

IN THE CIRCUIT COURT OF THE FIFTEEN JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: THE ESTATE OF
SHIRLEY BERNSTEIN,
Deceased

CASE NO. 502011CP000653XXXXSB

HON. JUDGE MARTIN H. COLIN

_____/

ELIOT IVAN BERNSTEIN, PRO SE
PETITIONER,

V.

TESCHER & SPALLINA, P.A., (AND ALL PARTNERS,
ASSOCIATES AND OF COUNSEL),
ROBERT L. SPALLINA, ESQ., PERSONALLY,
ROBERT L. SPALLINA, ESQ., PROFESSIONALLY,
DONALD R. TESCHER, ESQ., PERSONALLY,
DONALD R. TESCHER, ESQ., PROFESSIONALLY,
THEODORE STUART BERNSTEIN, INDIVIDUALLY,
THEODORE STUART BERNSTEIN, AS ALLEGED
PERSONAL REPRESENTATIVE,
THEODORE STUART BERNSTEIN, AS ALLEGED
TRUSTEE AND SUCCESSOR TRUSTEE PERSONALLY,
THEODORE STUART BERNSTEIN, AS ALLEGED
TRUSTEE AND SUCCESSOR TRUSTEE,
PROFESSIONALLY
THEODORE STUART BERNSTEIN, AS TRUSTEE FOR
HIS CHILDREN,
LISA SUE FRIEDSTEIN, INDIVIDUALLY AS A
BENEFICIARY,
LISA SUE FRIEDSTEIN, AS TRUSTEE FOR HER
CHILDREN,
JILL MARLA IANTONI, INDIVIDUALLY AS A
BENEFICIARY,
JILL MARLA IANTONI, AS TRUSTEE FOR HER
CHILDREN,
PAMELA BETH SIMON, INDIVIDUALLY,
PAMELA BETH SIMON, AS TRUSTEE FOR HER
CHILDREN,
MARK MANCERI, ESQ., PERSONALLY,
MARK MANCERI, ESQ., PROFESSIONALLY,
MARK R. MANCERI, P.A. (AND ALL PARTNERS,
ASSOCIATES AND OF COUNSEL)

JOSHUA ENNIO ZANDER BERNSTEIN (ELIOT
MINOR CHILD)
JACOB NOAH ARCHIE BERNSTEIN (ELIOT
MINOR CHILD)
DANIEL ELIJSHA ABE OTTOMO BERNSTEIN
(ELIOT MINOR CHILD)
ALEXANDRA BERNSTEIN (TED ADULT
CHILD)
ERIC BERNSTEIN (TED ADULT CHILD)
MICHAEL BERNSTEIN (TED ADULT CHILD)
MATTHEW LOGAN (TED'S SPOUSE ADULT
CHILD)
MOLLY NORAH SIMON (PAMELA ADULT
CHILD)
JULIA IANTONI – JILL MINOR CHILD
MAX FRIEDSTEIN – LISA MINOR CHILD
CARLY FRIEDSTEIN – LISA MINOR CHILD
JOHN AND JANE DOE'S (1-5000)

MOTION TO:

COMES NOW, Eliot Ivan Bernstein ("Petitioner"), as Beneficiary and Interested Party both for himself personally and for his three minor children who may also be Beneficiaries and Interested Parties of the Estate of Shirley Bernstein ("SHIRLEY") as Guardian and Trustee, PRO SE¹, and hereby files this his **Motion to** dated **Friday, February 7, 2014** and in support thereof states, on information and belief, as follows:

BACKGROUND

¹ Pleadings in this case are being filed by Plaintiff In Propria Persona, wherein pleadings are to be considered without regard to technicalities. Propria, pleadings are not to be held to the same high standards of perfection as practicing lawyers. See Haines v. Kerner 92 Sct 594, also See Power 914 F2d 1459 (11th Cir1990), also See Hulsey v. Ownes 63 F3d 354 (5th Cir 1995). also See In Re: HALL v. BELLMON 935 F.2d 1106 (10th Cir. 1991)."

In Puckett v. Cox, it was held that a pro-se pleading requires less stringent reading than one drafted by a lawyer (456 F2d 233 (1972 Sixth Circuit USCA). Justice Black in Conley v. Gibson, 355 U.S. 41 at 48 (1957)"The Federal Rules rejects the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits." According to Rule 8(f) FRCP and the State Court rule which holds that all pleadings shall be construed to do substantial justice.

1. That Donald R. Tescher ("TESCHER"), Robert L. Spallina ("SPALLINA"), and their law firm Tescher & Spallina, P.A. ("TSPA") moved this Court to withdraw as counsel to Theodore Stuart Bernstein ("THEODORE") who is the Personal Representative in the Estate of SHIRLEY. TESCHER and SPALLINA also move this Court to resign as Co- Personal Representatives of the Simon L. Bernstein ("SIMON") Estate. These motions are suddenly being made over one year after the Estate probate proceedings were started, after several motions filed by Petitioner to REMOVE them for CAUSE with PREJUDICE.
2. That SPALLINA and TESCHER also sought a petition to be discharged by this Court as part of their withdrawal and resignation petitions. Eliot Bernstein, as Petitioner has previously sought the removal of SPALLINA and TESCHER as Co Personal Representative's; thus I am not interested in having them continue in that role; however, their petitions raise serious concerns.
3. That SPALLINA and TESCHER state that their reason for withdrawal is suddenly irreconcilable differences with THEODORE as to their motion to withdrawal as counsel to THEODORE as Personal Representative of SHIRLEY'S estate, and suddenly irreconcilable differences with the beneficiaries as to their motion to resign as Co Personal Representative's under SIMON'S estate.
4. That as an initial matter, Petitioner moves this Court to have SPALLINA and TESCHER state with specificity all of the reasons they feel they have irreconcilable differences as to the beneficiaries and as to THEODORE Bernstein. Petitioner also moves to have them state why it is now, a full year into the probate that they for the first time feel they have irreconcilable differences that force their resignation, evading the more serious matters discovered in this

Court regarding their law firm filing FORGED and FRAUDULENTLY NOTARIZED DOCUMENTS to close the Estate of SHIRLEY with a DECEASED PERSONAL REPRESENTATIVE ACTING AS IF ALIVE through their FRAUDULENT ACTIVITIES.

5. That even if the Court allows SPALLINA and TESCHER to resign and /or withdrawal, I object to their DISCHARGE. A discharge could impede the beneficiaries' rights to relief from each or both of them and their law firm when this Court finally determines the proper beneficiaries and the true value of SHIRLEY and SIMON'S Estates and Trusts and where the missing assets have gone. Keep in mind that Petitioner states that the estate values have been misrepresented so they could loot the Estates after illegally gaining Dominion and Control through fraudulent documents and thus began a host of alleged criminal acts to disperse assets to the wrong beneficiaries. SPALLINA and TESCHER have acted in many roles including but not limited to: (i) Counsel to Petitioner's deceased parents, (ii) Preparation of Wills and Trusts, (iii) Acting as Personal Representative's, (iv) Acting as counsel to Personal Representative's, (v) Acting as Trustee's, (vi) Counsel to Successor Trustee's and (vii) counsel to Successor Personal Representatives. So any discharge could affect their exposure in each of these roles and further damage Petitioner and others.
6. That subject to the other irreconcilable differences SPALLINA and TESCHER may state with specificity to this Court, it is clear from a RESIGNATION letter sent by TESCHER on January 14, 2014 to the children of SIMON and SHIRLEY that TESCHER and SPALLINA disagree amongst themselves now as to who the proper beneficiaries are due to what they claim are newly discovered old documents. In his letter, TESCHER states that a first amendment prepared by his Law Firm TSPA simply removed a step son and nothing else;

meaning the children of THEODORE, Pamela Beth Simon ("PAMELA") and their lineal descendant were not proper beneficiaries as they were wholly disinherited in the 2008 estate plans of both SIMON and SHIRLEY. In his resignation letter, TESCHER states that in January 2013, almost five years later, SPALLINA sent a different second first amendment to then counsel to Petitioner, Christine Yates, Esq. of the Tripp Scott law firm, which removed the step son and also allegedly changed the definition of lineal descendants so as to allegedly state that THEODORE and PAMELA'S children would be proper beneficiaries along with the other grandchildren.

7. That this was the stated basis of TESCHER'S resignation and in the letter he offered to make whole losses suffered by the affected parties. It is interesting that SPALLINA sent the other second first amendment, which changed the definition of lineal descendants, in January, 2013, as in November 2011 SPALLINA responded to PAMELA'S counsel Heriaud & Genin, Ltd., and a one, Tamar S.P. Genin ("GENIN"), see Exhibit _____ - GENIN'S Letter to PAMELA, SPALLINA claiming to GENIN that PAMELA, THEODORE and their children were wholly cut out of the Estates of both SIMON and SHIRLEY, with them considered predeceased and wholly disinherited.
8. This conversation however occurred three years after the purported signing of the first first amendment. Therefore, why would SPALLINA tell GENIN that PAMELA and her childr were cut out of the Estates and Trusts and wholly disinherited if SPALLINA had the other second first amendment reinstating them back in, in 2011. It is also curious that both documents are titled first amendment instead of one of them being titled a second amendment and they both were supposedly signed on the same date.

9. That the existence of the first first amendment likely is the basis why THEODORE may believe there is an irreconcilable difference as his kids would remain non-beneficiaries, and obviously now clearly demonstrates that THEODORE is conflicted and now incapable of serving as Personal Representative in these matters for either Estate, as a Personal Representative must look out equally for the interests of all beneficiaries, which he cannot do while arguing that his issue of his family being excluded should now be included to the detriment of the other grandchildren or children of SHIRLEY and SIMON. These conflicts are further cause that disqualify PAMELA as a successor Personal Representative of Trustee for similar conflicts.
10. That TESCHER'S letter exposes now that documents likely have been changed and/or created without his knowledge in the Estates and posited with this Court and with already FORGED and FRAUDULENTLY NOTARIZED DOCUMENTS made part of the Court record by their firm, including POST MORTEM FORGED DOCUMENTS, this adds further confirmation to Petitioner's claims that a mass of POST MORTEM fraud was enacted to illegally attempt to change beneficiaries, all architected and aided and abetted by TESCHER and SPALLINA. This may be further evidence of POST MORTEM changes or fraudulent changes to the dispositive documents and now in addition to the FORGED and FRAUDULENTLY NOTARIZED documents of the now arrested and sentenced Legal Assistant and Notary Public of TSPA, which were argued before this Court to be a one off affair to this Court fails, as more and more evidence of fraudulent activities pile up.
11. That subject to their reply to the irreconcilable difference questions it is clear that TESCHER and SPALLINA'S position is that THEODORE and PAMELA and their lineal descendants

are still excluded from the Estates and Trusts according to TESCHER'S resignation letter.

To support this,

- i. That as evidence, Exhibit _____ is a hand-written note from PAMELA to SIMON, which she attached to a Letter written by her attorney GENIN, dated January 2012 and sent to SIMON, which was three years AFTER the purported 2nd 1st amendment was executed in 2008 that allegedly added back in PAMELA'S children. However, in direct contradiction to this, SPALLINA clearly opined in the conversations with PAMELA'S attorney GENIN held in November 2011 that THEODORE and PAMELA and their lineal descendants were wholly excluded from the Estates and Trusts of both SIMON and SHIRLEY, no mention at that time of a second first amendment reinstating them. Why would SPALLINA state this lie to PAMELA'S attorney, knowing according to TESCHER and SPALLINA'S ever changing story that SHIRLEY had changed her language to include her grandchildren in the second first amendment that he allegedly prepared along with the 2008 estate plans?
- ii. TESCHER'S resignation letter states he only became aware of the purported 2nd 1st amendment in January 2013 when it was sent to PETITIONER'S children's counsel, Christine Yates, Esq. at Tripp Scott and why did TESCHER wait until now to tell this Court and PETITIONER this remarkable information he discovered a year earlier and has continued selling the other story while he had this evidence in hand. In his letter TESCHER was allegedly aware of the 1st amendment excluding THEODORE'S stepson Matthew Logan alleged executed

in 2008, if one believes anything they claim or any document they have tendered any longer. That this further supports the need for forensic analysis of ALL documents that are posited in the Court's record for evidence of further fraud, fraud in and upon on the Court by OFFICERS OF THIS COURT and fraud on the Beneficiaries.

12. That one thing is clear from PAMELA'S note and her lawyer's letter is that SIMON wanted first and foremost to take care of PETITIONER and provide his family and children due to Petitioner's extraneous circumstances, including the Attempted Murder of his family through a terrorist stylized car bombing of his family minivan in Delray Beach, FL., other death threats against his family and his pursuit of the alleged perpetrators, which involve a mass of Attorneys at Law, Judges, Politicians, etc. involved in theft of his and SIMON'S Intellectual Properties. These plans they were contracted by SIMON and SHIRLEY to do to protect Petitioner and his family are the one thing that TESCHER and SPALLINA have instead attempted to thwart since their passing, now trying to unwind these plans through a series of fraudulent actions as pled in the multiple prior UNHEARD Petitions and Motions with this Court.

13. That because THEODORE acting as Personal Representative in SHIRLEY'S Estate would take the position that his children should be included in the Estates, this creates inherent and absolute conflict because now he cannot act to all beneficiaries impartially while competing for benefits for his children at expense of other grandchildren or children of SIMON and SHIRLEY. There are many other reasons THEODORE should not be in any fiduciary capacity in the Estates, which again have been filed repeatedly with this Court but remain unheard, for a sampling of those reasons, see the letter to this Court at the URL @

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20130920%20Re%20SHIRLEY%20BERNSTEIN%20ESTATE%20CASE%20NO.%2050%202011CP000653%20-ORDERS.pdf> and
<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20130923%20Re%20SHIRLEY%20BERNSTEIN%20ESTATE%20CASE%20NO.%2050%202011CP000653%20-%20ORDERS.pdf>.

14. That these recent events with the resignation of counsel make it an ideal time for the Court to now determine who the proper beneficiaries are and all records and documents should be seized and analyzed first in so doing and shared with the beneficiaries at long last, along with all Court records, as it appears that tampering with Court files may also have occurred in the positing of certain documents in the Court record, in order to make a decision based on ALL the necessary documents.
15. That further, the Court **may find** that the 2008 Estate documents are the last validly executed documents of SIMON and SHIRLEY, at this point Petitioner still does not have copies, including the 2008 Will of SIMON and the 2008 Trust of SIMON, as they have been denied and suppressed to this point in violation of Probate Rules and Statutes, and so the beneficiaries may also end up being only Petitioner and his two sisters Jill Iantoni ("IANTONI") and Lisa Friedstein ("FRIEDSTEIN") and their six lineal descendants as was allegedly stated in the 2008 documents. In this case, all the alleged changes in the alleged 2012 documents, which have all been challenged in Petitioner's prior unheard Petitions and Motions, regarding the grandchildren, may be nullified entirely, along with all the 2012 documents but due to TESCHER'S resignation letter, now even the 2008 documents must be questioned for further evidence of fraud, defined further herein.

16. That in regard to TESCHER and SPALLINA resigning and withdrawing and being discharged as Co-Personal Representative's in SIMON'S estate due to sudden irreconcilable differences with the children and grandchildren, their desire to withdraw, resign and be discharged, while consistent with Petitioner's motions to Remove the Personal Representative's, is not for the same reasons and must be done to minimize any further risks of injury to the already damaged parties admitted to by TESCHER. The beneficiaries have already been damaged from the FORGED and FRAUDULENTLY NOTARIZED DOCUMENTS submitted by TSPA in this proceeding and the crimes committed and admitted to by SPALLINA in the September 13, 2013 Hearing before this Court, where he admitted to closing the Estate of SHIRLEY with a DECEASED SIMON acting as a living Personal Representative.
17. That due to the criminal acts and civil torts that TSPA, TESCHER and SPALLINA are involved in already and the damages they have caused thus far, Petitioner requests the Court to REMOVE them with CAUSE and PREJUDICE and not rule on their motions to discharge them or allow them to withdraw based on their baseless pleadings, instead favoring Petitioner's reasons to REMOVE them with cause and force reliefs sought by Petitioner in his prior Motions to Remove the Personal Representatives from damages inflicted and admitted to.
18. That if their response to the "irreconcilable differences" they cite is that they want to withdraw and their resignations are based on the two differing first amendments causing a dispute of who the beneficiaries are and not all the reasons Petitioner has demanded their REMOVAL with Cause for in his prior UNHEARD Motions and Petitions since May 2013, including but far from limited to, the forged and fraudulently notarized docs, the failures to

follow Probate Rules and Statutes in toto, the identity theft of SIMON to close SHIRLEY'S estate, the attempt to change the beneficiaries of the Estates of both SIMON and SHIRLEY POST MORTEM, the allegations of a mass of felony crimes to loot the estate through a variety of fraudulent activities, etc., then their motion for discharge should be denied at this time, as the determination that the beneficiaries needs to be fixed due to problems wholly created by their errors and criminal acts, which is not cause to be removed when it is the job of the Personal Representative's to fix the problem of beneficiaries, especially where they created them and are Attorneys at Law.

19. That how can Attorneys at Law acting as Personal Representatives have irreconcilable differences with beneficiaries? It is the job of the Personal Representatives to determine who the proper beneficiaries are in an Estate and to ensure all Estate assets are marshaled and distributed properly. Because they now seek to resign and withdraw, and consistent with Petitioner's position since the probate proceedings began that they must go for a host of more serious and disturbing problems, it is now the proper time for this Court to entertain proceedings to determine first the true worth of the decedents.
20. That this accounting must be accomplished first while SPALLINA and TESCHER are still in this Court's jurisdiction and certainly before any contemplated discharge. Petitioner previously stated the multiple roles these lawyers played in controlling virtually every aspect of the Estates and the roles they have played in illegally seizing Dominion and Control of the Estates and then denying and suppressing documents from the beneficiaries in efforts to convert assets and steal them outright, as evidenced to this Court in prior pleadings.
21. That evidence already presented to this Court demonstrates that the decedents were worth many times the total combined net worth of the estates and trusts were of \$4,000,000.00 that

SPALLINA and THEODORE have told this Court under oath and in the hearings before the Court. As the Estate of SHIRLEY was not represented by any party at any of the past four hearings held, there was no Personal Representative to make claims in opposition to these claims or cross examine SPALLINA and THEODORE but enough evidence is already in the record to show this amount far below the known amount of assets.

22. That Petitioner seeks an Evidentiary Hearing while SPALLINA and TESCHER are still not discharged and are still in a fiduciary position as to the beneficiaries to question them under oath after the Court has forced the release of all documents owed to beneficiaries that remain denied in violation of Probate Rules and Statutes.

23. That an example through evidence already in this Court that financial skullduggery is occurring, is that the inventory prepared by TESCHER and SPALLINA in SHIRLEY'S Estate indicated she had only \$25,000 of personal property when she died and was so stated under oath by THEODORE and SPALLINA in the October 28, 2013 Evidentiary Hearing. However, immediately after learning in the Evidentiary Hearing of October 28, 2013 of this claim, Petitioner submitted insurance documents showing SHIRLEY had in jewelry alone a much greater personal property value, evidencing nearly \$700,000 of jewels that have disappeared from the Estates that were appraised shortly before her death. Petitioner has other evidence to bring to this Court that will show SIMON and SHIRLEY'S true net worth to be much higher.

24. That another example of this Skullduggery was exposed by Your Honor's release of SIMON'S sealed Inventory to Petitioner that was never published to the Beneficiaries according to Probate Rules and Statutes, which revealed an inventory missing many Personal Property assets of SIMON. Then weeks later, almost a year and half after SIMON passed in

efforts to amend the Inventory, as evidence was pouring in of assets missing off the Inventory, TESCHER and SPALLINA submitted an AMENDED INVENTORY, which PETITIONER challenges and rejects herein, which are suddenly adjusted to include assets TESCHER and SPALLINA knew about since SIMON'S death and in fact they were instrumental in preparing the alleged legal work regarding those newly claimed assets.

25. That approximately ONE MILLION DOLLARS of assets were added to the original inventory, in an Estate they claim is only worth Four Million and where the original inventory claimed SIMON only had Personal Property of approximately ONE HUNDRED THOUSAND dollars.

WHEREFORE, Petitioner prays for all of the following relief,

1. That ALL Attorneys at Law that have been involved in these matters in any capacities be REMOVED with CAUSE and PREJUDICE and their motions to withdraw be denied.
2. That ALL Attorneys at Law seeking withdrawal first post requisite BONDS for the damages caused thus far and still being investigated in an amount no less than \$10,000,000.00 each.
3. That Mark Manceri who has withdrawn as counsel in his multiplicity of roles in the Estates of SIMON and SHIRLEY and who should have also been REMOVED with cause by this Court also be required to post requisite BOND for the damages caused thus far and still being investigated in an amount no less than \$10,000,000.00.
4. That the Personal Representatives of the Estates of SIMON and SHIRLEY, THEODORE, SPALLINA and TESCHER, be required to post requisite BONDS for the damages caused thus far and still being investigated in an amount no less than \$10,000,000.00 each.

5. That there is no discharge at this time only a REMOVAL for CAUSE as counsel and REMOVAL for CAUSE from acting as Personal Representatives.
6. That this Court and Your Honor post a Public Official Surety Bond, as certain crimes admitted to already and alleged have occurred in and upon this Court, by Officers of this Court under Your Honor's supervision in an amount no less than \$10,000,0000.00, until the matters can be fully investigated.
7. That the Court decides the values of the Estates and who the proper beneficiaries are first before any discharge due to the admitted exposures and liabilities to beneficiaries and additional ones that may result from premature discharge by Your Honor.
8. That Petitioner wants the Attorneys at Law and the Personal Representatives all removed for cause and not discharged until all issues of exposure are fully resolved both in civil and criminal matters that remain ongoing.
9. That Petitioner wants before any discharge being granted and in considering their petition to withdraw that the court evaluate the actual value of the net worth of SIMON and SHIRLEY, as Petitioner has stated all along that the value of SIMON and SHIRLEY at the time of death is considerably larger than what this Court and Petitioner have been told by the Personal Representative's in statements made in hearings thus far. As the Personal Representatives have failed to provide legally required financials and accountings for the Estates and Trusts at this point, this becomes an essential step once they are removed and forced to turn over all the records to the beneficiaries necessary to evaluate the worth.
10. That Petitioner requests that all legal fees for SIMON and SHIRLEY charged by any of the fleeing Attorneys at Law involved be returned in full with interest to the Estates.

11. That Petitioner demands this Court follow Judicial Canons and Law and report all crimes that have been committed in and upon this Court by Officers of this Court to the proper authorities for full and formal investigation.
12. That because of their acting in multiple roles, as Personal Representative's, Trustees, counsel to the estate, counsel to the decedents and their actions in these capacities, Petitioner is alleging the assets have been looted with no oversight and records were suppressed and denied from beneficiaries purposefully to commit crimes and the records that were released thus far are found fraught with further evidence of fraud, forgery and more, including the inventories filed for both SIMON and SHIRLEY, which appear to be missing millions in assets.
13. That TESCHER and SPALLINA are either responsible and part of the pillage and looting or they knew it was happening but did not prevent it and if they did not aid and abet directly they knew or should have known of the total assets and the fraudulent docs and in just the limited case of jewelry they stated in the October 28, 2013 Evidentiary hearing that SHIRLEY was worth only 25k and the insurance evidence provided to the court in Petitioner's prior motion differs and show that almost \$700,000 of jewelry is missing from her inventory and a fully paid for Bentley.
14. So let this Court not just decide on who the beneficiaries are before any discharges are granted but more importantly first determine what the EXACT net worth of SIMON and SHIRLEY was through full and formal accounting and forensic accounting as now necessary. Where did all of the assets go, why has accounting been suppressed and denied and what is the extent of their culpability and their liabilities for allowing the looting of the estates and/or participating in the looting of the Estates? The Court should figure out the

exact net worth, then determine the beneficiaries and then consider any form of discharge after forcing them to list ALL of the reasons they are really seeking to be withdrawn and discharged.

15. That their Motion to Withdraw and be Discharged not be heard, until hearing ALL of Eliot's prior motions to this Court to REMOVE the Personal Representatives for CAUSE filed since May 2013.
16. Do not discharge until all investigations are complete in state and federal actions as their culpability and exposure remains open to further information relating to those other related criminal and civil actions now in progress.
17. That the Court should note that all of these Attorneys that are resigning or withdrawing for their stated reasons should not be moving the Court any longer, including these pleadings and in any hearings, where pleadings should have been filed by non-conflicted counsel, as they have resigned as counsel and are withdrawing as counsel and thus should be represented forward before the court.
18. That the Court must also ask if it too must disqualify itself as Eliot filed a motion for disqualification of Your Honor but Your Honor ruled it was not legally sufficient and while Eliot is preparing a response and requesting clarification, Eliot wants this Court here and now to reveal if Your Honor has discovered any reasons such as conflicts or adverse interests for your own disqualification. If there are such conflicts or adverse interests is it not legally required that Your Honor act on your own motion to disqualify yourself and not wait for Petitioner who is Pro Se to get the disqualification technically right or legally sufficient? A mere statement that no conflicts or adverse exist in these matters would be sufficient at this time to clarify this matter, as if conflicts or adverse interests exist at this point due to the

criminal acts occurring in and upon this Court, with Your Honor's Court Officers involved and Your Honor directly involved so as to now be a material and fact witness and more, than Your Honor is required by Judicial Cannons to disqualify.

19. That another statement that no conflicts exist with Eliot Bernstein or the Iviewit Companies, especially in relation to Judge Jorge Labarga whom Your Honor cites as your "Mentor" in your Florida Bar Resume would also be appropriate, as Petitioner has alleged that Jorge Labarga is intimately and centrally involved in an ongoing RICO and ANTITRUST Lawsuit and ongoing criminal investigations relating to theft of Petitioner's Intellectual Properties.

Eliot Bernstein, Pro Se and as legal guardian
on behalf of his minor three children

X_____

CERTIFICATE OF SERVICE

I, ELIOT IVAN BERNSTEIN, HEREBY CERTIFY that a true and correct copy of the foregoing **Motion to _____** has been furnished by email to all parties on the following Service List, Friday, **February 7, 2014**.

Eliot Bernstein, Pro Se and as legal guardian
on behalf of his minor three children

X_____

SERVICE LIST

**Motion to
Friday, February 7, 2014
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ALEXANDRA BERNSTEIN (TED ADULT CHILD)
ERIC BERNSTEIN (TED ADULT CHILD)
MICHAEL BERNSTEIN (TED ADULT CHILD)
MATTHEW LOGAN (TED'S SPOUSE ADULT CHILD)
MOLLY NORAH SIMON (PAMELA ADULT CHILD)
JULIA IANTONI – JILL MINOR CHILD
MAX FRIEDSTEIN – LISA MINOR CHILD
CARLY FRIEDSTEIN – LISA MINOR CHILD

EXHIBIT 1 - JANUARY 14TH 2014 DONALD TESCHER AND TESCHER &
SPALLINA, P.A. RESIGNATION LETTER

EXHIBIT 2 - JANUARY 2012 NOTE FROM PAM TO SIMON WITH NOVEMBER
2011 LETTER FROM PAM'S ATTORNEY

EXHIBIT 1

Friday, February 7, 2014

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