.
233. Stone is left either surrendering her rights PRO SE and without counsel to break what appears an illegal Order constructed intentionally to deny her due process and procedure if

she cannot get counsel to file, which failure is now alleged to be caused by Genden's usurping her right to file Pro Se knowing he would preclude her from gaining counsel, while secretly threatening and extorting Florida Bar members that were willing to represent the Stone's.

234. That in the Florida Probate court it was recently discovered by Eliot that honorable attorney at law, Peter Feaman, Esq. had reported attorney at law and fiduciary misconduct to the new Personal Representative/Executor of the Estate of Simon, Brian O'Connell, Esq. alleging improper representations and conflicts of interest with intent in the case before this Court, as illustrated in the email below.

Subject: FW: Bernstein Estate  
Subject: Bernstein Estate  
Date: Tue, 16 Dec 2014 15:57:54 -0500  
From: pfeaman@feamanlaw.com  
To: boconnell@ciklinlubitz.com  
CC: [jroyer@feamanlaw.com](mailto:jroyer@feamanlaw.com)

Brian,

When you and I spoke last week you indicated that you were in favor of the settlement that Mr. Stansbury had signed and sent to you for signature.

You indicated that you had to work out funding with the trust.

Meanwhile, the Life insurance litigation in Chicago is moving forward.

Our attorneys are taking a deposition in Chicago the week after New Years of "Scooter" Bernstein, I think.

They also want to depose Ted Bernstein and Robert Spallina in early January as well.

I offered my office as a locale for those depositions.

Deposing Ted Bernstein in the Chicago action poses some serious conflict of interest issues for Ted Bernstein and ethical issues for Mr. Rose as the Florida attorney for Mr. Ted Bernstein.

He is being deposed as a party Plaintiff in the Chicago action, the purpose of which is to direct \$1.7 million in life insurance to the 5 adult children of Simon Bernstein away from the Bernstein estate.

Yet Mr. Rose represents Ted Bernstein as Successor Trustee to the Simon Bernstein Trust, the beneficiaries of which are the GRANDCHILDREN OF Simon Bernstein, and the Trust is the beneficiary of the Simon Estate which is directly opposed to the position of Ted Bernstein as Plaintiff in the Chicago Life Insurance litigation.

Just as Ted Bernstein cannot wear both hats, it seems that Alan Rose cannot represent a client so conflicted.

Further, it would seem to me that the estate (you as Personal Representative) has an absolute duty to demand Ted's resignation as Successor Trustee, as his continued role as such imperils the interests of the grandchildren, to whom you owe a fiduciary duty as the Personal Representative.

The bottom line is that the more this drags on, the worse it is going to get for all concerned.

At some point, respectfully, I think you are going to have to take the bull by the horns and 1.) demand that Ted Bernstein resign as Successor Trustee and 2.) Take an active role in directing the attorneys in Chicago to push the case in order to bring it to a successful resolution on behalf of the estate, either by settlement or trial. This means taking over the responsibility for the litigation from Mr. Stansbury in light of the favorable position that the Estate is now in as a result of Mr. Stansbury 's efforts.

I welcome your thoughts on this.

Peter M. Feaman  
PETER M. FEAMAN, P.A.  
3695 West Boynton Beach Boulevard  
Suite 9  
Boynton Beach, FL 33436  
Telephone: 561 □ 734 □ 5552  
Facsimile: 561 □ 734 □ 5554  
[www.feamanlaw.com](http://www.feamanlaw.com)

235. That TED is conflicted in this Breach of Contract lawsuit before this Court as the Trustee of the legally nonexistent Trust that he claims he is a one fifth beneficiary of said nonexistent trust and this conflicts with his role as ALLEGED Trustee of the Simon Trust where if the benefits are paid to the Estate and pass through to the Trust, TED will have a zero percent interest.

236. TED and his counsel have already acted in Conflict by interceding in the matters to block the Estate Beneficiaries (which are either ten grandchildren or Eliot and two of his five siblings, Jill Iantoni and Lisa Friedstein) from joining the case by filing opposition motions to them  
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being added to the case as Plaintiffs using his role as Trustee of the Simon Trust with an obligation to those beneficiaries to protect their interests, instead choosing to protect the interest where he will possibly get monies directly in his pocket.

237. That further the Personal Representative of the Estate Brian O'Connell, Esq. has notified the Probate court both in pleading and in a hearing before the court that Ted Bernstein is not a legally valid Successor Trustee to the Simon Trust as the very language of the Trust precludes a related party from being Successor Trustee and furthermore Ted Bernstein is named as predeceased for all purposes of the trust. In his first and only affirmative defense in an answer to a complaint regarding Ted's standing as a Trustee of the Simon Trust he states,

**“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.”

238. After learning of the statements regarding Ted's lack of qualification as a fiduciary from both Feaman and O'Connell two attorneys at law reporting the misconduct of another attorney at law and a fiduciary to the tribunal as they are duty bound to report, Colin again acted if nothing were wrong. The statements of these two attorneys at law fell on the deaf ears of Colin and after learning at the hearing that the language of the Trust precluded TED from being fiduciary as he is a related party to Simon and where related parties are expressly prohibited from being a successor trustee, Judge Colin stated on the record that he had not

yet “peeked” at the Trust language that is the dispositive operative document in the case for two years.

239. Yet, instead of “peeking” at the dispositive document there and then to see if the two attorneys before him were telling the truth about ROSE and TED’s misconduct, Judge Colin continued to look the other way and further empowered TED by keeping him as a Fiduciary and not removing him on his own motion and amazingly instead burdened Pro Se Eliot with the responsibility to file a perfect pleading to achieve TED’s removal, which has now taken over a year to try and get heard, as each pleading has been defeated on technicalities, while TED and ROSE continue to runs rampant with Estate and Trust assets without proper accountings or information regarding assets provided to beneficiaries at all.
240. That while Judge Colin has been aware that statutorily required accountings have not been performed or executed as proscribed by Statute by any of the fiduciaries (less Brian O’Connell, Esq. and Benjamin Brown, Esq.) he has allowed TED to continue the Pattern and Practice of his former counsel TESCHER and SPALLINA and fail to provide accountings according to statute leaving the beneficiaries in the dark as to the value of their inheritances.
241. That despite knowing that TED is alleged acting as an illegal imposter Trustee who gained Trusteeship through a transfer made allegedly by TESCHER and SPALLINA on their way out the door for fraud, without beneficiaries or the court’s approval of such illegal transfer, Colin continues to allow TED to act and retain lawyers who are burning through assets of the Estates and Trusts with fraudulent intent, while precluding and failing to appoint Eliot and his children counsel to protect themselves from the fraud committed in his court, on his court

and now by his court by officers and fiduciaries he appointed, thereby depriving Eliot and his minor children counsel.

242. That repeated requests to all the fiduciaries and counsel to provide Eliot and his children counsel as allowed for under the terms of the challenged Wills and Trusts of Simon and Shirley, these requests have been ignored.

***Wherefore, Eliot seeks appointment of Protected Pro Bono Counsel by this Court to insure his and his minor children's due process rights being denied and obstructed in the Florida Probate court.***

**PROVIDE IMMEDIATE EMERGENCY DISTRIBUTIONS OF AT MINIMUM  
\$200,000.00 FOR ELIOT AND HIS MINOR CHILDREN**

243. Due to inheritances that have been intentionally stymied and delayed through abuse of process and fraud, Eliot seeks immediate relief from this court from the either the monies held in this Court's registry for the insurance proceeds that Eliot or his children are certain beneficiaries no matter the outcome.

244. That Eliot for many years prior to his father and mother's deaths was receiving \$10,000.00 a month tax free through the children's trust via Bernstein Family Realty, LLC and another \$5,000.00 to \$10,000.00 a month for other needs that arose and this was set up to continue long after their deaths. The monies were stopped after Oppenheimer misused school trust funds to pay these amounts directed with scienter to use them up by SPALLINA and leave them nothing at the end of that money, so they have been without this income for over year now and so the \$200,000.00 would cover the losses thus far and allow them to pay the bills and get insurance on the home and put the kids back in private school and more.

245. These monies are requested for emergency needs for the children who have already gravely harmed from the Estates and Trusts when the assets are transferred to this Court, if this Court does not use some of the monies in the Court registry interpled in this case to help Eliot's family.
246. Eliot requests that any monies paid by either this Court or from the Probate court come with no implied consent or waiver of rights to pursue legal actions for the frauds committed.

***Wherefore, Eliot seeks for an order to provide immediate emergency distribution of at minimum 2000,000.00 for Eliot and his minor children.***

**FREEZING AND TRANSFER OF ALL PROBATE ASSETS TO THIS COURT**

247. This Court should seize all court records of the Florida Probate court, all cases that any of the fraudsters have worked on for any client, all court records in Eliot's cases, all assets and records from all parties relating to Simon and Shirley Bernstein, all tax and other records for Simon and Shirley Bernstein, as there is evidence of fraudulent tax documents and more.
248. That this Court upon freezing and transferring the remaining assets and records should simultaneously order all parties, court, lawyers, fiduciaries, judges, beneficiaries and others to provide full and formal accountings of any and all assets they are aware of that may have been improperly transferred to improper parties, stolen off with or otherwise removed from the Estates and Trusts of Simon and Shirley.
249. That TED recently produced an Inventory for the Estate of Shirley that claimed that Shirley's Personal Property equaled \$0.00 at the time of her death, despite having become aware of millions of dollars of Inventory that was not on the Inventory Simon was alleged to have done, making it appear that Shirley died as a welfare recipient.

250. That virtually all of the accountings and documents tendered appear fraudulent at this time and according to Ben Brown, Esq. the recently deceased Curator (age 49) no original documents were produced by TESCHER and SPALLINA when they were court ordered to turn them over to Brown except for one document, the alleged Promissory Note to Simon's Mortgage that was not recorded and suddenly appears as the only signed document in the possession of TESCHER and SPALLINA.
251. That nothing tendered to the Probate court by any party involved in the original frauds and fraud on the court can be relied upon, including the court records and yet Judge Colin continues to allow these documents to be used to make rulings on and to allow further fraud and conversion of assets to occur without sounding the alarm and calling in investigators to investigate the Attorneys at Law acting as Officers of his court and the Fiduciaries appointed by him and have the documents inspected first before proceeding forward.
252. The information provided herein leaves the Appearance of Impropriety to any sane person that Judge Colin and Judge French's handling of their own court investigations of the crimes committed in their courts done under their noses, by those under their tutelage, are craftily designed staged litigations to subterfuge and derail due process, while further enabling crimes against Eliot, his lovely wife Candice and their three minor children and the creditor William Stansbury and at the same time cover it all up through further abuse of process, all outside the color of law.
253. Florida Statutes-Title XLVI Crimes Section 843.0855- Criminal actions under color of law or through use of simulated legal process states as follows:

“(2) A person who deliberately impersonates or falsely acts as a public officer or employee in connection with or relating to any legal process affecting persons and property, or otherwise takes any action under color of law against persons or property, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. It is the intent of the Legislature that this section applies if a person acts as an officer or employee purporting to supersede or override any legislation or statute of this state, or to supersede or override any action of any court of this state.

(3) A person who simulates legal process, including, but not limited to, actions affecting title to real estate or personal property, indictments, subpoenas, warrants, injunctions, liens, orders, judgments, or any legal documents or proceedings, knowing or having reason to know the contents of any such documents or proceedings or the basis for any action to be fraudulent, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) A person who falsely under color of law attempts in any way to influence, intimidate, harass, retaliate against, or hinder a public officer or employee involving the discharge of his or her official duties by means of, but not limited to, threats of or actual physical abuse or harassment, or through the use of simulated legal process, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.”

As per Florida Statutes-TITLE XLVI Crimes Section 843.0855, the Plaintiffs in this matter and those parties defined herein in the Probate cases are liable for crimes committed under color of law.

*Wherefore, Eliot seeks for an order to freeze and transfer all Probate and Trust Assets of Simon and Shirley Bernstein to this Court. Further seeks for an order of punishment against Third Party Defendants as per Florida Statutes-TITLE XLVI Crimes Section 843.0855.*

**NEW RICO AND RE-OPENING OF PRIOR RICO DUE TO NEW PREDICATE ACTS**

254. That Eliot's Federal RICO against three state bar associations, judges, law firms and thousands of Attorneys, is soon to be requested reopened by Eliot to Federal Judge Shira Scheindlin regarding the new predicate crimes committed again by reprobate attorneys at law, Robert Spallina, Esq., Donald Tescher, Esq. and others (other include Defendants in the RICO, ie Gerald R. Lewin, CPA, Proskauer Rose and Greenberg Traurig) who are now involved in the Florida Probate Cases for his mother and father. These new predicate RICO criminal acts now include but are not limited to, the alleged by Theodore Bernstein, Rachel Walker and Pamela Simon, Murder of Simon Bernstein (Heavy Metal Test completed almost a year later reveal three elevated poisons, with Arsenic three times reportable levels), Forgery, Fraud on the Court, Fraud on Beneficiaries (primarily Eliot), Fraudulent Notarizations (Arrest of Notary and Legal Assistant for Tescher and Spallina, Kimberly Moran), Fraudulent Alteration Post Mortem of Trust Documents (admitted to by Robert Spallina to Palm Beach County Sheriff Investigators in the exhibited Sheriff's Reports herein), Extortion of Eliot by intentional interference by attorneys and judges of his and his children's expectancy/inheritance and more.

255. A judge is an officer of the court, as well as are all attorneys and fiduciaries appointed by the court. A state judge is a state judicial officer, paid by the State to act impartially and lawfully. A federal judge is a federal judicial officer, paid by the federal government to act impartially and lawfully. State and federal attorneys fall into the same general category and must meet the same requirements. A judge is not the court. *People v. Zajic*, 88 Ill.App.3d 477, 410 N.E.2d 626 (1980).

256. Whenever any officer of the court commits fraud during a proceeding in the court, he/she is engaged in "fraud upon the court". In *Bullock v. United States*, 763 F.2d 1115, 1121 (10th Cir. 1985), the court stated "Fraud upon the court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury. ... It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function --- thus where the impartial functions of the court have been directly corrupted." "Fraud upon the court" has been defined by the 7th Circuit Court of Appeals to "embrace that species of fraud which does, or attempts to, defile the court itself, or is a fraud perpetrated by officers of the court so that the judicial machinery can not perform in the usual manner its impartial task of adjudging cases that are presented for adjudication." *Kenner v. C.I.R.*, 387 F.3d 689 (1968); 7 Moore's Federal Practice, 2d ed., p. 512, ¶ 60.23. The 7th Circuit further stated "a decision produced by fraud upon the court is not in essence a decision at all, and never becomes final."

257. "Fraud upon the court" makes void the orders and judgments of that court. It is also clear and well-settled Illinois law that any attempt to commit "fraud upon the court" vitiates the entire proceeding. *The People of the State of Illinois v. Fred E. Sterling*, 357 Ill. 354; 192 N.E. 229 (1934) ("The maxim that fraud vitiates every transaction into which it enters applies to judgments as well as to contracts and other transactions."); *Allen F. Moore v. Stanley F. Sievers*, 336 Ill. 316; 168 N.E. 259 (1929) ("The maxim that fraud vitiates every transaction into which it enters ..."); *In re Village of Willowbrook*, 37 Ill.App.2d 393 (1962) ("It is axiomatic that fraud vitiates everything."); *Dunham v. Dunham*, 57 Ill.App. 475 (1894),

affirmed 162 Ill. 589 (1896); *Skelly Oil Co. v. Universal Oil Products Co.*, 338 Ill.App. 79, 86 N.E.2d 875, 883-4 (1949); *Thomas Stasel v. The American Home Security Corporation*, 362 Ill. 350; 199 N.E. 798 (1935). Under Illinois and Federal law, when any officer of the court has committed "fraud upon the court", the orders and judgment of that court are void, of no legal force or effect.

258. As reiterated in *Baker v. Myers Tractor Services, Inc.*, 765 So. 2d 149, (Fla. 1st DCA 2000): When the central issues of a case are based in fraud, the courts cannot move forward as a matter of law. The fraud issue must first be cleared up. Judge Colin, TED and ROSE are directly connected to fraud in this case and must be removed from this proceeding instantly and sanctioned and reported to the proper authorities. See *Cox v. Burke*, 706 So. 2d 43, 47 (Fla. 5th DCA 1998).
259. As set forth in *Rosenthal v. Rodriguez*, 750 So. 2d 703, 704 (Fla. 3d DCA 2000): Courts throughout this state have repeatedly held "that a party who has been guilty of fraud or misconduct in the prosecution or defense of a civil proceeding should not be permitted to continue to employ the very institution it has subverted to achieve their ends." *Metropolitan Dade County v. Martinsen*, 736 So. 2d 794, 795 (Fla. 3d DCA 1999) (quoting *Hanono v. Murphy*, 723 So. 2d 892, 895 (Fla. 3d DCA 1998)); see also *Cox v. Burke*, 706 So. 2d 43, 47 (Fla. 5th DCA 1998); *O'Vahey v. Miller*, 644 So. 2d 550, 551 (Fla. 3d DCA 1994); *Kornblum v. Schneider*, 609 So. 2d 138, 139 (Fla. 4th DCA 1992).
260. That the legally related case to Eliot's RICO CASE #07-cv-11196-SAS is Case #07cv09599-SAS Anderson v The State of New York, et al., which was filed by an inside Whistleblower at the New York Supreme Court Disciplinary Department who at trial exposed one of the

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largest Attorney Corruption Schemes in the history of our great Nation and one that threatens the very fabric of the US legal system and those employed by it. Not only were the highest ranking members of Supreme Court of New York Members alleged involved but Prosecutors, Judges, US Attorneys, DA's, ADA's, "Favored Law Firms and Lawyers" and others were alleged participants in a criminal good ol' boy network of corruption and cover up all done by criminals cloaked as Attorneys at Law and those in charge of regulating such attorneys. The crimes against their victims beyond belief. See below information regarding the Anderson and related cases.

FORMAL COMPLAINT FILED AGAINST NYS EMPLOYEES FOR ILLEGAL WIRETAPPING...THE WIDESPREAD ILLEGAL WIRETAPPING INCLUDED TARGETED NEW YORK STATE JUDGES AND ATTORNEYS.....

<http://ethicsgate.blogspot.com/2013/04/formal-complaint-filed-against-nys.html>

SELECT QUOTES FROM THAT NEWS STORY

April 3, 2013

Robert Moossy, Jr., Section Chief  
Criminal Section, Civil Rights Division  
US Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

RE: FORMAL COMPLAINT AGAINST NEW YORK STATE EMPLOYEES INVOLVING CONSTITUTIONAL VIOLATIONS, INCLUDING WIDESPREAD ILLEGAL WIRETAPPING

Dear Mr. Moossy,

At some point in time shortly after 9/11, and by methods not addressed here, these individuals improperly utilized access to, and devices of, the lawful operations of the Joint Terrorism Task Force (the JTTF). These individuals completely violated the provisions of FISA, ECPA and the Patriot Act for their own personal and

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political agendas. Specifically, these NY state employees essentially commenced black bag operations, including illegal wiretapping, against whomever they chose- and without legitimate or lawful purpose.

This complaint concerns the illegal use and abuse of such lawful operations for personal and political gain, and all such activity while acting under the color of law. This un-checked access to highly-skilled operatives found undeserving protection for some connected wrong-doers, and the complete destruction of others- on a whim, including the pre-prosecution priming of falsehoods (set-ups). The aftermath of such abuse for such an extended period of time is staggering.

It is believed that most of the 1.5 million-plus items in evidence now under seal in Federal District Court for the Eastern District of New York, case #09cr405 (EDNY) supports the fact, over a ten-year-plus period of time, of the illegal wiretapping of New York State judges, attorneys, and related targets, as directed by state employees.

One sworn affidavit, by an attorney, confirms the various illegal activity of Manhattan's attorney ethics committee, the Departmental Disciplinary Committee (the DDC), which includes allowing cover law firm operations to engage in the practice of law without a law license. Specifically, evidence (attorney affidavits, etc.) supports the claim that Naomi Goldstein, and other DDC employees supervised the protection of the unlicensed practice of law. The evidence also shows that Ms. Goldstein knowingly permitted the unlicensed practice of law, over a five-year-plus period of time, for the purpose of gaining access to, and information from, hundreds of litigants.

Evidence also supports the widespread illegal use of black bag operations by the NYS employees for a wide-range of objectives: to target or protect a certain judge or attorney, to set-up anyone who had been deemed to be a target, or to simply achieve a certain goal. The illegal activity is believed to not only have involved attorneys and judges throughout all of the New York State, including all 4 court-designated ethics departments, but also in matters beyond the borders of New York.

The set-up of numerous individuals for an alleged plot to bomb a Riverdale, NY Synagogue. These individuals are currently incarcerated. The trial judge, U.S. District Court Judge Colleen McMahon, who publicly expressed concerns over the case, saying, I have never heard anything like the facts of this case. I don't think any other judge has ever heard anything like the facts of this case. (2nd Circuit 11cr2763).

The concerted effort to fix numerous cases where confirmed associates of organized crime had made physical threats upon litigants and/or witnesses, and/or had financial interests in the outcome of certain court cases.

The judicial and attorney protection/operations, to gain control, of the \$250 million-plus Thomas Carvel estate matters, and the pre-prosecution priming of the \$150 million-plus Brooke Astor estate.

The wire-tapping and ISP capture, etc., of DDC attorney, Christine C. Anderson, who had filed a lawsuit after being assaulted by a supervisor, Sherry Cohen, and after complaining that certain evidence in ethics case files had been improperly destroyed. (See SDNY case #07cv9599 - Hon. Shira A. Scheindlin, U.S.D.J.)

The eToys litigation and bankruptcy, and associates of Marc Dreir, involving over \$500 million and the protection by the DDC of certain attorneys, one who was found to have lied to a federal judge over 15 times.

The set-up and chilling of effective legal counsel of a disabled woman by a powerful CEO and his law firms, resulting in her having no contact with her children for over 6 years.

The wrongful detention for 4 years, prompted by influential NY law firms, of an early whistleblower of the massive Wall Street financial irregularities involving Bear Sterns and where protected attorney-client conversations were recorded and distributed.

The blocking of attorney accountability in the \$1.25 billion Swiss Bank Holocaust Survivor settlement where one involved NY admitted attorney was ultimately disbarred- in New Jersey. Only then, and after 10 years, did the DDC follow with disbarment. Gizella Weisshaus v. Fagan.

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NY SUPREME COURT BOSSES ILLEGALLY WIRETAPPING JUDGES  
CHAMBERS & HOMES. CHRISTINE ANDERSON WHISTLEBLOWER  
ILLEGALLY TARGETED FOR 24/7/365 SURVEILLANCE IN RELATED  
CASE TO IVIEWIT ELIOT BERNSTEIN RICO...

FOR IMMEDIATE RELEASE

(Free-Press-Release.com) May 14, 2013 -- According to news reports, yes, the heads of the NY Supreme Court Ethics Department have been accused of derailing Justice by targeting victims and misusing Government Resources

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against private citizens with no other motive then Obstruction of Justice in court and regulatory actions against them or their cronies.

World Renowned Inventor Eliot Bernstein files NEW RICO RELATED CRIMINAL ALLEGATIONS against Law Firms Proskauer Rose, Foley & Lardner, Greenberg Traurig and more. Allegations that Bernstein was a target of these criminals cloaked as ATTORNEY AT LAW ETHICS BOSSSES at the NY Supreme Court were presented to Federal Judge Shira A. Scheindlin. That evidence was presented that Bernstein's father may have been a target and murdered for his efforts to notify the authorities and more!!!

READ ALL ABOUT IT @

<http://www.iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20130512%20FINAL%20Motion%20to%20Rehear%20and%20Reopen%20Obstruction%20of%20Justice165555%20WITH%20EXHIBITS.pdf>

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## **Friday, August 24, 2007**

### **Justice Department Widens "Patentgate" Probe Buried by Ethics Chief Thomas J. Cahill...*CLICK HERE FOR FULL STORY***

In a letter dated July 16, 2007, the U.S. Department of Justice, Office of Professional Responsibility, announced from its Washington, D.C. headquarters that it was expanding its investigation into a bizarrely stalled FBI investigation that involves an almost surreal story of the theft of nearly 30 U.S. Patents, and other intellectual property, worth billions of dollars. The probe reaches some of New York's most prominent politicians and judges, and has already proven to be a stunning embarrassment to the State's ethics watchdog committees. (*To the right, see the July 16, 2007 letter "D.O.J. Widens Patentgate Probe"*)...

<http://exposecorruptcourts.blogspot.com/2007/08/justice-dept-widens-patentgate-probe.html>

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### **PREVIOUS PRESS RELEASES RELATING TO JUDGES ILLEGALLY WIRETAPPED**

That on Tuesday, February 19, 2013, ECC released the story,

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ETHICSGATE UPDATE FAXED TO EVERY U.S. SENATOR THE  
ULTIMATE VIOLATION OF TRUST IS THE CORRUPTION OF ETHICS  
OVERSIGHT EXCLUSIVE UPDATE:

<http://exposecorruptcourts.blogspot.com/2013/02/ethicsgate-update-faxed-to-every-us.html>

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IVIEWIT LETTER TO US DOJ OFFICE OF INSPECTOR GENERAL  
MICHAEL E. HOROWITZ

<http://www.iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20130520%20FINAL%20Michael%20Horowitz%20Inspector%20General%20Department%20of%20Justice%20SIGNED%20PRINTERED%20EMAIL.pdf>

*Wherefore, Eliot seeks to file new RICO Counter Complaint due to new predicate acts that qualify RICO to be filed in these matters and reopen of prior RICO case of Eliot filed with the most Honorable Judge Shira A. Scheindlin.*

**APPOINTMENT OF FEDERAL PROSECUTOR, MONITOR AND INVESTIGATOR TO  
INVESTIGATE FRAUD ON AND IN THE FLORIDA PROBATE COURT**

261. There are the criminal predicate acts committed by those involved in the Estate and Trust Frauds described herein and those that are also involved in the prior RICO regarding the stolen Intellectual Properties who again are violating RICO that Eliot is seeking this Court to allow his Counter Complaint with a new RICO charge and request to join the Attorney General in the action to prosecute the criminal elements of:

- a. Racketeering
- b. Conspiracy
- c. Extortion

- d. Fraud In, On and By the courts
- e. Alleged Murder
- f. Insurance and Bank Fraud
- g. Stanford Bank related crimes and more.

262. All the parties defined herein who are alleged to have violated laws acted in concert to retaliate against Eliot for exposing the corruption racket.

263. As a result of the violations of RICO by these parties they should be ordered to compensate Eliot for the value of the wrongfully obtained benefits and ordered to disgorge all profits derived by them. They should be ordered to pay treble damages and costs and attorney's fees. There should also be an order of injunction to prevent and restrain the alleged perpetrators from committing further RICO and other violations of law against Eliot and his family.

***Wherefore Eliot seeks appointment of a Federal prosecutor, Monitor and investigator to investigate, Fraud on this COURT, Fraud on the Probate court in FL, Fraud in the Probate court in Florida, Fraud by the Florida Probate court and Fraud in the Florida prosecutorial agencies defined herein.***

**EXTENSION OF TIME FOR ALL MATTERS WITH DEADLINES IN THIS COURT  
INCLUDING EXTENDED TIME TO TAKE DEPOSITION OF DONALD SANDERS OR  
PROVIDE INTERROGATORIES INSTEAD**

264. That Eliot is currently scheduled for a series of hearings in the five Probate cases involving the Estates and Trusts of his deceased parents, including two more hearings to attempt to remove Ted Bernstein as the alleged Trustee of the Simon and Shirley Trusts and also the lawsuit involving his three children's trusts with critical hearings scheduled as well. These hearings are taking place through May and into June and Eliot requests at least until July 15,

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2012 to file a reply to the Summary Judgement, which he has not started to even look at due to the flood of events described herein.

265. The Summary Judgement is 800 pages and Eliot is Pro Se so this is an extensive undertaking to complete within the 20 days required and these other hearings are all occurring in the time deadlines are set and this severely limits Eliot's due process rights, as he is Pro Se and all of these involve complex legal issues that would take a full time law firm to accomplish in months, not days, thereby putting the risk of error or missed court appearances or filings (like the hearing last week missed by Eliot before this Court, the first hearing Eliot has missed in any of these cases) and this loss of rights is a very real danger.

266. That Eliot believes these sudden flood of hearings heaped upon him are all further a Pattern and Practice of Sharp Practices and Harassment committed by the members of the Florida Bar involved in the Florida Probate case and certain parties to this Lawsuit, including the attorneys at law for Plaintiffs and the judges in the Florida Probate case.

***Wherefore, Eliot seeks extension of time for all matters with deadlines in this court including extended time to take deposition of Donald Sanders or provide interrogatories instead.***

#### **DECLARATORY JUDGEMENT**

267. That Eliot seeks this Court's declaration on all of the following issues;

- a. Eliot as a private citizen in the state of Florida has blown the whistle as a private citizen on State of Florida judicial corruption he has become aware of, whereby he has sued State of Florida Supreme Court members, The State of Florida, the chief

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judge Jorge Labarga of the Florida Supreme Court and other justices of that court, the Florida Bar and certain of its officers and certain members. That for Eliot's efforts he has been retaliated against by Florida Bar members who operate as judges, prosecutors and private attorneys at law working in concert to wholly disable his due process rights in relation to the ongoing litigations in the Probate court of Florida already described herein and his pursuit of his Intellectual Property rights and obstructing his rights to justice in the courts of Florida. That this Court is asked what remedy Eliot has in a situation where a state's entire legal framework is in conflict that party and no state relief is thus available.

- b. That similarly in criminal complaints Eliot filed with law enforcement that must be prosecuted by other Florida Bar members, Eliot has found further evidence of fraud and illegal interference by Florida Bar members, as in the case of Judge Colin contacting Sheriff investigators to cease criminal investigations) and whereby again his rights to due process and procedure have been obstructed with scienter and place he and his family in imminent danger without any state protection.
- c. That while Eliot is unclear which members of the Florida Bar are members who are working for the corrupt members he has sued or who can be influenced or threatened by such other members it is without question that all Florida Bar members can be

considered conflicted with Eliot due to his pursuit of civil remedies against the Florida Bar Association, which they are all due paying members of and thus all members must be conflicted out of handling any matters involving Eliot whether they are involved or not. Eliot seeks a statement from the Court that ALL Florida Bar members are conflicted with Eliot and cannot represent, adjudicate or prosecute any matters involving Eliot.

d. That Eliot has described in his whistleblowing that the Florida Bar is operating as a part of RICO styled criminal organization that threatens and intimidates members whose livelihood they control through their bar licenses and thus can be easily influenced to not represent certain parties they blacklist who are attempting to expose their corruption through judicial process. Eliot seeks this Court to declare what relief Eliot has when the Bar Association and its members are used to deny counsel through threats and intimidation or the court allows conflicted counsel and judges to proceed against Eliot despite their conflicts and involvement in fraud and disable his rights to due process and procedure.

e. Eliot has asked that counsel be supplied by the Court and protected from any contact by any member of the Florida Bar or any attorney at law in any state that makes threats or intimidation or innuendo to such protected counsel who the Court should

mandate all such efforts to communicate or influence said protected counsel be reported to this Court for immediate investigation and sanctioning. Eliot asks this Court if it fails to grant protected counsel, what relief Eliot can seek as there appears nowhere to turn, if the federal government will not force the Florida courts to follow law.

- f. How does a victim obtain Relief from a Mafia- type enterprise that operates in the courts under color of law abuse but that is engaged in crimes and where no relief can be sought because members of the Florida Bar are the ones who relief must be sought from?
- g. How can Eliot and his family get protected counsel in a jurisdiction and venue that is composed only of members of the Florida Bar that can be threatened and intimidated and where they are adverse to Eliot and in conflict with their roles as members of the organization he is pursuing?

***Wherefore, Eliot requests that there be a Declaratory judgment on the aforesaid issues.***

**SEEK LEAVE TO AMEND COUNTER COMPLAINT**

268. Eliot seeks leave to amend his Counter Complaint and as the pleading is rather complex seeks at least one month in which to complete the amend.
269. Eliot has helped design another whistleblower lawsuit for another inside Whistleblower like Anderson in New but in Florida, which his Counter Complaint will partially mirror the Counter Complaint filed last week by Barbara Stone, Esq. and these claims are very similar to those of Eliot's with different personal circumstances but the same RICO and

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Whistleblowing claims relating to the mob of criminals acting outside color of law with legal degree and title, and very high title, who are running a racket inside the state bar agencies, courts, prosecutors offices, congresspeople from both parties and more. See Stone Counter Complaint<sup>33</sup>.

270. That Eliot apologizes for any pleading errors or confusion in the layout of this motion but due to the circumstances defined herein and rush to get this in and seek protection it is what it is and Eliot also apologizes for not attending the last hearing and emphasizes that he in no way wanted to miss a hearing or lose any rights from not attending. This motion in fact began as a simple response to the Court's last Minute Entry regarding Eliot's missing Your Honor's court.

***Wherefore, Eliot seeks leave to amend counter complaint. That all URL'S linked herein are hereby incorporated by reference herein in entirety and Eliot requests that this Court print these and add them to the filing in order to prevent undue tampering after the fact with the linked documents.***

**WHEREFORE**, Eliot seeks this Court enter an Order Granting the Following Relief:

1. FEDERAL PROTECTION FROM LIFE-THREATENING DANGER TO ELIOT AND HIS FAMILY,
2. Grant Eliot DESIGNATION OF STATUS AS WHISTLEBLOWER AND AFFORD ALL STATE AND FEDERAL WHISTLEBLOWER PROTECTIONS. PROVIDE FEDERAL WITNESS PROTECTION,

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<sup>33</sup> Barbara Stone Whistleblower RICO Federal Counter Complaint  
<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/BarbaraStoneAttorneyWhistleblowerRICOAgainstTheFloridaBarEtAl.pdf>

3. STAY ALL PROCEEDINGS IN THE FLORIDA PROBATE COURT AND TRANSFER ALL FLORIDA PROBATE MATTERS TO THIS COURT,
4. APPOINT PROTECTED COUNSEL,
5. PROVIDE IMMEDIATE EMERGENCY DISTRIBUTIONS OF AT MINIMUM \$200,000.00 FOR ELIOT AND HIS MINOR CHILDREN;
6. FREEZE AND TRANSFER ALL PROBATE AND TRUST ASSETS OF SIMON AND SHIRLEY BERNSTEIN TO THIS COURT,
7. Eliot seeks for an order of punishment against Plaintiffs and those involved in the Florida Probate criminal misconduct as per Florida Statutes-Title XLVI Crimes Section 843.0855,
8. ALLOW FILING OF NEW RICO COUNTER COMPLAINT DUE TO NEW PREDICATE ACTS THAT QUALIFY and RE-OPEN PRIOR RICO CASE;
9. APPOINT A FEDERAL PROSECUTOR, MONITOR AND INVESTIGATOR TO INVESTIGATE FRAUD ON, IN AND BY THE FLORIDA PROBATE COURT,
10. As a result of the violations of RICO, parties found to have violated RICO should be ordered to compensate Eliot for the value of the wrongfully obtained benefits and ordered to disgorge all profits derived by them. Plaintiffs and others who acted in concert with them in this lawsuit should be ordered to pay treble damages and costs and attorney's fees. There should also be an order of injunction to prevent and restrain Plaintiffs and others connected to them from committing further such RICO violations,
11. EXTENSION OF TIME FOR ALL COURT MATTERS FOR TWO MONTHS,

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12. EXTEND ORDER FOR MORE TIME TO TAKE DEPOSITION OF DONALD SANDERS AND/OR PROVIDE INTERROGATORIES INSTEAD,
13. DECLARATORY JUDGEMENT,
14. SEEK LEAVE TO AMEND COUNTER COMPLAINT,
15. Award Pro Se attorney fees and costs,
16. Disgorgement of all attorneys and fiduciaries who were involved in frauds defined herein and
17. Any other relief Eliot has failed to ask for that this Court deems just and equitable.

Respectfully submitted,

DATED: Monday, May 4, 2015

*/s/ Eliot Ivan Bernstein*  
Third Party Defendant/Cross Plaintiff PRO SE

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on Monday, May 4, 2015, 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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