

**MOTION TO REMOVE ALAN B. ROSE, PAGE, MRACHEK, FITZGERALD & ROSE, P.A., JOHN PANKAUSKI AND PANKAUSKI LAW FIRM PLLC FROM ALL LEGAL CAPACITIES IN THE ESTATES AND TRUSTS OF SIMON AND SHIRLEY BERNSTEIN IMMEDIATELY FOR CONFLICTS OF INTERESTS, ADVERSE INTERESTS AND THEIR DIRECT INVOLVEMENT IN THE FRAUD ON THIS COURT, FRAUD ON THE BENEFICIARIES, INTERESTED PARTIES, CREDITORS AND MORE AND REPORT THE FELONY MISCONDUCT OF OFFICERS OF THIS COURT IN THESE MATTERS TO THE PROPER AND NECESSARY AUTHORITIES AS LEGALLY REQUIRED UNDER JUDICIAL CANNONS AND LAW**

1. That Alan B. Rose, Esq. is conflicted from representing any parties in a legal capacity in these matters due to his direct involvement in the CRIMINAL ACTS and ARTIFICES TO DEFRAUD Beneficiaries, Interested Parties and Creditors, in conjunction and in alleged conspiracy with the ATTORNEYS AT LAWS, OFFICERS OF THIS COURT, EXECUTORS/PERSONAL REPRESENTATIVES/CO TRUSTEES/COUNSEL TO THEMSELVES AS CO TRUSTEES AND PERSONAL REPRESENTATIVES/COUNSEL TO THEODORE IN A VARIETY OF CAPACITIES, Robert Spallina, Esq. and Donald Tescher, Esq. , who have been already removed from these proceedings for CRIMINAL ACTS they or others employed by them have both proven and admitted, including but not limited to, crimes of FRAUD ON THIS COURT, FRAUD ON BENEFICIARIES, ALTERING ESTATE AND TRUSTS DOCUMENTS POST MORTEM, NOTARY PUBLIC FRAUD AND FORGERY (INCLUDING POST MORTEM FORGERIES OF THE DECEDENT SIMON and more).
2. That Alan B. Rose, Esq. worked and advanced these artifices to defraud Eliot, Beneficiaries, Interested Parties, Creditors, this Court and others and apparently even after Alan knew his client was taking improper distributions against the advice of counsel, tried to have Eliot take similar illegal distributions to improper parties, in hopes that Eliot would take the improper monies, giving an implied consent to the crimes, in efforts to aid and abet his friends and colleagues, Tescher and Spallina, who he worked closely with in advancing the fraud schemes.
3. That not only were fraudulent documents tendered to this Court but other Trust documents were fraudulent that Attorney at Law Robert Spallina admitted to Palm Beach County Sheriff Investigators that he ALTERED with INTENT TO DEFRAUD and used these documents to convert assets illegally to improper parties. These documents were used in a variety of alleged frauds currently under ongoing investigations where Alan, Pankauski and other are suspects and where they will also be included as suspects in all future criminal and civil actions relating to the crimes and alleged crimes.
4. That the fraudulent and forged documents were not only tendered to this Court as part of a FRAUD ON THIS COURT but they were also sent to lawyers at Tripp Scott law firm, banks, insurance companies and then apparently a host of other parties via mail and wire fraud, to convince them to act and transact documents and monies to improper parties.
5. That Eliot has alleged to this Court and state authorities that Alan, Theodore, Spallina, Tescher, Manceri and others, since learning that authorities including the Palm Beach County Sheriff Office and Governor Rick Scott's Notary Public Investigation Department were investigating them, have launched a conspiracy to EXTORT, HARASS and DEFAME Eliot in efforts to force him to take illegal distributions and invalidate his claims against them and by INTERFERING WITH HIS AND HIS CHILDREN'S INHERITANCE through a series of criminal acts and EXTORTIONARY tactics to deprive

him of employment, deprive him of companies he and his children were to inherit, attempted to steal their son's automobile by claiming it an asset of the Estate and then abandoning that claim after a year of legal expenses totaling over \$20,000 they caused on an \$11,000 Kia Soul and now try and claim Eliot's children's home is an asset of the Estate of Simon and attempt to force foreclosure on the property through a series of further alleged criminal acts, already described in detail in prior pleadings SEE [www.iviewit.tv/PLEADING 1, 2, 3](http://www.iviewit.tv/PLEADING_1,2,3).

6. That Eliot was sent an email on DATE directly to him by Theodore and NO OTHER PARTY was addressed or copied as a recipient in the email. Where neither Theodore nor Eliot are Attorneys at Law and are not in any way clients of each other. Eliot read the email and as soon he did he distributed it widely, as the letter contained what appeared threats to harm, harass and defame Eliot, his family, the decedents close personal friends and business associates in a LEGAL ABUSE STRATEGY now that Theodore and Alan were compelled to give statements to the Palm Beach Sheriff Office regarding a variety of criminal complaints that they are alleged suspects in relating to the Probate crimes already proven and admitted and other alleged criminal acts.
7. That Theodore, Rose and Pankauski knowing they and their friends they were engaged by and worked legally with to advance these artifices to defraud are under investigation and are named RESPONDENTS in the Estate and Trust actions in this Court are on a last ditch effort to use LEGALLY ABUSIVE STRATEGIES FURTHER TO ATTEMPT TO COVER UP THEIR CRIMES AND PERPATRATE NEW CRIMES IN AND UPON THIS COURT and others through LEGAL PROCESS ABUSE.
8. That from the email Theodore sent to Eliot, it appeared that Theodore had crafted a threatening letter to Eliot and the decedents friends and even the Creditor Stansbury and his attorney Feaman that Theodore, against the advice of counsel Pankauski was going to launch an all-out legal abuse campaign on anyone who has information that could further prosecute Spallina, Tescher, Theodore, Rose, et al. or was helping Eliot in any way and Eliot and his family, including his three minor children and this is why Eliot has become enraged.
9. Then after knowing Eliot would read the letter and distribute it to others as he does on most communications that relate to these matters, including those named in the email, try to claim that Eliot and those people who read it be bound to destroy it and not use it as evidence against this through a failed attempt to claim it was Attorney/Client Privileged through further costly LEGAL PROCESS ABUSE, since Roses knows that the communication occurred between two non-lawyers that are not clients of each other either. Yet, this now failed legal trickery did not work as some of those who received the email before a claim of Privilege was known by Eliot have published the information.
10. That hours after Eliot had read and distributed the email far and wide and to all the people named in the document, Eliot later learned that Rose was requesting this email now become Attorney Client/Privileged information, as fully discussed in the prior hearings before this Court.
11. That Eliot responded to Rose that he did not believe the information was Attorney/Client Privileged timely as required by Statute and Eliot despite not believing it to be Attorney/Client Privileged as it was an email Theodore sent to Eliot directly and solely to him, he has notified the parties he sent it to of the claim of privilege and requested they destroy it if they felt necessary and attached the statutes governing privilege but Eliot cannot control what they did next with it.
12. THAT SINCE ELIOT HAS PROMISED THE COURT TO KEEP THE ACTUAL EMAIL SENT TO HIM CONFIDENTIAL UNTIL AFTER THE EVIDENTIARY HE CANNOT PRODUCE IT IN THIS DOCUMENT OR ELSEWHERE UNTIL AFTER THE HEARING, HOWEVER, AS THIS COURT KNOWS, PRIOR TO LEARNING OF THEIR FAILED CLAIM OF ATTORNEY/CLIENT PRIVILEGE, ELIOT SENT THE EMAIL AND PUBLISHED THE EMAIL TO SEVERAL THOUSAND PEOPLE AS TESTIFIED TO IN THE HEARINGS THUS FAR REGARDING THIS EMAIL, INCLUDING THOSE PEOPLE NAMED IN THE DOCUMENT WHO WERE

INCLUDED IN THE LEGAL ABUSE SCHEME EXPOSED. THE EMAIL IT APPEARS HAS SINCE BEEN PUBLISHED ON THE WORLD WIDE WEB BY SOME OF THOSE THAT RECEIVED THE EMAIL, DESPITE ELIOT NOTIFYING THEM OF THE PRIVILEGE CLAIM AND RULES. THEREFORE, ELIOT CAN ONLY POINT THIS COURT TO THOSE DOCUMENTS PUBLISHED, SUCH AS THE ONE AT THE RIPOFF REPORT WHERE THE EMAIL HAS BEEN PUBLISHED PUBLICALLY AND THUS ELIOT WILL PARAPHRASE FROM THAT PUBLIC WEBSITE PUBLICATION OF THE EMAIL.

13. That this Court has entertained an evidentiary hearing for this frivolous and vexatious attempt to claim Privilege on a threatening letter sent to Eliot and where the problem with this email all along being claimed to be privileged is that Theodore lost all claim to privilege when he sent the letter to a 3<sup>rd</sup> party despite what his claimed intent was, as Privilege is a form over intent issue, where Theodore's intent has no place once he sent the letter to a 3<sup>rd</sup> party, not his Attorney at Law.
14. That Eliot cannot control the other parties the email was sent to after he sent out without knowing of any claim of Privilege and despite that Eliot later notified all parties of the Privilege Rules and asked them to destroy it if they felt necessary based on the rules, Eliot cannot control others. However it came to Eliot and many others involved in this case attention that one recipient, Crystal Cox, has notified Alan and others that she did not care about their frivolous claim to hide threatening documents and thought their claim was baseless and was posting the information on her blogs and elsewhere throughout the world wide web and so did with the intent of exposing the threatening letter as part of her job as a professional expert legal corruption blogger. One site she posted the contents of the letter on for example is at <http://www.ripoffreport.com/r/alan-rose-of-mrachek-fitzgerald-rose/west-palm-beach-florida-33401/alan-rose-of-mrachek-fitzgerald-amp-rose-alan-b-rose-suppress-free-speech-cover-up-1149197> .
15. That this Court prior to compelling Eliot to produce any documents or be deposed by Rose, Pankauski, their firms or Theodore must first determine if any of them can legally act in any legal or fiduciary capacities in these matters any longer, especially where Rose, Pankauski, their firms are now named Respondents in these matters for good and just cause, due to their direct involvement with Tescher and Spallina et al. in perpetrating the artifices to defraud already proven and admitted in these matters and those further alleged and under investigation.
16. That Rose, Pankauski and Theodore are all directly involved in the attempts to have distributions made to improper parties and where they are alleged to be part of an Extortion of Petitioner and his family, as already pled to this Court in prior unheard Motions, [www.iviewit.tv/](http://www.iviewit.tv/) EXTORTION PLEADINGS.
17. That this Court must determine before any further legal actions are represented in these matters by Rose, Pankauski et al. and can continue to act in any legal capacities on behalf of others in these matters, where they now have a direct interest that biases their representations, due to the fact that they are directly involved and may end up being prosecuted if they lose in this Court or are arrested by authorities investigating the matters. That Rose, Pankauski and their firms either need to retain counsel for each capacity they are sued under or declare that they are representing themselves Pro Se to this Court.
18. That Rose and Pankauski's direct involvement with the criminal matters in the Estates and Trusts have caused him to become Adverse to parties again influenced by their bias in the matters and it appears that their current legal strategies exposed in Theodore's communication to Eliot are part of an abusive and harassing LEGAL PROCESS ABUSE scheme done in efforts to try and smear and defame Eliot, who is now the bane of their existence, especially as Eliot is spearheading the investigations with authorities into their direct involvement in the criminal acts of Tescher and Spallina, which may lead to their disbarment along with prison time, along with their colleagues and friends they worked with in perpetrating these crimes.

19. That these direct personal and professional interests in the outcome of the matters bias their representations before the Court and the fact that they are now Respondents both personally and professionally, make their continued practice before this Court in these matters on behalf of others also involved in the former frauds prohibited or certainly cause for removal by Your Honor to uphold the integrity of the Court. Theodore must be compelled to get representation that was not part of the prior schemes and artifices to defraud this Court, the Beneficiaries, Creditors and others.
20. That Eliot requests the Court prior to compelling production of Eliot to Rose, Pankauski or Theodore of ANYTHING, first look at the published email first, as it is now published by another party in part online at <http://www.ripoffreport.com/r/alan-rose-of-mrachek-fitzgerald-rose/west-palm-beach-florida-33401/alan-rose-of-mrachek-fitzgerald-amp-rose-alan-b-rose-suppress-free-speech-cover-up-1149197>
21. That this email that is trying to be claimed as Privileged that Theodore sent directly and solely to Eliot, where neither are attorneys nor clients of the other. The email describes Theodore's legal strategy with Rose and Pankauski, which appears to be one that harasses Eliot and to be "FORCEFUL" and "AGGRESSIVE" with Eliot and Theodore claims he will get rid of any counsel that does not get forceful and aggressive with Eliot.
22. That Theodore states in the email posted at RipOff Report in a letter embodied in the email addressed to Alan, "If John [Respondent John Pankauski, Esq. Theodore's other lawyer in these matters] does not want to tangle with Eliot, remove John immediately. I am sorry to be this blunt, but I do not want to address the John issue again. If he is not 100% in support of me as trustee, including how I have protected myself with trust assets and will continue doing so as necessary, and being aggressive and forceful, if need be, with eliott, remove him as counsel."
23. That in the email from Theodore to Eliot published at RipOff Report, Theodore claims further, "I do not want to spend another unnecessary dollar with counsel that is not going to zealously defend me as trustee and protect trust assets. I cannot be more decisive re this and I say this with no animosity - simply for efficiency sake and my best interest." Showing that Theodore is acting in his own best interest, despite the advice of counsel and with grave adversity to Eliot, thereby further cause for immediate removal of Theodore in these matters in ANY FIDUCIARY CAPACITIES that Eliot or his family have interests in.
24. That Theodore is also found in the Palm Beach County Sheriff Report [www.iviewit.tv/](http://www.iviewit.tv/) to have also been alleged to have taken improper distributions from the Estates and Trusts knowingly and AGAINST THE ADVICE OF COUNSEL and where these allegations appear to be from his counsel Tescher and Spallina, which apparently Theodore only considers legal advice as mere suggestion and when he does not like the advice his intent is to fire counsel whose advice he does not like and get rid of them.
25. That Alan Rose is aware that Theodore is alleged to have acted in BREACH OF FIDUCIARY DUTIES by taking the distributions against the advice of counsel, as learned in the Palm County Sherriff Report in these matters and yet failed to notify this Court or other authorities or the Beneficiaries, et al. regarding the alleged criminal misconduct of a fiduciary of this Court that he represents, as may be required under Florida Rules of Professional Conduct and Law, especially where the alleged Criminal Conduct involves a Trustee as Client. Again however, Rose's legal and ethical obligations are perverted by his bias against Eliot and the fact that he too may get busted soon and so it appears he will not do what is required under ethical or legal obligations to evade his own doom.
26. That Theodore who knows he is under ongoing investigations and knows Eliot is pursuing him and his legal bedfellows and business partners (Tescher, Spallina, Manceri et al) through criminal authorities, goes on to say, "Anything and everything pertaining to Iviewit [Eliot's Technology Companies that are subject of numerous investigations and civil actions], including his harassment of Jerry Lewin, Al Gortz of Proskauer and their firms. I want court proceedings, lawsuits, all

correspondence to him and from him including paper and electronic, including video tapes and electronic interviews.” Here the Court can see that Theodore is not concerned with a legal strategy pertaining to these Probate matters but more using the Legal Process to ABUSIVELY gain information for his close personal friends Proskauer and Lewin and to gain insight into Eliot’s legal strategies and ongoing state and federal actions against them that also involve Theodore, as Eliot’s first Petition to this Court explains Theodore’s involvement in a car bombing of Eliot’s family minivan. Theodore is using Estate and Trusts assets to achieve all of these LEGAL ABUSE STRATEGIES and why not, he was disinherited entirely from the Estates and Trusts of his mother and father, in all beneficiary scenarios that exist, as there are now multiple possibilities due to the Fraudulent and Forged Documents, the Admitted Altered Estate and Trust Documents.

27. That in Theodore’s next statements in his email to Eliot as published on RipOff Report, he claims he wants Rose to get the, “History of incidents at st. Andrews school.” That what does Eliot’s MINOR children’s school records have to do with the Estates and Trusts of Simon and Shirley, NOTHING but it acts as a threat to Eliot that Theodore and Rose will be coming after his children next, perhaps “forcefully” and “aggressively” too.
28. That next in the email published at RipOff Report comes threats to harass anyone related to or helping Eliot, including his parents close personal friends and business associates that have information against Theodore and may be talking to investigators already and providing evidence against he and Rose, Spallina, Manceri, Pankauski, Moran and Baxley. He wants confidential information pertaining to the investigations against him and others and the way he wants to achieve this with Rose is through LEGAL PROCESS ABUSE. Theodore states, “All correspondence of every type with: walker [Decedents Simon and Shirley’s Personal Assistant], puzzio [Simon’s partner], SAHM [Simon’s Business Associate and Friend], Diana banks [Simon’s Business Assistant and friend], Scott banks [Simon’s Business Partner and friend], NACLERIO [Simon and Shirley’s 30+ year friends], Dietz [Eliot and Candice’s former Employer and 30+ year friends], Gefen [Not sure who this is] and every person on his email distribution list [which includes state and federal investigators and more]. If he doesn't comply, I want all of them deposed. Everything in which he has mentioned my name including emails, phone calls, letters, complaints to whatever agencies he has made complaints including police, federal, state, regulatory. Everything and anything he is doing that we are not yet aware of such as online web site attacks.” This statement fully exposes the nature of the sudden deposition request and production request by Rose in these matters that are wholly fishing expeditions to gather information to harm people and further legal process abuse, in which they intend to use this information not for the benefit of the Estates and Trusts but to further a legal abuse strategy to gain information regarding this highly confidential information that could expose many innocent third parties to harm and danger and put them both in prison.
29. That Eliot has spoken to two parties already that received the email prior to any Privilege claim who are fearful of Theodore and especially concerned that information pertaining to them that they have against Theodore may cause him to take actions against them to harm them.
30. That for this Court to allow biased attorneys who are materially involved in the artifices to defraud and were engaged by the attorneys at law that committed crimes and who further participated in the advancement of those fraudulent schemes, who were allegedly brought in to aid and abet various frauds to convert assets to improper parties, could be construed that the Court is aiding and abetting a cover up through LEGAL ABUSE STRATEGIES that allow further Officers of this Court to act in violation of Attorney Conduct Codes and Law, in efforts to gain information into the investigations and other private and confidential matters against all those involved who are almost all Officers and Fiduciaries of this Court, which would give the Appearance of Impropriety, as the Court can be construed to have Adverse Interests and Conflicts with these matters due to the fact that many of

the crimes proven and alleged took place directly in and upon this Court, committed by Officers of this Court.

31. That it could be construed, rightly or wrongly, that Your Honor may have adverse interests to contain these crimes and keep them concealed from public scrutiny as well, due to the fact that the Crimes occurred IN and UPON this Court with Your Honor's direct involvement, including the fact that Your Honor may be called as a material and fact witness regarding the various criminal acts that occurred in Your Court if they are further prosecuted regarding the Fraudulent and Forged documents that became part of the Court record with Your Honor's approval.
32. That to date, despite now admitted Fraud by Spallina and the other crimes this admission involves, no attorneys at law who have committed these crimes have been arrested or read their Miranda Warnings as threatened by Your Honor upon learning that Simon had closed his wife Shirley's Estate while acting as Personal Representative for four months after he was dead and where Your Honor stated that you had enough evidence at that moment to read, Tescher, Spallina, Manceri and Theodore their Miranda's but since then have had a change of heart and allowed them to withdraw without notifying authorities or reading them their Miranda's and after withdrawal allowed them to continue to act in the matters and even complete a Final Accounting, which it turns out is a complete joke as no back up data was attached and it was then signed improperly, as further explained in Eliot's Objection to Accounting filed.
33. The mere fact that in the September 13, 2013 hearing in Shirley's Estate your honor stated that Simon came into your chambers to close the Estate in January 2013 will lead to your being questioned and the first question may be if Simon was wearing skin that day, as he was DEAD for four months already. So who came to your chambers that day?
34. That Alan did not file Notices of Appearances in the Estates and Trusts of Simon and Shirley despite his moving this court in pleadings and hearings in any of the myriad of capacities he claims to be representing for months. It was not until Eliot pointed out in hearings before this Court recently that Alan had failed to file them that he rushed to file them, despite the fact that Eliot had notified him weeks earlier that he was added as a Respondent for good and just cause to these matters due to his direct involvement in the criminal frauds proven, admitted and alleged.
35. That Alan can no longer act unbiased in these matters as his life and livelihood depend on the outcome of this litigation and where he may soon be arrested in these matters or read his Miranda's by Your Honor for the past crimes and those he continues to commit IN and UPON this Court, the Beneficiaries, Creditors et al.
36. That Theodore is the person directly responsible for bringing his close personal bedfellows and business associates, Tescher and Spallina, into the Bernstein family affairs and who then engaged all these other attorneys that participated in schemes that directly benefited Theodore, including but not limited to, Rose, Pankauski, Manceri (and possibly Morrissey) to aid and abet in the various schemes designed to benefit Theodore who is angered at the fact that he has been disinherited from the family Estates and Trusts entirely and for good and just cause and is adverse as a Fiduciary to many of the beneficiaries.
37. That all these OFFICERS OF THIS COURT and FIDUCIARIES involved in the CRIMINAL ACTS in ANYWAY all tie together through Theodore and where one set was removed by this Court already, the Court has allowed others involved now to act as lead counsel and it appears they are acting to cover up the matters and violating more and more laws in so doing and this Court continues to allow them to move the court and pervert the record and fails to report all of them to the proper authorities and allows them to operate further and continue damaging Beneficiaries, Creditors et al. and commit more and more civil torts and criminal acts.
38. That to allow Alan, Pankauski, their firms and Theodore who are all involved in the prior FRAUD ON THE COURT and advancing these fraudulent schemes with the attorneys at law and fiduciaries,

Tescher and Spallina that engaged them and worked alongside them, to further move this Court in any way as Officers of the Court in these matters in any legal or fiduciary capacities where they are so obviously biased that they will say or do anything to continue the Frauds and attempt to cover up them up for this Court would violate several judicial cannon's in so doing, as follows,

- a. [Canon 1.](#) A Judge Shall Uphold the Integrity and Independence of the Judiciary
  - i.
- b. [Canon 2.](#) A Judge Shall Avoid Impropriety and the Appearance of Impropriety in all of the Judge's Activities
- c. [Canon 3.](#) A Judge Shall Perform the Duties of Judicial Office Impartially and Diligently

#### D. Disciplinary Responsibilities.

(1) A judge who receives information or has actual knowledge that substantial likelihood exists that another judge has committed a violation of this Code shall take appropriate action.

(2) A judge who receives information or has actual knowledge that substantial likelihood exists that a lawyer has committed a violation of the Rules Regulating The Florida Bar shall take appropriate action.

(3) Acts of a judge, in the discharge of disciplinary responsibilities, required or permitted by Sections 3D(1) and 3D(2) are part of a judge's judicial duties and shall be absolutely privileged, and no civil action predicated thereon may be instituted against the judge.

#### E. Disqualification.

(1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where:

(a) the judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(d) the judge or the judge's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

(iv) is to the judge's knowledge likely to be a material witness in the proceeding;

- d. [Canon 5.](#) A Judge Shall Regulate Extrajudicial Activities to Minimize the Risk of Conflict With Judicial Duties

39. That if this Court were to take the appropriate actions require by Law and Judicial Cannons immediately and report all those involved in these FELONY CRIMINAL ACTS that took place IN and UPON YOUR COURT to the proper authorities and remove them from all legal capacities and fiduciary capacities, seize all of their records and all assets of the Estates, this

Court could restore Order instantly and the proceedings would move along without all of these distractions caused further by Rose, Pankauski and Theodore, who are moving the Court in all sorts of new directions to cover up the crimes and attempt a LEGAL ABUSE STRATEGY against Eliot and make him the bad guy and request that he have a guardian and that he is wasting Estate Assets, as exhibited in Rose and Pankauski's latest Omnibus Pleading, see [www.iviewit.tv/OMNIBUS](http://www.iviewit.tv/OMNIBUS) and Your Honor would not be required to Disqualify perhaps or requested to post bonds as Order will have been restored. Without these actions taken however, Eliot will again request voluntary Disqualification of Your Honor and if that is not complied with, Eliot will seek out Criminal Authorities to stop this Denial of Due Process and Procedure through Legal Abuse that acts to Obstruct Justice in efforts to cover up CRIMINAL ACTS of OFFICERS OF THIS COURT<sup>1</sup>.

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<sup>1</sup> That Spallina, Tescher, Theodore, Manceri, Rose, Pankauski, Moran and others have presented fraudulent information to this court, in which has harmed Eliot, his family, Beneficiaries, Creditors and others. In the United States, when an officer of the court is found to have fraudulently presented facts to court so that the court is impaired in the impartial performance of its legal task, the act, known as "fraud upon the court", is a crime deemed so severe and fundamentally opposed to the operation of justice that it is not subject to any statute of limitation.

Officers of the court include: Lawyers, Judges, Referees, and those appointed; Guardian Ad Litem, Parenting Time Expeditors, Mediators, Rule 114 Neutrals, Evaluators, Administrators, special appointees, and any others whose influence are part of the judicial mechanism.

"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

In *Bulloch 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."

What effect does an act of "fraud upon the court" have upon the court proceeding? "Fraud upon the court" makes void the orders and judgments of that court.