

IN THE CIRCUIT COURT OF THE 15TH  
JUDICIAL CIRCUIT, IN AND FOR PALM  
BEACH COUNTY, FLORIDA

CASE NO. 502014CP002815XXXXSB

ELIOT AND CANDICE BERNSTEIN,  
  
IN THEIR CAPACITY AS PARENTS AND  
NATURAL GUARDIANS OF JOSHUA,  
JAKE AND DANIEL BERNSTEIN, MINORS,  
JURY TRIAL REQUESTED

HON. JEFFREY DANA GILLEN  
TRANSFERRED TO  
HON. MARTIN COLIN

Plaintiffs,

v.

OPPENHEIMER & CO. INC. AND ITS CURRENT AND FORMER DIVISIONS,  
AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS,  
SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS,  
DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS,  
REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;  
OPPENHEIMER TRUST COMPANY OF DELAWARE AND ITS CURRENT AND FORMER  
DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS,  
PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS,  
OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS,  
REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;  
LEGACY BANK OF FLORIDA AND ITS CURRENT AND FORMER DIVISIONS,  
AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS,  
SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS,  
DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS,  
REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;  
STANFORD FINANCIAL GROUP AND ITS CURRENT AND FORMER DIVISIONS,  
AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS,  
SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS,  
DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS,  
REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;  
JP MORGAN CHASE & CO. AND ITS CURRENT AND FORMER DIVISIONS,  
AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS,  
SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS,  
DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS,  
REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;  
JANET CRAIG, INDIVIDUALLY;  
JANET CRAIG, PROFESSIONALLY;  
HUNT WORTH, INDIVIDUALLY;

HUNT WORTH, PROFESSIONALLY;  
WILLIAM MCCABE, ESQ., INDIVIDUALLY;  
WILLIAM MCCABE, ESQ., PROFESSIONALLY;  
THEODORE STUART BERNSTEIN, INDIVIDUALLY;  
PAMELA SIMON, INDIVIDUALLY;  
STP ENTERPRISES, INC. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES,  
SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS,  
ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES,  
EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS,  
INSURERS AND FIDUCIARIES;  
ROBERT SPALLINA, ESQ., INDIVIDUALLY;  
ROBERT SPALLINA, ESQ., PROFESSIONALLY;  
DONALD R. TESCHER, ESQ., PERSONALLY;  
DONALD R. TESCHER, ESQ., PROFESSIONALLY;  
GUTTER CHAVES JOSEPHER RUBIN FORMAN FLEISHER MILLER P.A. FKA  
TESCHER GUTTER CHAVES JOSEPHER RUBIN RUFFIN & FORMAN AND ITS  
CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS,  
PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS,  
ASSOCIATES, OF COUNSEL, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES,  
EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS,  
INSURERS AND FIDUCIARIES;  
TESCHER & SPALLINA, P.A., AND ITS CURRENT AND FORMER DIVISIONS,  
AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS,  
SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, ASSOCIATES, OF COUNSEL,  
MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS,  
ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND  
FIDUCIARIES;  
MARK MANCERI, ESQ., PERSONALLY;  
MARK MANCERI, ESQ., PROFESSIONALLY;  
MARK R. MANCERI, P.A. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES,  
SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS,  
ASSIGNORS, ASSIGNS, PARTNERS, ASSOCIATES, OF COUNSEL, MEMBERS,  
OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS,  
REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;  
PAGE, MRACHEK, FITZGERALD & ROSE, P.A. AND ITS CURRENT AND FORMER  
DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS,  
PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, ASSOCIATES, OF  
COUNSEL, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS,  
ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND  
FIDUCIARIES;  
ALAN B. ROSE, ESQ. – PERSONALLY;  
ALAN B. ROSE, ESQ. – PROFESSIONALLY;  
PANKAUSKI LAW FIRM PLLC AND ITS CURRENT AND FORMER DIVISIONS,  
AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS,  
SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, ASSOCIATES, OF COUNSEL,

MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;  
JOHN J. PANKAUSKI, ESQ. – PERSONALLY;  
JOHN J. PANKAUSKI, ESQ. – PROFESSIONALLY;  
KIMBERLY FRANCIS MORAN – PERSONALLY;  
KIMBERLY FRANCIS MORAN – PROFESSIONALLY;  
LINDSAY BAXLEY AKA LINDSAY GILES – PERSONALLY;  
LINDSAY BAXLEY AKA LINDSAY GILES – PROFESSIONALLY;  
GERALD R. LEWIN, CPA – PERSONALLY;  
GERALD R. LEWIN, CPA – PROFESSIONALLY;  
CBIZ, INC. (NYSE: CBZ) AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, CPA'S, ASSOCIATES, OF COUNSEL, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;  
SIMON L. BERNSTEIN TRUST AGREEMENT (2008) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;  
SIMON L. BERNSTEIN IRREVOCABLE TRUST AGREEMENT (2008) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;  
ESTATE AND WILL OF SIMON BERNSTEIN (2008) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;  
ESTATE AND WILL OF SIMON BERNSTEIN (2012) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL (EXCLUDING BENJAMIN BROWN AND BRIAN O'CONNELL);  
SIMON L. BERNSTEIN AMENDED AND RESTATED TRUST AGREEMENT (2012) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;  
SIMON BERNSTEIN IRREVOCABLE TRUST U/A 9/7/06 AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;  
WILMINGTON TRUST 088949-000 SIMON L BERNSTEIN IRREVECOBABLE TRUST AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;  
WILMINGTON TRUST COMPANY AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;  
SHIRLEY BERNSTEIN IRREVOCABLE TRUST U/A 9/7/06 AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;  
ESTATE AND WILL OF SHIRLEY BERNSTEIN (2008) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;  
SHIRLEY BERNSTEIN TRUST AGREEMENT (2008) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;  
SHIRLEY BERNSTEIN IRREVOCABLE TRUST AGREEMENT (2008) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;  
SIMON BERNSTEIN IRREVOCABLE INSURANCE TRUST DATED 6/21/1995



(CURRENTLY MISSING AND LEGALLY NONEXISTENT) AND ITS CURRENT  
ALLEGED AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;  
SIMON BERNSTEIN 2000 INSURANCE TRUST (DATED AUGUST 15, 2000) AND ITS  
CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;  
SHIRLEY BERNSTEIN 2000 INSURANCE TRUST (DATED AUGUST 15, 2000) AND ITS  
CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;  
THE 2000 LAST WILL AND TESTAMENT OF SIMON BERNSTEIN AND ITS CURRENT  
AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;  
THE 2000 LAST WILL AND TESTAMENT OF SHIRLEY BERNSTEIN AND ITS  
CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;  
ALBERT GORTZ, ESQ. – PERSONALLY;  
ALBERT GORTZ, ESQ. – PROFESSIONALLY;  
PROSKAUER ROSE, LLP AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES,  
SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS,  
ASSIGNORS, ASSIGNS, PARTNERS, ASSOCIATES, OF COUNSEL, MEMBERS,  
OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS,  
REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;  
MARITAL TRUST AND FAMILY TRUST CREATED BY SHIRLEY BERNSTEIN TRUST  
(2008) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;  
BERNSTEIN FAMILY REALTY, LLC AND ITS CURRENT AND FORMER  
DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS,  
PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS,  
OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS,  
REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;  
BERNSTEIN HOLDINGS, LLC AND ITS CURRENT AND FORMER DIVISIONS,  
AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS,  
SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS,  
DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS,  
REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;  
BERNSTEIN FAMILY INVESTMENTS, LLLP AND ITS CURRENT AND FORMER  
DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS,  
PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS,  
OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS,  
REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;  
LIFE INSURANCE CONCEPTS, INC. AND ITS CURRENT AND FORMER DIVISIONS,  
AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS,  
SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS,  
DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS,  
REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;  
LIC HOLDINGS, INC. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES,  
SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS,  
ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES,  
EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS,  
INSURERS AND FIDUCIARIES;  
LIC HOLDINGS, LLC AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES,

COUNTER COMPLAINT

Wednesday, July 30, 2014

Page 4

SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;  
LIC HOLDINGS, INC. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;  
CFC OF DELAWARE, LLC. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;  
LIFE INSURANCE CONNECTION, INC. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;  
TSB HOLDINGS, LLC AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;  
TSB INVESTMENTS LLLP AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;  
LIFE INSURANCE CONCEPTS, LLC AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;  
LIFE INSURANCE INNOVATIONS, INC. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;  
ARBITRAGE INTERNATIONAL MANAGEMENT LLC AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;  
ARBITRAGE INTERNATIONAL MARKETING, INC. AND ITS CURRENT AND FORMER

COUNTER COMPLAINT

Wednesday, July 30, 2014

Page 5

DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;  
ARBITRAGE INTERNATIONAL HOLDINGS, LLC AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;  
TOTAL BROKERAGE SOLUTIONS LLC AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;  
CAMBRIDGE FINANCING COMPANY AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;  
NATIONAL SERVICE ASSOCIATION, INC. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;  
NATIONAL SERVICE CORP (FLORIDA) AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;  
NATIONAL SERVICES PENSION PLAN AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;  
ARBITRAGE INTERNATIONAL MARKETING INC. 401 (K) PLAN AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;  
S.B. LEXINGTON, INC. 501(C)(9) VEBA TRUST;  
TRUST F/B/O JOSHUA BERNSTEIN UNDER THE SIMON L. BERNSTEIN TRUST DTD 9/13/2012 AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;  
TRUST F/B/O DANIEL BERNSTEIN UNDER THE SIMON L. BERNSTEIN TRUST DTD 9/13/2012 AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;  
TRUST F/B/O JAKE BERNSTEIN UNDER THE SIMON L. BERNSTEIN TRUST DTD 9/13/2012 AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;  
ELIOT BERNSTEIN FAMILY TRUST DATED MAY 20, 2008 AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;



DANIEL BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006 AND ITS  
CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;  
JAKE BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006 AND ITS  
CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;  
JOSHUA Z. BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006 AND ITS  
CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;  
DANIEL BERNSTEIN IRREVOCABLE TRUST 07-JUL-10 049738 AND ITS CURRENT  
AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;  
JAKE BERNSTEIN IRREVOCABLE TRUST 07-JUL-10 0497381 AND ITS CURRENT AND  
FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;  
JOSHUA Z BERNSTEIN IRREVOCABLE TRUST 07-JUL-10 0497381 AND ITS CURRENT  
AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;  
HERITAGE UNION LIFE AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES,  
SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS,  
ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES,  
EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS,  
INSURERS AND FIDUCIARIES;  
LISA FRIEDSTEIN;  
JILL IANTONI;  
STEVEN A. LESSNE, ESQ., PERSONALLY;  
STEVEN A. LESSNE, ESQ., PROFESSIONALLY;  
GRAYROBINSON, P.A. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES,  
SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS,  
ASSIGNORS, ASSIGNS, PARTNERS, ASSOCIATES, OF COUNSEL, MEMBERS,  
OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS,  
REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;  
T&S REGISTERED AGENTS, LLC AND ITS CURRENT AND FORMER DIVISIONS,  
AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS,  
SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS,  
DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS,  
REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;  
LASALLE NATIONAL TRUST, NA AND ITS CURRENT AND FORMER DIVISIONS,  
AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS,  
SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS,  
DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS,  
REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;  
JOHN AND JANE DOE'S (1-5000),

Defendants,

---

**COUNTER COMPLAINT**

COUNTER COMPLAINT  
Wednesday, July 30, 2014  
Page 7

Comes now, Plaintiffs, Eliot Ivan Bernstein ("Eliot") and Candice Michelle Bernstein ("Candice") (together, "Plaintiffs"), Individually, PRO SE<sup>1</sup> and as the Natural Guardians of three irrevocable trusts created by Simon Bernstein for the benefit of his grandchildren of Candice and Eliot, namely Joshua, Jake and Daniel Bernstein, as Guardians for the members of Bernstein Family Realty LLC and beneficiaries of the hereunder sued Trusts, Estates and Corporate Entities set up by Simon and Shirley Bernstein and sues the following parties, hereby demanding trial by jury of all issues so triable and so states, **on information and belief**:

**Parties, Jurisdiction and Venue**

1. This is an action for money damages in excess of \$15,000.00 and for equitable, compensatory, punitive and other reliefs.
2. Plaintiffs, Eliot Ivan Bernstein ("Eliot") and Candice Michelle Bernstein ("Candice"), are the parents and natural guardians of minors, Joshua Ennio Zander Bernstein ("Joshua") or ("Josh"), Jacob Noah Archie Bernstein ("Jacob") or ("Jake") and Daniel Elijsha Abe Ottomo Bernstein ("Daniel") or ("Danny"), and reside with them in Palm Beach County, Florida. Joshua, Jacob and Daniel are the sole beneficiaries under three irrevocable trusts (the "Trusts") created by their late grandfather, Simon Leon Bernstein ("Simon") and grandmother Shirley Bernstein ("Shirley"), on September 7, 2006. Eliot, Candice and their children are also beneficiaries of Trusts, Estates and Corporate Entities sued hereunder.

---

<sup>1</sup> Pleadings in this case are being filed by Plaintiff In Propria Persona, PRO SE, 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 Set 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.



3. Defendant Oppenheimer & Co. Inc. is headquartered in New York, New York and doing business in Florida with the Bernstein family.
4. Defendant, Oppenheimer Trust Company of Delaware ("Oppenheimer") is a Delaware corporation with its principal place of business in Wilmington, Delaware and doing business in Florida with the Bernstein family and was Trustee of the, SHIRLEY BERNSTEIN IRREVOCABLE TRUST U/A 9/7/06; SIMON BERNSTEIN IRREVOCABLE TRUST U/A 9/7/06; DANIEL BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006; JAKE BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006; JOSHUA Z. BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006; DANIEL BERNSTEIN IRREVOCABLE TRUST 07-JUL-10 049738; JAKE BERNSTEIN IRREVOCABLE TRUST 07-JUL-10 0497381; JOSHUA Z BERNSTEIN IRREVOCABLE TRUST 07-JUL-10 0497381; as Manager of BERNSTEIN FAMILY REALTY, LLC.
5. Defendant, Legacy Bank of Florida ("Legacy") is domiciled in Florida and doing business in Florida and did banking business with the Bernstein family and BERNSTEIN FAMILY REALTY, LLC. and others.
6. Defendant, Stanford Financial Group ("Stanford") is in receivership in Texas and was doing business in Florida with the Bernstein family and was former; Trustee of the SHIRLEY BERNSTEIN IRREVOCABLE TRUST U/A 9/7/06; Trustee of the SIMON BERNSTEIN IRREVOCABLE TRUST U/A 9/7/06; DANIEL BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006; JAKE BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006; JOSHUA Z. BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006 and more.

7. Defendant, JPMorgan Chase & Co. ("JPM") is headquartered in New York, New York and doing business in Florida with the Bernstein family and was former; Trustee of the SHIRLEY BERNSTEIN IRREVOCABLE TRUST U/A 9/7/06; Trustee of the SIMON BERNSTEIN IRREVOCABLE TRUST U/A 9/7/06; DANIEL BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006; JAKE BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006; JOSHUA Z. BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006 and more.
8. Defendant, Bernstein Family Realty LLC ("BFR") is domiciled in Florida and doing business with the Bernstein family, Eliot's three minor children are the Members.
9. Defendant, Janet Craig ("Craig"), Personally, is an employee of Oppenheimer & Co. Inc. and was doing business with the Bernstein family in Florida.
10. Defendant, Janet Craig, Professionally, as the, alleged Trustee for Trusts of Joshua, Jacob and Daniel Bernstein (Minors); as the alleged Manager of Bernstein Family Realty and more and is an employee of Oppenheimer & Co. Inc. and was doing business with the Bernstein family in Florida.
11. Defendant, Hunt Worth ("Worth"), Individually, is an employee of Oppenheimer & Co. Inc. and was doing business with the Bernstein family in Florida.
12. Defendant, Hunt Worth, Professionally, is an employee of Oppenheimer & Co. Inc. and was doing business with the Bernstein family in Florida.
13. Defendant, William McCabe, Esq., Individually, is an employee of Oppenheimer & Co. Inc. and was doing business with the Bernstein family in Florida.
14. Defendant, William McCabe, Esq., Professionally, is an employee of Oppenheimer & Co. Inc. and was doing business with the Bernstein family in Florida and acting as Counsel to Oppenheimer as Trustee of Trusts for Eliot's children and Counsel to Oppenheimer as Manager of BFR.

15. Defendant, Theodore Stuart Bernstein ("Theodore") or ("Ted"), Individually, is a resident of Florida and a central defendant in all allegations contained herein.

16. Defendant, Theodore Bernstein as the,

- i. Personal Representative and Fiduciary of the ESTATE AND WILL OF SHIRLEY BERNSTEIN (2008);
- ii. alleged Successor Trustee and Fiduciary of the SHIRLEY BERNSTEIN TRUST AGREEMENT (2008);
- iii. alleged Successor Trustee and Fiduciary of the SIMON L. BERNSTEIN AMENDED AND RESTATED TRUST AGREEMENT (2012);
- iv. as the alleged Trustee and Fiduciary of the SIMON L. BERNSTEIN TRUST AGREEMENT (2008);
- v. as alleged Successor Trustee and Fiduciary of the MARITAL TRUST and FAMILY TRUST created by SHIRLEY BERNSTEIN TRUST (2008);
- vi. as the alleged Trustee and Fiduciary of the SIMON BERNSTEIN IRREVOCABLE INSURANCE TRUST DATED 6/21/1995;
- vii. as an alleged Trustee and Fiduciary of the SIMON L. BERNSTEIN IRREVOCABLE TRUST AGREEMENT (2008);
- viii. as alleged Manager of Bernstein Family Realty LLC;
- ix. an Employee, Officer and Director of LIC Holdings, Inc.;
- x. as alleged Trustee and Fiduciary to the WILMINGTON TRUST 088949-000 SIMON L BERNSTEIN IRREVECOBABLE TRUST;
- xi. as an Officer, Director, Shareholder of Life Insurance Concepts, Inc. of all of the following; Defendant, LIC Holding, Inc.; LIC Holdings, LLC; CFC of Delaware, LLC.; Life Insurance Connection, Inc.; TSB Holdings, LLC; TSB Investments LLLP; Life



Insurance Concepts, LLC; Life Insurance Innovations, Inc.; Arbitrage International Management LLC; Arbitrage International Marketing, Inc.; Arbitrage International Holdings, LLC; Total Brokerage Solutions LLC; Cambridge Financing Company; National Service Association, Inc.; National Service Corp (Florida);

- xii. as plan administrator and Trustee for, National Services Pension Plan; Arbitrage International Marketing, Inc. 401 (K) Plan.

- 17. Defendant, Pamela Beth Simon ("Pamela") or ("Pam"), Individually, is a resident of Illinois.
- 18. Defendant, STP Enterprises, Inc. is an Illinois company with Headquarters in Illinois and doing business in Florida.
- 19. Defendant, Pamela Simon, acting as, an Officer, Director and Shareholder of defendant STP Enterprises, Inc. and as a Plan Administrator and Trustee of defendant S.B. Lexington, Inc. 501(c)(9) VEBA Trust.
- 20. Defendant, Robert Spallina, Esq. ("Spallina"), Individually, is a resident of Florida.
- 21. Defendant, Robert Spallina, Esq., Professionally, is a resident of Florida and a central defendant in all allegations contained herein.
- 22. Defendant, Robert L. Spallina, Esq. as the **former**,
  - i. Co-Personal Representative, Counsel and Fiduciary of the ESTATE and WILL OF SIMON BERNSTEIN (2012);
  - ii. Co-Trustee, Counsel and Fiduciary of the alleged SIMON L. BERNSTEIN AMENDED AND RESTATED TRUST AGREEMENT (2012);
  - iii. Counsel to the Co-Personal Representatives and Co-Trustees of the alleged WILL OF SIMON BERNSTEIN (2012);
  - iv. Counsel to the Co-Personal Representatives and Co-Trustees of the alleged SIMON L. BERNSTEIN AMENDED AND RESTATED TRUST AGREEMENT (2012);

- v. Trustee, Counsel and Fiduciary of the SIMON L. BERNSTEIN IRREVOCABLE TRUST AGREEMENT (2008);
- vi. Trustee and Fiduciary of the MARITAL TRUST and FAMILY TRUST created by SHIRLEY BERNSTEIN TRUST (2008);
- vii. Trustee, Counsel and Fiduciary of the SIMON BERNSTEIN IRREVOCABLE INSURANCE TRUST DATED 6/21/1995;
- viii. Trustee, Counsel and Fiduciary of the SIMON L. BERNSTEIN TRUST AGREEMENT (2008);
- ix. Personal Representative, Fiduciary and Counsel to the ESTATE and WILL OF SIMON BERNSTEIN (2008);
- x. Trustee, Fiduciary and Counsel to the SIMON BERNSTEIN IRREVOCABLE TRUST U/A 9/7/06;
- xi. Trustee, Fiduciary and Counsel to the SHIRLEY BERNSTEIN IRREVOCABLE TRUST U/A 9/7/06;
- xii. Trustee, Fiduciary and Counsel to the WILMINGTON TRUST 088949-000 SIMON L BERNSTEIN IRREVECOBABLE TRUST;
- xiii. Counsel to the Personal Representative and Fiduciary Simon Bernstein and Successor Personal Representative Theodore Bernstein for the ESTATE AND WILL OF SHIRLEY BERNSTEIN (2008);
- xiv. Counsel to the Trustee and Fiduciary Simon Bernstein and Successor Trustee Theodore Bernstein for the SHIRLEY BERNSTEIN TRUST AGREEMENT (2008);

- xv. Counsel to the alleged Successor Trustee and Fiduciary Theodore Bernstein of the MARITAL TRUST and FAMILY TRUST created by SHIRLEY BERNSTEIN TRUST (2008);
- xvi. Trustee, Fiduciary and Counsel to the ELIOT BERNSTEIN FAMILY TRUST DATED MAY 20, 2008;
- xvii. Trustee, Fiduciary and Counsel to the SHIRLEY BERNSTEIN IRREVOCABLE TRUST U/A 9/7/06;
- xviii. Trustee, Fiduciary and Counsel to the SIMON BERNSTEIN IRREVOCABLE TRUST U/A 9/7/06;
- xix. Trustee, Fiduciary and Counsel to the DANIEL BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006;
- xx. Trustee, Fiduciary and Counsel to the JAKE BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006;
- xxi. Trustee, Fiduciary and Counsel to the JOSHUA Z. BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006;
- xxii. Counsel to the DANIEL BERNSTEIN IRREVOCABLE TRUST 07-JUL-10 049738;
- xxiii. Counsel to the Defendant, JAKE BERNSTEIN IRREVOCABLE TRUST 07-JUL-10 0497381;
- xxiv. Counsel to the Defendant, JOSHUA Z BERNSTEIN IRREVOCABLE TRUST 07-JUL-10 0497381;
- xxv. Counsel and Registered Agent to the Defendant, BERNSTEIN FAMILY REALTY, LLC;
- xxvi. Counsel, Registered Agent and Manager of Bernstein Holdings LLC;
- xxvii. Counsel and Registered Agents for Bernstein Family Investments LLLP;



xxviii. Counsel and Trustee to Defendants, Trust f/b/o Joshua Bernstein under the Simon L. Bernstein Trust dtd 9/13/2012; Trust f/b/o Daniel Bernstein under the Simon L. Bernstein Trust dtd 9/13/2012; Trust f/b/o Jake Bernstein under the Simon L. Bernstein Trust dtd 9/13/2012.

23. Defendant, Donald R. Tescher, Esq. ("Teschler"), Personally, is a resident of Florida.

24. Defendant, Donald R. Tescher, Esq., Professionally, is a resident of Florida and a central defendant in all allegations contained herein.

25. Defendant, Donald Tescher, Esq. as the **former**,

- i. Co-Personal Representative, Counsel and Fiduciary of the ESTATE and WILL OF SIMON BERNSTEIN (2012);
- ii. Co-Trustee, Counsel and Fiduciary of the alleged SIMON L. BERNSTEIN AMENDED AND RESTATED TRUST AGREEMENT (2012);
- iii. Counsel to the Co-Personal Representatives and Co-Trustees of the alleged WILL OF SIMON BERNSTEIN (2012);
- iv. Counsel to the Co-Personal Representatives and Co-Trustees of the alleged SIMON L. BERNSTEIN AMENDED AND RESTATED TRUST AGREEMENT (2012);
- v. Trustee, Counsel and Fiduciary of the SIMON L. BERNSTEIN IRREVOCABLE TRUST AGREEMENT (2008);
- vi. Trustee and Fiduciary of the MARITAL TRUST and FAMILY TRUST created by SHIRLEY BERNSTEIN TRUST (2008);
- vii. Trustee, Counsel and Fiduciary of the SIMON BERNSTEIN IRREVOCABLE INSURANCE TRUST DATED 6/21/1995;
- viii. Trustee, Counsel and Fiduciary of the SIMON L. BERNSTEIN TRUST AGREEMENT (2008);

- ix. Personal Representative, Fiduciary and Counsel to the ESTATE and WILL OF SIMON BERNSTEIN (2008);
- x. Trustee, Counsel and Fiduciary of the SIMON BERNSTEIN IRREVOCABLE TRUST U/A 9/7/06;
- xi. Trustee, Fiduciary and Counsel to the SHIRLEY BERNSTEIN IRREVOCABLE TRUST U/A 9/7/06;
- xii. Trustee, Fiduciary and Counsel to the WILMINGTON TRUST 088949-000 SIMON L BERNSTEIN IRREVECOBABLE TRUST;
- xiii. Counsel to the Personal Representative and Fiduciary Simon Bernstein and Successor Personal Representative Theodore Bernstein for the ESTATE AND WILL OF SHIRLEY BERNSTEIN (2008);
- xiv. Counsel to the Trustee and Fiduciary Simon Bernstein and Successor Trustee Theodore Bernstein for the SHIRLEY BERNSTEIN TRUST AGREEMENT (2008);
- xv. Counsel to the alleged Successor Trustee and Fiduciary Theodore Bernstein of the MARITAL TRUST and FAMILY TRUST created by SHIRLEY BERNSTEIN TRUST (2008);
- xvi. Trustee, Fiduciary and Counsel to the ELIOT BERNSTEIN FAMILY TRUST DATED MAY 20, 2008;
- xvii. Trustee, Fiduciary and Counsel to the SHIRLEY BERNSTEIN IRREVOCABLE TRUST U/A 9/7/06;
- xviii. Trustee, Fiduciary and Counsel to the SIMON BERNSTEIN IRREVOCABLE TRUST U/A 9/7/06;
- xix. Trustee, Fiduciary and Counsel to the DANIEL BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006;

- xx. Trustee, Fiduciary and Counsel to the JAKE BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006;
- xxi. Trustee, Fiduciary and Counsel to the JOSHUA Z. BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006;
- xxii. Counsel to the DANIEL BERNSTEIN IRREVOCABLE TRUST 07-JUL-10 049738;
- xxiii. Counsel to the Defendant, JAKE BERNSTEIN IRREVOCABLE TRUST 07-JUL-10 0497381;
- xxiv. Counsel to the Defendant, JOSHUA Z BERNSTEIN IRREVOCABLE TRUST 07-JUL-10 0497381;
- xxv. Counsel and Registered Agent to the Defendant, BERNSTEIN FAMILY REALTY, LLC;
- xxvi. Counsel, Registered Agent and Manager of Bernstein Holdings LLC;
- xxvii. Counsel and Registered Agent for Bernstein Family Investments LLLP;
- xxviii. Counsel and Trustee to Defendants, Trust f/b/o Joshua Bernstein under the Simon L. Bernstein Trust dtd 9/13/2012; Trust f/b/o Daniel Bernstein under the Simon L. Bernstein Trust dtd 9/13/2012; Trust f/b/o Jake Bernstein under the Simon L. Bernstein Trust dtd 9/13/2012.

26. Defendant, Gutter Chaves Josepher Rubin Forman Fleisher Miller, P.A., is domiciled in Florida and was Counsel to Simon and Shirley Bernstein for Estate planning work and more prior to Donald Tescher's removal from that firm and forming Tescher & Spallina, P.A. on or about the time that Simon became a client of the firm.

27. Defendant, Tescher & Spallina, P.A. ("TSPA") is domiciled in Florida and was Counsel to Simon and Shirley Bernstein for Estate planning and more.

28. Defendant, Mark Manceri, Esq. ("Manceri"), Personally, is a resident of Florida.



29. Defendant, Mark Manceri, Esq., Professionally, is a resident of Florida and as, Counsel to the Defendant, BERNSTEIN FAMILY REALTY, LLC; Counsel to Defendants Tescher and Spallina; Counsel to Defendant Theodore Bernstein as an Individual; Counsel to Theodore Bernstein as alleged Successor Trustee of Shirley Bernstein Trust Agreement 2008; Counsel to Theodore Bernstein as Personal Representative of the Estate and Will of Shirley Bernstein; Counsel to the Estate and Will of Simon Bernstein 2012.
30. Defendant, Mark R. Manceri, P.A. ("MRMPA") is domiciled in Florida.
31. Defendant, Page, Mrachek, Fitzgerald & Rose, P.A. ("PMFR") is domiciled in Florida.
32. Defendant, Alan B. Rose, Esq., ("Alan"), Personally, is a resident of Florida.
33. Defendant, Alan B. Rose, Esq., Professionally, is a resident of Florida and as Counsel to Defendant Theodore Bernstein as an Individual; Counsel to Theodore Bernstein as alleged Successor Trustee of the alleged Shirley Bernstein Trust Agreement 2008; Counsel to Theodore Bernstein as Personal Representative of the Estate and Will of Shirley Bernstein; Counsel to the alleged Successor Trustee Theodore Bernstein of the alleged Simon Bernstein Amended and Restated Trust (2012); Counsel to Theodore Bernstein in the Stansbury Creditor Lawsuit in various capacities of various entities named hereunder.
34. Defendant, Pankauski Law Firm PLLC ("PLF"), is domiciled in Florida.
35. Defendant, John J. Pankauski, Esq. ("Pankauski"), Personally, is a resident of Florida.
36. Defendant, John J. Pankauski, Esq., Professionally, is a resident of Florida and as Counsel to Defendant Theodore Bernstein as an Individual; Counsel to Theodore Bernstein as alleged Successor Trustee of the alleged Shirley Bernstein Trust Agreement 2008; Counsel to Theodore Bernstein as Personal Representative of the Estate and Will of Shirley Bernstein; Counsel to the alleged Successor Trustee Theodore Bernstein of the alleged Simon Bernstein Amended and Restated Trust (2012).
37. Defendant, Kimberly Francis Moran ("Moran"), Personally, is a resident of Florida.

38. Defendant, Kimberly Francis Moran, Professionally, is a resident of Florida and was Notary Public/Legal Assistant for Spallina & Tescher P.A. and was convicted of Felony Fraudulent Notarization in the Estate of Shirley Bernstein and admitted Forgeries, including Post Mortem Forgery of Simon's name while working and under direction of Defendants Tescher, Spallina and Tescher & Spallina, P.A. Moran has also had her Notary Public license revoked by Governor of Florida Rick Scott's Notary Public Division.
39. Defendant, Lindsay Baxley aka Lindsay Giles ("Baxley"), Personally, is a resident of Florida.
40. Defendant, Lindsay Baxley aka Lindsay Giles, Professionally, is a resident of Florida and has been reprimanded by the Governor of Florida Rick Scott's Notary Public Division for having improperly notarized the alleged 2012 Will and Amended and Restated Trust of Simon. That Baxley aka Giles was also reprimanded by the Governor's office for failing to notify the Governor's Notary Public Division of her name change and misusing her Notary Stamp.
41. Defendant, Gerald R. Lewin, CPA ("Lewin"), Personally, is a resident of Florida.
42. Defendant, Gerald R. Lewin, CPA, Professionally, is a resident of Florida and as, the Accountant to Simon and Shirley Bernstein, account to the Estates and Trusts of Simon and Shirley; Accountant to the Corporate Entities sued hereunder; Accountant and Shareholder of the Iviewit companies; and more.
43. Defendant, CBIZ, INC. (NYSE: CBZ) ("CBIZ"), is domiciled in Ohio and doing business in Florida and is; the Accounting Firm to Simon and Shirley Bernstein; Accounting Firm to Corporate Entities sued hereunder; Accounting Firm to the Estates and Trusts of Simon and Shirley; and more..
44. Defendant, SIMON L. BERNSTEIN TRUST AGREEMENT (2008) is a Trust established in Florida by Simon and where the Beneficiaries, include but are not limited to, Eliot and/or his children or both.

45. Defendant, SIMON L. BERNSTEIN IRREVOCABLE TRUST AGREEMENT (2008) is a Trust established in Florida by Simon and where the Beneficiaries, include but are not limited to, Eliot and/or his children or both.

46. Defendant, ESTATE and WILL OF SIMON BERNSTEIN (2008) is a Will established in Florida by Simon and where the Beneficiaries, include but are not limited to, Eliot and/or his children or both.

47. Defendant, ESTATE and WILL OF SIMON BERNSTEIN (2012) is a Will established in Florida by Simon and where the Beneficiaries, include but are not limited to, Eliot and/or his children or both.

48. Defendant, SIMON L. BERNSTEIN AMENDED AND RESTATED TRUST AGREEMENT (2012) is a Trust established in Florida by Simon and where the Beneficiaries, include but are not limited to, Eliot and/or his children or both.

49. Defendant, SIMON BERNSTEIN IRREVOCABLE TRUST U/A 9/7/06 is a Trust established in Florida by Simon and where the Beneficiaries, include but are not limited to, Eliot and/or his children or both.

50. Defendant, WILMINGTON TRUST 088949-000 SIMON L BERNSTEIN IRREVECOBABLE TRUST is a Trust established in Florida by Simon and where the Beneficiaries, include but are not limited to, Eliot and/or his children or both.

51. Defendant, Wilmington Trust Company, is domiciled in Wilmington Delaware and doing business in Florida with the Bernstein family.

52. Defendant, SHIRLEY BERNSTEIN IRREVOCABLE TRUST U/A 9/7/06 is a Trust established in Florida by Shirley. Information is currently unavailable regarding the Trustees, etc. as it is alleged

missing or destroyed and where the Beneficiaries, include but are not limited to, Eliot and/or his children or both.

53. Defendant, ESTATE and WILL OF SHIRLEY BERNSTEIN (2008) is a Will established in Florida by Shirley and where the Beneficiaries, include but are not limited to, Eliot and/or his children or both.

54. Defendant, SHIRLEY BERNSTEIN TRUST AGREEMENT (2008) is a Trust established in Florida by Shirley and where the Beneficiaries, include but are not limited to, Eliot and/or his children or both.

55. Defendant, SHIRLEY BERNSTEIN IRREVOCABLE TRUST AGREEMENT (2008) is a Trust established in Florida by Shirley and where the Beneficiaries are presumed to include but are not limited to, Eliot and/or his children or both. Information is currently unavailable regarding the Trustees, etc. as it is alleged missing or destroyed.

56. Defendant, SIMON BERNSTEIN IRREVOCABLE INSURANCE TRUST DATED 6/21/1995, is a suppressed and denied trust that is alleged missing and lost and yet a Plaintiff in a US Federal Court case and where the Beneficiaries, include but are not limited to, Eliot and/or his children or both and the Estate of Simon.

57. Defendant, SIMON BERNSTEIN 2000 INSURANCE TRUST (dated august 15, 2000), is a Trust established in Florida by Simon and where the Beneficiaries, include but are not limited to, Eliot and/or his children or both.

58. Defendant, SHIRLEY BERNSTEIN 2000 INSURANCE TRUST (DATED AUGUST 15, 2000), is a Trust established in Florida by Shirley and where the Beneficiaries, include but are not limited to, Eliot and/or his children or both.



59. Defendant, the 2000 LAST WILL AND TESTAMENT OF SIMON BERNSTEIN, is a Will established in Florida by Simon and where the Beneficiaries, include but are not limited to, Eliot and/or his children or both.
60. Defendant, the 2000 LAST WILL AND TESTAMENT OF SHIRLEY BERNSTEIN, is a Will established in Florida by Shirley and where the Beneficiaries, include but are not limited to, Eliot and/or his children or both.
61. Defendant, Albert Gortz, Esq., Personally, is a resident of Florida and was doing business in Florida with the Bernstein family.
62. Defendant, Albert Gortz, as the Trustee and/or Personal Representative of the, SIMON BERNSTEIN 2000 INSURANCE TRUST (dated august 15, 2000) 6/21/1995; SHIRLEY BERNSTEIN 2000 INSURANCE TRUST (dated august 15, 2000); 2000 LAST WILL AND TESTAMENT OF SIMON BERNSTEIN; 2000 LAST WILL AND TESTAMENT OF SHIRLEY BERNSTEIN.
63. Defendant, Albert Gortz, Esq., Professionally, is a resident of Florida and was doing business in Florida with the Bernstein family.
64. Defendant, Proskauer Rose LLP, is domiciled in New York, New York and was doing business in Florida with the Bernstein family.
65. Defendant, MARITAL TRUST and FAMILY TRUST created by SHIRLEY BERNSTEIN TRUST (2008), are Trusts established in Florida by Shirley and where the Beneficiaries, include but are not limited to, Eliot and/or his children or both.
66. Defendant, Bernstein Family Realty, LLC, is domiciled in Florida and was managed by Theodore Bernstein and Janet Craig and where the Members are Eliot's three minor children equally.
67. Defendant, Bernstein Holdings LLC, is domiciled in Florida and Simon Bernstein was a Director, Officer and Shareholder and his Estate and Trusts are owners of those interests.

68. Defendant, Bernstein Family Investments LLLP, is domiciled in Florida and Simon Bernstein was a Director, Officer and Shareholder and his Estate and Trusts are owners of those interests.
69. Defendant, Life Insurance Concepts, Inc., is domiciled in Florida and Simon Bernstein was a Director, Officer and Shareholder and his Estate and Trusts are owners of those interests.
70. Defendant, LIC Holding, Inc. ("LICI") is domiciled in Florida and Simon Bernstein was a Director, Officer and Shareholder and his Estate and Trusts are owners of those interests.
71. Defendant, LIC Holdings, LLC ("LICL") is domiciled in Florida and Simon Bernstein was a Director, Officer and Shareholder and his Estate and Trusts are owners of those interests.
72. Defendant, CFC of Delaware, LLC., is domiciled in Delaware and doing business in Florida and Simon Bernstein was a Director, Officer and Shareholder and his Estate and Trusts are owners of those interests.
73. Defendant, Life Insurance Connection, Inc., is domiciled in Florida and Simon Bernstein was a Director, Officer and Shareholder and his Estate and Trusts are owners of those interests.
74. Defendant, TSB Holdings, LLC, is domiciled in Florida and Simon Bernstein was a Director, Officer and Shareholder and his Estate and Trusts are owners of those interests.
75. Defendant, TSB Investments LLLP, is domiciled in Florida and Simon Bernstein was a Director, Officer and Shareholder and his Estate and Trusts are owners of those interests.
76. Defendant, Life Insurance Concepts, LLC, is domiciled in Florida and Simon Bernstein was a Director, Officer and Shareholder and his Estate and Trusts are owners of those interests.
77. Defendant, Life Insurance Innovations, Inc., is domiciled in Florida and Simon Bernstein was a Director, Officer and Shareholder and his Estate and Trusts are owners of those interests.
78. Defendant, Arbitrage International Management LLC, is domiciled in Florida and Simon Bernstein was a Director, Officer and Shareholder and his Estate and Trusts are owners of those interests.

79. Defendant, Arbitrage International Marketing, Inc., is domiciled in Florida and Simon Bernstein was a Director, Officer and Shareholder and his Estate and Trusts are owners of those interests.
80. Defendant, Arbitrage International Holdings, LLC, is domiciled in Florida and Simon Bernstein was a Director, Officer and Shareholder and his Estate and Trusts are owners of those interests.
81. Defendant, Total Brokerage Solutions LLC, is domiciled in Florida and Simon Bernstein was a Director, Officer and Shareholder and his Estate and Trusts are owners of those interests.
82. Defendant, Cambridge Financing Company, is domiciled in Florida and Simon Bernstein was a Director, Officer and Shareholder and his Estate and Trusts are owners of those interests.
83. Defendant, National Service Association, Inc., is domiciled in Florida and Simon Bernstein was a Director, Officer and Shareholder and his Estate and Trusts are owners of those interests.
84. Defendant, National Service Corp (Florida), is domiciled in Florida and Simon Bernstein was a Director, Officer and Shareholder and his Estate and Trusts are owners of those interests.
85. Defendant, National Services Pension Plan, is set up in Florida and Simon Bernstein was a plan Participant and his Estate and Trusts are owners of those interests.
86. Defendant, Arbitrage International Marketing, Inc. 401 (K) Plan, is set up in Florida and Simon Bernstein was a plan Participant and his Estate and Trusts are owners of those interests.
87. Defendant, S.B. Lexington, Inc. 501(c)(9) VEBA Trust, is set up in Illinois and Simon Bernstein was a plan Participant. Information is currently unavailable regarding the Trustees, etc. as it is alleged missing or destroyed.
88. Defendant, Trust f/b/o Joshua Bernstein under the Simon L. Bernstein Trust dtd 9/13/2012, is a trust set up in Florida by an unknown. Information is currently unavailable regarding the Trustees, etc. as it is alleged missing or destroyed.

89. Defendant, Trust f/b/o Daniel Bernstein under the Simon L. Bernstein Trust dtd 9/13/2012, is a trust set up in Florida by an unknown. Information is currently unavailable regarding the Trustees, etc. as it is alleged missing or destroyed.
90. Defendant, Trust f/b/o Jake Bernstein under the Simon L. Bernstein Trust dtd 9/13/2012, is a trust set up in Florida by an unknown. Information is currently unavailable regarding the Trustees, etc. as it is alleged missing or destroyed.
91. Defendant, ELIOT BERNSTEIN FAMILY TRUST DATED MAY 20, 2008, is a Trust established in Florida by Shirley and Simon.
92. Defendant, DANIEL BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006, is a Trust established in Florida by Shirley and Simon.
93. Defendant, JAKE BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006, is a Trust established in Florida by Shirley and Simon.
94. Defendant, JOSHUA Z. BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006, is a Trust established in Florida by Shirley and Simon.
95. Defendant, DANIEL BERNSTEIN IRREVOCABLE TRUST 07-JUL-10 049738, is a Trust established in Florida by Shirley and Simon.
96. Defendant, JAKE BERNSTEIN IRREVOCABLE TRUST 07-JUL-10 0497381, is a Trust established in Florida by Shirley and Simon.
97. Defendant, JOSHUA Z BERNSTEIN IRREVOCABLE TRUST 07-JUL-10 0497381 is a Trust established in Florida by Shirley and Simon.
98. Defendant, Heritage Union Life, is domiciled in Illinois and the issuer of a MISSING life insurance policy in dispute already in an Illinois Federal Court that was owned by Simon in Florida and Simon was the Insured.
99. Defendant, JILL MARLA IANTONI, Personally.



100. Defendant, LISA SUE FRIEDSTEIN, Personally.
101. Defendant, Steven A. Lessne, Esq., Personally.
102. Defendant Steven A. Lessne, Esq., Professionally and as alleged Counsel to the Defendant, BERNSTEIN FAMILY REALTY, LLC; as Counsel to the Defendant Oppenheimer and Janet Craig as Manager of BFR.
103. Defendant, GrayRobinson, P.A. is domiciled in Florida and is Counsel, to Defendants in this matter BFR; Eliot's Minor Children's School Trusts; Janet Craig as Manager of BFR and Janet Craig as Trustee of the Children's School Trusts at Oppenheimer.
104. T&S REGISTERED AGENTS, LLC, is the Registered Agent to many of the Corporate Entities sued hereunder and believed to be owned by Defendants Tescher and Spallina.
105. LaSalle National Trust, NA, is domiciled in Illinois and is an alleged Beneficiary of an Insurance Policy at issue in the matters on the life of Simon.
106. Defendants, JOHN AND JANE DOE 1-5000 are John Doe.
107. Jurisdiction and venue are proper in Palm Beach County, Florida because the Beneficiaries of the Trusts reside here, the Trusts were created in Florida, the Trust and the Corporate Entities are domiciled here and/or do business in the State of Florida.

**BACKGROUND SPECIFIC TO THIS CASE**

108. That to save the Court a lengthy filing by Eliot attempting to recap the many criminal acts and civil torts of each of the counter defendants, including those proven, admitted and alleged crimes committed by some of the Fiduciaries and Attorneys at Law acting as Officers of this Court before the Honorable Judge Martin Colin and Honorable David French, in the Estates and Trusts of Simon and Shirley Bernstein, including but far from limited to, Frauds on the Court, Frauds on the Beneficiaries, Fraud on Interested Parties, Creditor Fraud, Bank Fraud, Insurance Fraud, Theft of

Assets and other criminal acts and civil torts that directly relate to this instant legal action, Eliot instead hereby incorporates by reference all ongoing cases before this Court related to the Simon and Shirley Bernstein Estates and Trusts, including but not limited to all, pleadings, rulings, evidence, etc. that are currently before Hon. Judge Colin in the related cases already before this Court for almost two years.

109. That Simon and Shirley set up trust accounts for Eliot and his children and also set up an LLC named Bernstein Family Realty, LLC ("BFR") while living, in order to fund all of their living expenses, due to the fact that Eliot has had a bomb put in his car, death threats and is in the middle of a very intense RICO and ANTITRUST Lawsuit, where he and his family have been in grave danger for many years fighting corruption inside the very framework of the legal system.
110. That these entities were set up by Simon and Shirley for the benefit of Eliot, Candice and their children, in part funding the children's school, income for the family and covering all home and living expenses for many years prior to Simon and Shirley's passing and even after they had passed away these were continued for a certain period of time.
111. That the children's trust accounts were used to purchase a home for Eliot and his family and the home was owned by BFR with a loan to Walter Sahm who was the prior owner of the home and Simon's business partner and a legally deficient and "affected" loan to Simon was made to further protect the home from any actions against Eliot and his three minor children. The three children of Eliot are the only Members of BFR owning equal shares.
112. That the children's school trust accounts were funded in 2006 and BFR was also then established to pay household bills and expenses.
113. That several months after Simon died, BFR continued to pay bills and expenses as it was intended by Simon and Shirley that after their deaths these vehicles would be fully funded to provide for Eliot and his family for most of their natural lives with prudent investment of their inheritances.

114. That several months after Simon died, his assistant Rachel Walker ("Walker") was fired by Theodore and she informed Eliot and Candice that at the direction of Robert Spallina and Donald Tescher, Eliot and Candice would be taking over BFR's accounts and the payment of the bills. Walker brought these documents to their home at the direction of Spallina and Tescher.
115. That the account appeared to be held by Simon Bernstein.
116. That Eliot and Walker then called Legacy Bank and found out that not only was Walker not a signor on the account but that Simon was the only signor and that Walker could no longer sign checks or have any information regarding the account.
117. That Legacy Bank, who knew Simon well as a private banking client had not been informed that Simon had been dead for several months and was shocked to learn that his accounts were still being used and accessed POST MORTEM.
118. That Legacy Bank immediately upon finding that Simon was dead, froze the bank accounts and stated they could only speak with the PR of the Estate of Simon.
119. That Eliot immediately requested an investigation into how the accounts were being used POST MORTEM on an LLC account for a company his children owned.
120. That Eliot and Rachel notified Spallina that at the bequest of Legacy Bank he was required to call them immediately as the BFR accounts and others had been frozen instantly as the account was accessed unauthorized for months.
121. That subsequently it was also found through the production documents recently transferred to the Curator Ben Brown by Spallina and Tescher upon this Court's Order that other bank and credit card accounts were also used by others for months after Simon died by various parties.
122. That Spallina contacted Legacy Bank and then notified Eliot and Candice that he was transferring the frozen funds and BFR accounts to Janet Craig of Oppenheimer who he stated was the new acting Manager of BFR and Trustee of the children's trusts.

123. That Eliot and Candice later learned that this transfer of title of Manager of BFR was in violation of BFR's operating agreement; see BFR documents @ <http://www.iviewit.tv/BFR%20BFH%20BFI%20RECORDS.pdf> , fully incorporated by reference herein.
124. That it is now claimed by Craig that she self-appointed herself as Manager of BFR, again in violation of BFR's operating agreement.
125. That Spallina then directed Craig to open a new Oppenheimer BFR account with Craig and Worth as the agents now handling the BFR bills and the children's school trusts.
126. That Eliot and Candice requested repeatedly of Spallina, Tescher, Craig and Worth to provide historical account statements for Legacy Bank's BFR account so that they could determine how much was in the account prior to Simon's death and how much was used illegally POST MORTEM and they were refused this information repeatedly.
127. That Craig worked directly with Spallina and Tescher to transfer funds to Oppenheimer that had been previously frozen by Legacy Bank in their BFR accounts that were frozen when Eliot informed Legacy that Simon's Legacy accounts were being used ILLEGALLY, POST MORTEM.
128. That Craig then opened up a new BFR account at Oppenheimer and deposited the Legacy BFR account funds into the new account with the aid of Spallina and Tescher.
129. That Eliot repeatedly requested Craig and Spallina to obtain the Legacy Bank Account statements and other information relating to that account so that he could determine the amount of funds that were in the account when Simon died and determine who and what withdrawals and other activities had taken place illegally.
130. That Eliot was informed that Legacy would be conducting an internal investigation into the fraudulent use of Simon's accounts after his death and Eliot has recently again tried to contact Legacy to find out information about the accounts and investigations and was told that the Personal



Representatives would have to contact them but around that time, the Personal Representatives were Tescher and Spallina who obviously did not take any actions to have themselves investigated.

131. That Spallina and Craig informed Eliot that monies were running low in the Legacy BFR accounts and that until distributions of the Estates and Trusts could be worked out they determined that the Trusts of the three boys, set up for school education while Simon and Shirley were alive were to be used to pay the BFR expenses and children's expenses that had been being paid for seven years prior to their deaths through BFR and other entities set up by Simon and Shirley.
132. That Spallina stated the monies would be used from BFR and then the school trust funds and when those were depleted he would replenish and replace them as necessary and thereby authorized Craig to use the school trusts and BFR monies for these purposes, including but not limited to, property insurance, maintenance, improvements, property taxes, school tuition, food and clothing for the children, etc..., which were all being paid by Simon and Shirley through BFR for years prior and post their deaths.
133. That when the Trusts were depleted, Craig informed Spallina and asked for the replenishments and Spallina refused claiming now that he was not obligated and unwilling to pay them back in efforts to retaliate against Eliot, Candice and minor children.
134. That at this time Spallina, Tescher, Theodore, Manceri, Moran and others learned that they were being investigated by the Florida Governor Rick Scott's Notary Public Division and the West Palm Beach County Sheriff Office for a series of alleged fraudulent acts regarding the Estates and Trusts of Simon and Shirley Bernstein.
135. That on information and belief Craig, Tescher and Spallina then retained Mark Manceri, Esq. to represent BFR in the Stansbury Lawsuit.
136. That Manceri has subsequently voluntarily resigned from the Estates and Trust of Simon and Shirley Bernstein and now is a named Respondent (along with Tescher, Spallina, Rose and Pankauski) in the

Estate litigations, his resignation in the midst of arrests for Fraud, admitted Forgery and more of the former Executors/Personal Representatives/Co-Trustees/Counsel, Tescher and Spallina et al.

137. That Gerald Lewin, CPA, who was responsible for tax returns for BFR now claims that no tax returns were done for over 6 years, the only entity that appears to be missing returns.
138. That Eliot and Candice requested repeatedly of Spallina, Tescher, Craig and Worth to provide historical account statements for the children's trusts so that they could determine how much was in the accounts and the prior accountings from various firms that the monies are believed to have transferred through, including Stanford Trust Company and JP Morgan prior to Simon's death and they were refused, repeatedly.
139. Legacy Bank was contacted by Eliot several times regarding their claims that they were starting investigations into the use of Simon's accounts Post Mortem and despite repeated requests by Eliot have failed to provide any status or information regarding if they have started these investigations.
140. Oppenheimer is alleged to have nominated Craig as the Manager and began paying BFR bills and expenses for the children, including but not limited to, school, education and welfare from the BFR new account set up at Oppenheimer to replace the Legacy BFR account.
141. That Oppenheimer several months later notified Eliot that the BFR account was running low.
142. That Eliot contacted Spallina who stated that until he could allocate monies from the Estates and Trusts of Simon and Shirley to the beneficiaries that the children's lower, middle and high school trust funds (there were separate accounts for college) should now be used to pay the BFR and other expenses and that he would replace and replenish the funds once he could make distributions.
143. That Craig then began using the children's school trust funds to fund the BFR and other expenses at Spallina's direction.
144. As the trusts were diminished to de minimis value by paying the BFR company bills and other expenses for the children, Craig contacted Spallina to replace and replenish the trust accounts and

BFR account and Spallina and Tescher claimed they were now unwilling to refund and replenish the accounts.

145. That on or about this time that Spallina refused to replace the funds used, Tescher, Spallina, Moran, Theodore, Manceri and others were all under INVESTIGATION with Palm Beach County Sheriff Office ("PBSO") detectives and Florida's Governor Rick Scott's Notary Public Division for allegations of Fraud, Fraudulent Notarizations, Forgery and other crimes<sup>2</sup>, instigated by Eliot and Candice in relation to criminal acts taking place in the Estates and Trusts of Simon and Shirley.
146. That subsequently it was found that FORGERY, FRAUD, FRAUDULENT NOTARIZATIONS, IDENTITY THEFT and more were used to illegally seize Dominion and Control of the Estates and change beneficiaries of the Estates and Trusts of Simon and Shirley POST MORTEM and where there are still ongoing state and federal, civil and criminal, legal actions taking place regarding these crimes.

- 
1. <sup>2</sup> Palm Beach County Sheriff Report – Case No. 12121312 – Alleged Murder of Simon Bernstein filed by Theodore Bernstein
  2. Palm Beach County Sheriff Report – Case No. 13097087 - Forgery and Fraudulent Notarizations
  3. Palm Beach County Sheriff Report – Case No. 13159967 - Theft of Assets of Estates
  4. Palm Beach County Sheriff Report – Case No. 14029489 - Continuation of Fraud, Extortion and more.
    - a. PBSO REPORTS @ [http://www.iviewit.tv/Sheriff Reports.pdf](http://www.iviewit.tv/Sheriff%20Reports.pdf)
  5. State Attorney FL – - Case No. 13CF010745 - Forgery and Fraudulent Notarizations
  6. Jacksonville, IL. Police Department – Case No. #2014000865 – Insurance Fraud - Directed to Federal Authorities.
  7. Case No. 13-cv-03643 United States District Court – Northern District IL.
  8. Florida Probate Simon – Case No. 502012CP004391XXXX5B
  9. Florida Probate Shirley – Case No. 502011CP000653XXXX5B
  10. Heritage Union Fraud Investigation – Case No. TBD
  11. Florida Medical Examiner – Autopsy Case No. 12-0913 – Filed by Theodore Bernstein
  12. Governor Rick Scott Notary Public Division – Moran – Case No. Eliot and Simon Bernstein v. Moran
    - a. [http://www.iviewit.tv/Simon and Shirley Estate/20131014%20Office%20of%20the%20Governor%20Moran%20Suspension%20of%20Notary.pdf](http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20131014%20Office%20of%20the%20Governor%20Moran%20Suspension%20of%20Notary.pdf)
  13. Governor Rick Scott Notary Public Division – Baxley – Case No. Eliot and Simon Bernstein v. Baxley
    - a. [http://www.iviewit.tv/Simon and Shirley Estate/20140421 Office Of Governor Lindsay Baxley Complaint Misconduct.pdf](http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20140421%20Office%20Of%20Governor%20Lindsay%20Baxley%20Complaint%20Misconduct.pdf)

COUNTER COMPLAINT

Wednesday, July 30, 2014

Page 32

147. That Eliot notified Craig and Worth that Spallina, Tescher, Manceri, Theodore et al. were all under ongoing investigations and ongoing civil actions and urged them and their counsel McCabe to take appropriate legal steps to report the matters the proper authorities as they related to the Oppenheimer accounts.
148. That Eliot notified Craig that documents sent to him by her, Spallina and Tescher for both BFR and the children's trusts were incomplete, missing signatures, not properly initialed and were improperly notarized on documents she was operating under.
149. That Eliot was never sent completed documents for BFR or the children's trusts by Oppenheimer, Spallina and Tescher despite repeated requests.
150. That Eliot notified Craig that shares of LIC HOLDINGS, INC. which are held by the children's trusts are not valued or accounted for and that she must as Trustee demand under Florida Statute 607.1601- Corporate Records from LIC Holdings, Inc. for the children's trusts, which held shares in LIC, including but not limited to, a full and formal accounting from LIC, which Theodore operates as an Officer and Director.
151. That Eliot informed Craig, Worth, McCabe and others to report the fraud and breaches of fiduciary duties that were being alleged in the related Estate and Trust cases of Simon and Shirley and those then alleged against them before attempting to close any accounts or transfer any fiduciary titles, especially where these crimes were alleged committed in large part by Tescher and Spallina who directed Craig's actions with regard to the fraud alleged with the children's school trust accounts and BFR.
152. That on July 16, 2013 Craig notified Eliot via email that she was resigning as Trustee and Manager and assigning these titles to Eliot and Candice. From that email,

**From:** Craig, Janet [mailto:Janet.Craig@opco.com]

**Sent:** Tuesday, July 16, 2013 1:56 PM

**To:** 'Robert Spallina (rspallina@tescherspallina.com)'; 'Eliot Ivan Bernstein

COUNTER COMPLAINT  
Wednesday, July 30, 2014  
Page 33



(iviewit@gmail.com)'; 'Candice Bernstein (tourcandy@gmail.com)'

**Cc:** Worth, Hunt; Sigalos, Janet; Vereb, Patricia

**Subject:** Bernstein Family Realty

Robert, Eliot and Candice,

As you are aware, during his lifetime, Simon Bernstein paid the household expenses for Eliot and Candace. Upon his death those funds were frozen and the only funds available to pay the household expenses were the education trusts that Simon set up for Daniel, Jacob and Joshua...

... Please let me know as soon as possible if the Estate of Simon Bernstein intends to reimburse the education trusts for the household expenses paid to date. If this is not possible, for any reason, Oppenheimer Trust Company will have no recourse but to Resign as Trustee in favor of Eliot and Candice Bernstein and to name them as the Successor Manager of Bernstein Family Realty.

153. That on August 28, 2013 Craig notified Eliot via email that she had spoken with Spallina and he spoke with Theodore and that Theodore had been anointed by them as the successor Manager and that Theodore had accepted the role of Manager of BFR.
154. That as with Craig's appointment as Manager of BFR after Simon's death, the transfer to Theodore was also in violation of the BFR operating agreement relating to successor managers and no vote of the Members was sought.
155. That Craig then transferred ALL personal and confidential information regarding BFR (all bills, bank account information and more) and personal and confidential information regarding the children's trust accounts to Theodore, all done at Spallina and Tescher's direction to Craig. From that email,

From: Craig, Janet [mailto:Janet.Craig@opco.com]  
Sent: Wednesday, August 28, 2013 11:28 AM  
To: 'Eliot Ivan Bernstein (iviewit@gmail.com)'; 'Candice Bernstein (tourcandy@gmail.com)'  
Cc: 'Robert Spallina (rspallina@tescherspallina.com)'; 'Ted Bernstein (tbernstein@lifeinsuranceconcepts.com)'  
Subject: Bernstein Trust Terminations

Dear Eliot and Candice,

As you are aware, the trusts for Daniel, Jacob and Joshua have depleted over time due to the payment of your household bills. I have spoken with Mr. Spallina and he has informed me that the household bill payments will not be refunded to the trusts. We have therefore decided to terminate the trusts due to their de minimus market values...

... Please be advised that we will not be paying bills during this transition period. Ted Bernstein has agreed to become the Managing Member of Bernstein Family Realty and all questions regarding the payment of household bills should be directed to him

And then in another email sent shortly thereafter,

From: Craig, Janet [mailto:Janet.Craig@opco.com]  
Sent: Tuesday, September 17, 2013 2:09 PM  
To: 'Eliot Ivan Bernstein'; 'Candice Bernstein (tourcandy@gmail.com)'  
Cc: Worth, Hunt; 'Robert Spallina (rspallina@tescherspallina.com)'  
Subject: RE: Bernstein Grandchildren's trusts

Eliot and Candice,

...I believe you misunderstood my email regarding the termination of the trusts. The intention was for you to sign the Releases and we would release the funds to you and Candice. The only account to be released to Ted was the smaller Bernstein Family Realty account that we opened as a convenience for the payment of bills...

156. That Craig transferred these new fiduciary roles to Theodore, despite at the time knowing that Theodore was aware that Eliot and Candice were pursuing Theodore, Spallina, Tescher and Manceri et al. with State and Federal Authorities for a number of alleged and some now proven and admitted felony crimes and civil torts.

From: Craig, Janet [mailto:Janet.Craig@opco.com]  
Sent: Wednesday, August 28, 2013 10:52 AM  
To: Ted Bernstein (tbernstein@lifeinsuranceconcepts.com)  
Cc: Robert Spallina  
Subject: Bernstein Family Realty, LLC

Good Morning Ted,

Thank you for taking on the role of Managing Member of Bernstein Family Realty.

In order to close this account off our books, we will need you to sign and return the attached letter of authorization.

Please include the transfer instructions for the funds in the body of the letter. For your records, I have also attached an Asset Detail showing the current value of the account and a list of transactions since inception. During our short term as Managing Member we funded this account equally from Daniel, Jacob and Joshua's Trusts and paid family bills from this account. If you have any questions, please feel free to contact me directly by phone or email.

Janet Craig, CTFA  
Senior Vice President & Compliance Officer  
Oppenheimer Trust Company  
18 Columbia Turnpike

COUNTER COMPLAINT  
Wednesday, July 30, 2014  
Page 35

Florham Park, NJ 07932  
Tel: 973-245-4635  
Fax: 973-245-4699  
Email: Janet [Craig@opco.com](mailto:Craig@opco.com)

157. That this is where the extortion of Eliot and his family began to manifest further, as arrests were being made in the Estate and Trust cases of Simon and Shirley and investigations were underway against Theodore and his minion of attorneys at law and friends that he brought into Simon and Shirley's Estate and Trusts and thus began a Pattern and Practice of retaliation against Eliot in efforts to shut him down financially and stop him from further exposing the crimes committed.
158. That once Tescher, Spallina and Theodore gained Dominion and Control of the Estates and Trusts they began to systematically violate probate rules and statutes to deny the Beneficiaries of information and funds in violation not only of statutes but in violation of the terms of the Wills and Trusts they were allegedly operating under, causing intentional delays and damages to beneficiaries and drumming up huge legal expenses for themselves and the counsel they retained in the matters.
159. That prior to this intentional financial calamity caused on Eliot and his family it should be noted here that Eliot and Candice had taken jobs in a new company Simon had begun investing in several months before his death, Telenet Systems, LLC and they were projected to make approximately \$200,000.00 in salary and commissions, as well as, have an equity stake in the company after Simon's death with his girlfriend, Maritza Puccio.
160. That with no discussions with certain of the Beneficiaries as to the investment owned by Simon in Telenet and the remaining funds still owed to Telenet of approximately \$210,000.00 to meet the total agreed investment in the company, Spallina and Theodore decided to stop the investment and caused the owner of the business, Scott Banks, Simon's friend and business partner, to have to cut all his staff, downsize his office overnight that he and Simon had just acquired and let Eliot and Candice go from their jobs, causing great loss to Banks, Eliot, Candice, Maritza Puccio and others.

161. That Theodore then assumed the title as Manager of BFR and after getting highly private and confidential information transferred to him from Craig in this capacity, he systematically began disabling BFR and began failing to pay bills WITH NO NOTICE to Eliot and his family who live in the home BFR and the children's trusts owns and maintains, including cancelling the homeowners insurance, shutting off electricity, security, etc. and began failing to pay the school expenses, health insurance and other expenses for the minor children that had been being paid monthly for eight years prior to the deaths of Simon and Shirley by Simon and Shirley.
162. That Theodore failed to provide any notice of his new title as Manager of BFR to the Members, Eliot's three minor children or Eliot and Candice as their Guardians.
163. That Eliot and Candice did not receive the bills of BFR, as they were sent to the Managers of BFR, Oppenheimer and are in the name of BFR, not Eliot and Candice individually and therefore Eliot and Candice could not access or pay these accounts that were transferred to Theodore by Craig.
164. After months of bills not getting paid, services being shut off randomly and without notice and avoidance of emails regarding the bills by the Managers, Theodore and Craig, several months after Theodore was claimed to be Manager after accepting the BFR Manager position, Theodore suddenly stated he was not the Manager of BFR and never accepted the role from Craig and had no idea what anyone was talking about that he was ever appointed, despite his having received information from Craig in that capacity.
165. That the revelation that Theodore was not Manager came about when a one, Walter Sahm, after having to retain counsel to attempt to speak with the manager of BFR, then contacted Oppenheimer and Theodore about who was the Manager of BFR was.
166. That Sahm was prompted to retain counsel by the fact that Sahm holds a mortgage on the home owned by BFR and interest was not being paid or addressed and no one claiming to be Manager would contact him in reply to his repeated written requests regarding his mortgage.

167. That Sahm called Eliot to inform of the problems with the Managers of BFR, as he felt that he was being forced to foreclose, as no one responsible for BFR would return his or his attorney's pleas for information or his interest payment.
168. That Sahm was a close personal friend and business associate of Simon and he knew that Simon and Shirley had set the home up to protect Eliot and his family and he could not believe what was going on and put this all in writing to Theodore, Spallina and Craig.
169. That months after Theodore and Craig refused to respond to Eliot's numerous correspondences regarding the status of BFR and who the Manager was and the fact that bills BFR is responsible for were not getting paid and leaving both BFR and Eliot's family at risk, Craig suddenly did an about face and states via email to Eliot that Theodore never accepted the position and that she was still Manager, despite her prior claims that Theodore had accepted the position and she transferred the information to him months earlier based on her belief that Theodore was the Manager.
170. That this seemed outrageous, especially where Theodore had started acting on behalf of BFR and paying bills that he choose to be important and using other payments to extort Eliot that if he did not back off his complaints against Spallina, Moran, Tescher and himself, Eliot would get nothing.
171. That Theodore had acted to pay some bills of BFR at first after accepting the position as Manager of BFR and then as Theodore began to shut down utilities and put his family at risk, including three minor children, others, including but not limited to Tescher, Spallina and Manceri tried to force Eliot to take illegal distributions from the Estates and Trusts before they would give him any inheritance funds to either he or his family, in efforts to gain an implied consent to the criminal activity taking place in the Estates and Trusts.
172. That with the intentional delays caused in the inheritances to Eliot's family and the use of their home funds and children's school trust funds to depletion that were not replenished as originally claimed by Spallina, the timing was ripe for them to attempt to state that if Eliot did not drop his charges and



take distributions that he knew were illegal and steeped in Fraud, that he and his family would be starved out, the children removed from their school, etc. as again BFR paid all these expenses of their family for many prior years.

173. Then, after learning that Eliot was alleging Extortion with this Court<sup>3</sup> and other investigators, Theodore suddenly claimed in an email to Eliot that he was not the Manager of BFR, nor ever the Manager of BFR and was just paying some bills of BFR from Estate and Trust funds out of the kindness of his heart and acted as if he knew nothing about BFR and his acceptance of the Manager position Craig stated he accepted when transferring him all the bills and personal and confidential

---

<sup>3</sup> That on September 04, 2013, ELIOT filed Docket #TBD, in the estate of Simon, a "NOTICE OF EMERGENCY MOTION TO FREEZE ESTATES OF SIMON BERNSTEIN DUE TO ADMITTED AND ACKNOWLEDGED NOTARY PUBLIC FORGERY, FRAUD AND MORE BY THE LAW FIRM OF TESCHER & SPALLINA, P.A., ROBERT SPALLINA AND DONALD TESCHER ACTING AS ALLEGED PERSONAL REPRESENTATIVES AND THEIR LEGAL ASSISTANT AND NOTARY PUBLIC, KIMBERLY MORAN: MOTION FOR INTERIM DISTRIBUTION DUE TO EXTORTION BY ALLEGED PERSONAL REPRESENTATIVES AND OTHERS; MOTION TO STRIKE THE MOTION OF SPALLINA TO REOPEN THE ESTATE OF SHIRLEY; CONTINUED MOTION FOR REMOVAL OF ALLEGED PERSONAL REPRESENTATIVES AND ALLEGED SUCCESSOR TRUSTEE."

<http://www.iviewit.tv/20130904MotionFreezeEstatesShirleyDueToAdmittedNotaryFraud.pdf>.

And

That on October 10, 2013 Petitioner filed in Shirley's estate case Motions titled, (I) MOTION TO ORDER ALL DOCUMENTS BOTH CERTIFIED AND VERIFIED REGARDING ESTATES OF SHIRLEY AND SIMON (SIMON'S DOCUMENT ARE REQUESTED AS IT RELATES TO SHIRLEY'S ALLEGED CHANGES IN BENEFICIARIES) BE SENT TO ELIOT AND HIS CHILDREN IMMEDIATELY IN PREPARATION FOR THE EVIDENTIARY HEARING ORDERED BY THIS COURT (II) MOTION TO FOLLOW UP ON SEPTEMBER 13, 2013 HEARING AND CLARIFY AND SET STRAIGHT THE RECORD (III) **MOTION TO COMPEL FOR IMMEDIATE, EMERGENCY RELIEF!!!, INTERIM DISTRIBUTIONS AND FAMILY ALLOWANCE FOR ELIOT, CANDICE & THEIR THREE MINOR CHILDREN DUE TO ADMITTED AND ACKNOWLEDGED FRAUD BY FIDUCIARIES OF THE ESTATE OF SHIRLEY AND ALLEGED CONTINUED EXTORTION** (IV) MOTION TO CORRECT AND DETERMINE THE BENEFICIARIES OF THE ESTATE BASED ON PRIOR CLOSING OF THE ESTATE THROUGH FRAUD ON THE COURT BY USING FRAUDULENT DOCUMENTS SIGNED BY SIMON WHILE HE WAS DEAD AND POSITED BY SIMON IN THIS COURT WHEN HE WAS DEAD AS PART OF A LARGER FRAUD ON THE ESTATE BENEFICIARIES (V) MOTION TO ASSIGN NEW PERSONAL REPRESENTATIVES AND ESTATE COUNSEL TO THE ESTATE OF SHIRLEY FOR BREACHES OF FIDUCIARY DUTIES AND TRUST, VIOLATIONS OF PROFESSIONAL ETHICS, VIOLATIONS OF LAW, INCLUDING BUT NOT LIMITED TO ADMITTED AND ACKNOWLEDGED FRAUD, ADMITTED AND ACKNOWLEDGED FRAUD ON THE COURT, ALLEGED FORGERY, INSURANCE FRAUD, REAL PROPERTY FRAUD AND MORE (VI) MOTION FOR GUARDIAN AD LITUM FOR THE CHILDREN OF TED, P. SIMON, IANTONI AND FRIEDSTEIN AND ASSIGN A TRUSTEE AD LITUM FOR TED FOR CONFLICTS OF INTEREST, CONVERSION AND MORE (VII) MOTION TO RECONSIDER AND RESCIND ORDER ISSUED BY THIS COURT "ORDER ON NOTICE OF EMERGENCY MOTION TO FREEZE ASSETS" ON SEPTEMBER 24TH FOR ERRORS AND MORE AND (VIII) MOTION TO RECONSIDER AND RESCIND ORDER ISSUED BY THIS COURT "AGREED ORDER TO REOPEN THE ESTATE AND APPOINT SUCCESSOR PERSONAL REPRESENTATIVES" ON SEPTEMBER 24TH FOR ERRORS AND MORE

[www.iviewit.tv/20131010MotionCompelFreezeYouHaveTheRighttoRemainSilent.pdf](http://www.iviewit.tv/20131010MotionCompelFreezeYouHaveTheRighttoRemainSilent.pdf)

materials of Eliot's family. The following email from Theodore to Eliot further illustrates this sudden claim months later by Theodore,

From: Ted Bernstein [mailto:tbernstein@lifeinsuranceconcepts.com]  
Sent: Saturday, January 25, 2014 2:35 PM  
To: 'Eliot Ivan Bernstein'; judi@masseyclarkfischer.com  
Cc: 'Craig, Janet'; 'Candice Bernstein'; Hunt Worth ~ President @ Oppenheimer Trust Company ; William McCabe Esq. @ Oppenheimer Trust Company; Janet Craig, CTFA ~ Senior Vice President & Compliance Officer @ Oppenheimer Trust Company ; Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq.; Marc R. Garber, Esquire @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Lisa S. Friedstein; Lisa; Jill M. Iantoni; Jill M. Iantoni; Guy T. Iantoni @ GTI LIFE, Inc.; Guy T. Iantoni; Pamela Beth Simon  
Subject: RE: BERNSTEIN FAMILY REALTY LLC - 2753 NW 34TH ST - HOMEOWNERS RENEWAL POLICY

Eliot > as I have previously stated in correspondence to you, I am not and never have been involved with Bernstein Family Realty, in any capacity. You have repeatedly referred to an email from August, 2013 in which Janet stated that I agreed to be the managing member of Bernstein Family Realty. I have repeatedly stated and written after August, 2013, as well as Robert Spallina, that I was never the managing member and I am not the managing member. If Janet inadvertently stated that I was, it has been clarified for you on multiple occasions that I am not. Please let this be another.

Therefore, please let this serve as another request to stop referring to me as the managing member of Bernstein Family Realty. Please stop having people contact me in relation to Bernstein Family Realty. Please stop having mail sent to me in relation to Bernstein Family Realty.

Thank you.

174. That Craig months later then stated she was still the Manager of BFR when she was pressed for an answer by Walter Sahm as to who the Manager was, as Sahm was threatening to foreclose and sue if someone did not give him answers about his Mortgage held with BFR, this after months that Sahm was misled with others as to who was responsible for BFR and his Mortgage and Interests due. From an email from Craig to Eliot this is further illustrated,

From: Craig, Janet [mailto:Janet.Craig@opco.com]  
Sent: Friday, February 7, 2014 1:42 PM  
To: 'The Sahm's'; 'tbernstein@lifeinsuranceconcepts.com'  
Cc: 'iviewit@iviewit.tv'; 'rspallina@tescherspallina.com'; Worth, Hunt  
Subject: RE: Home owner's Insurance....

Walt and Pat,

Oppenheimer Trust Company of Delaware is currently the Manager of Bernstein Family Realty, however the Trusts that were paying the Bernstein household bills have been entirely depleted. The only remaining assets in each trust is a one third share of Bernstein Family Realty and nominal shares of LIC Holdings.

At one point we were told that Ted Bernstein would take over as Manager and we prepared paperwork to transfer responsibility, however that paperwork was never returned to us.

Oppenheimer Trust Company of Delaware is attempting to close these accounts and distribute the remaining assets, however Eliot and Candice Bernstein have refused to return the Releases sent to them last August. As such we remain Manager but we have no assets with which to assist the Bernsteins [sp Bernsteins]...

175. That Craig refused to get accountings for Trusts assets regarding the company LIC that Theodore is an Officer and Director of and without this information, attempted to claim that the children's school trusts had no value left was not true and yet she was going to attempt to close the accounts and transfer the remainder of any monies and other interests to Eliot but without notice then transferred everything to Theodore claiming he was the new Manager of BFR.
176. That as a fiduciary of BFR and the children's trusts Craig should have instead been notifying authorities of what was transpiring regarding the criminal activities and moving to protect the trusts and BFR from those involved and not abdicate her fiduciary duties and attempt to run and transfer the responsibilities, information and monies to those she knew Eliot was pursuing for civil torts and criminal acts.
177. That Eliot refused to take any of the remaining corpus of the Trusts or assume fiduciary responsibilities and told Craig, Worth and their counsel McCabe that as acting Fiduciaries they should immediately report the alleged and proven criminal acts involving Theodore, Spallina, Tescher, Manceri, Rose, Moran, Baxley et al. to the proper authorities and freeze everything to preserve the evidence and that Eliot was unwilling to release them in any capacities and accept any role as fiduciary until all these matters and their involvement in the matters were fully and legally resolved and reported to the proper authorities.

178. That Craig, Worth and McCabe despite being requested repeatedly to report Fraud going on instead opted to try and remove Oppenheimer out of house of cards that was beginning to crumble and took abusive legal actions against Eliot and Candice to force them to become successor fiduciaries.
179. That Craig then hired a lawyer from Gray Robinson, defendant Steven Lessne, Esq. who called Eliot and Candice to tell them first that he was representing the Trusts of the three boys and also representing BFR in litigation in the Creditor claim of William Stansbury in the Estate and Trusts of Simon and Shirley, in the creditor case titled WILLIAM E. STANSBURY, Plaintiff v. TED S. BERNSTEIN; SIMON BERNSTEIN; LIC HOLDINGS, INC.; and ARBITRAGE INTERNATIONAL MANAGEMENT, LLC, f/k/a ARBITRAGE INTERNATIONAL HOLDINGS, LLC., Defendants / Case #502012CA013933MBAA before Hon. Judge Blanc. BFR was also sued by Stansbury.
180. That Eliot disclosed to Lessne the problems regarding Craig, Worth and McCabe's involvement in BFR, the children's trusts and that no properly executed documents had been put forth proving their capacities in the entities they assumed.
181. That Eliot disclosed to Lessne the alleged Extortion of Eliot taking place involving Spallina, Tescher, Theodore, Manceri et al. and other criminal acts taking place in the Estates and Trusts of Simon and Shirley.
182. That Eliot suggested to Lessne that Gray Robinson should sue Oppenheimer, Worth, Craig and McCabe for breaches of fiduciary duties, conspiracy, extortion and more and immediately report them all to the proper authorities.
183. That Lessne, after asking Eliot and Candice what they thought he should do in regards to the trust and BFR matters and after listening and discussing their strategies with them then informed Eliot and Candice that he was not really representing the Trusts and BFR but rather the Trustee of the Trusts,

Craig/Oppenheimer and that he was not really representing BFR but rather Craig/Oppenheimer as Manager of BFR.

184. That Eliot informed Lessne that this sneaky trick to gain information from him while acting as his children's counsel and BFR's counsel was a violation of bar rules and more.
185. That Lessne misrepresented his role in the matters to Candice and Eliot and acted inappropriately in taking information regarding the matters under his false claims of who he was representing.
186. That on a cumulative scale, in relation to the ongoing Probate and Trust actions related, there are claims that the Wills and Trusts assets are valued at 40-100 million dollars, including but not limited to, the many Corporate Entities and Trusts established by Simon and Shirley while living, including but not limited to BFR and the children's trusts, with approximately one third of all assets either going to Eliot or his children or a combination of both depending on how this Court rules regarding the validity of the Wills and Trusts that have been challenged and already found fraught with Fraud, Fraudulent Notarizations, Improper Notarizations, Forgeries and more.
187. That due to a complete failure to follow Probate Rules, Trust Rules, Florida Statutes, Law, Attorney Conduct Codes and rampant Breaches of Fiduciary Duties there has been virtually no documents tendered for any trusts or entities sued hereunder, no transparency whatsoever since the beginning of Tescher, Spallina and Theodore's illegally gained reign as fiduciaries and counsel and this has significantly and catastrophically damaged Eliot, his family, creditors and others with intent.
188. That life insurance trust documents have gone missing and yet the missing trust filed a claim for insurance proceeds that were part of Simon's estate as evidenced in the ongoing Federal Civil Breach of Contract Lawsuit in IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION, Case No. 13cv3643, before the Hon. Judge Amy St. Eve, filed by an alleged Trustee, Robert Spallina, Esq. of Trust that does not legally exist in any form and he claims never to have seen.



189. That when the fraudulent insurance claim was rejected for obvious reasons that the alleged beneficiary does not legally exist, a Breach of Contract lawsuit was then filed by Theodore who suddenly replaced Spallina as the Trustee of the Lost Trust.
190. That there is a missing Heritage Union Life Policy for approximately two million dollars.
191. That there are now claimed to be missing IRA beneficiaries and there have been alleged IRA account changes Post Mortem,
192. That there are missing accountings for the Estates and virtually every Corporate Entity and Trusts created by Simon and Shirley.
193. There are missing personal assets of Simon and Shirley including millions of dollars of jewelry, art and furnishings, which is under ongoing investigations.
194. That there is NOT A SINGLE SIGNED TAX RETURN FOR SIMON OR SHIRLEY produced within the LEGALLY DEFICIENT ACCOUNTING OF SIMON'S ESTATE ORDERED UPON RESIGNATIONS AND REMOVAL OF TESCHER AND SPALLINA.
195. That Tax Returns turned over to the Curator Benjamin Brown, Esq. of Simon's Estate by CBIZ and Lewin are also unsigned.
196. That there have been NO OTHER ACCOUNTINGS OF ANY OTHER TRUSTS or Corporate Entities held UNDER THE WILLS AND TRUSTS of Simon and Shirley.
197. That there has been FORGERY POST MORTEM IN SEVERAL INSTANCES, FRAUDULENT NOTARIZATIONS IN SEVERAL INSTANCE INCLUDING POST MORTEM and IMPROPER NOTARIZATIONS OF ALLEGED WILLS AND TRUSTS and more.
198. That through these dispositive document crimes in the Estates and Trusts, Dominion and Control of the Estates and Trusts of Simon and Shirley were illegally overtaken by Theodore and his close personal friends and business associates, mostly Attorneys at Law sued herein, all misusing and abusing law to achieve a takeover illegally of the Estates, Trusts and other entities in order to convert

the assets in a variety of subsequent frauds and other crimes both state and federally to improper parties.

199. That it is alleged that Theodore and Pamela Simon were inappropriately notified of privileged, confidential and sensitive information of their disinheritance in the Estates, Trusts and Corporate Entities sued hereunder by Tescher and Spallina, prior to Simon's death.
200. That it is alleged that this inappropriately privileged, confidential and sensitive disclosed information was disclosed by Tescher and Spallina without knowledge and consent of Simon.
201. That Theodore and Pamela were bitter, angered and enraged<sup>4</sup> upon learning this information and a series of events described in Eliot's first Petition in the Estates of Simon and Shirley unfolded in efforts to force Simon to make changes to he and Shirley's long established Estate plans and Trusts to include them back into them.
202. That Simon never made these changes while alive and only after his mysterious, unexpected death were changes attempted to be made through POST MORTEM criminal acts and civil torts against the true and proper Beneficiaries.
203. That Eliot files several of the following Counts on the advice of Federal Judge Amy St. Eve of the Illinois Court in an Order dated March 17, 2014, whereby she stated,

**Instead, Eliot is seeking damages against Tescher and Spallina for other claims, namely, fraudulent conversion, breach of fiduciary duty, legal malpractice, abuse of the legal process, common law conversion, civil conspiracy, and negligence in connection with the administration of Simon Bernstein's Estate in the Probate Court of Palm Beach County, Florida. Rule 14(a) does not authorize Eliot to seek any such relief in the present lawsuit because Eliot is not facing any liability in the first instance.**

---

<sup>4</sup> <http://www.iviewit.tv/20111128PamelaLettertoSimonHeriaud&Genin.pdf>

### COUNT 1 - CIVIL CONSPIRACY

204. This is an action for Civil Conspiracy under Florida Statutes.
205. Plaintiffs hereby reiterate and incorporate herein by reference, as if fully restated herein, preceding paragraphs 1 through 203, inclusive.
206. That as with any conspiracy, all of the facts regarding the actions of each of the defendants is largely unknown at this time and with ongoing investigations and new production documents that reveal even more alleged criminal acts and civil torts, more is being learned every day but one thing is for certain in this illegal legal conspiracy, the primary participants known at this time are licensed Attorneys at Law who have acted together to deprive Eliot and his family of legal rights through further abuse of process and complex illegal legal frauds constructed to obstruct justice and deny Eliot of due process and procedure and his and his children's inheritances.
207. That Theodore, on the day Simon died on September 13, 2012 alleged that Simon was murdered and filed a Palm Beach County Sheriff report already evidenced herein, claiming that Simon's girlfriend poisoned Simon.
208. That Theodore, on the day Simon died on September 13, 2012 alleged that Simon was murdered and ordered an Autopsy<sup>5</sup> be done, alleging that Simon's girlfriend poisoned Simon.
209. That Simon may have been murdered but now a growing body of evidence uncovered involves proven and further alleged FELONY criminal misconduct by the Defendants in combination.
210. That Simon may have been murdered not by his girlfriend but by those involved in the criminal conspiracy that has taken place to illegally seize Dominion and Control of the Estates and Trusts of Shirley and Simon and loot their assets to the tune of between \$20-100 Million dollars and deprive Eliot and his family of their inheritances.

---

<sup>5</sup> [www.iviewit.tv/SIMONBERNSTEINAUTOPSYREPORTTHEAVVYMETAL.pdf](http://www.iviewit.tv/SIMONBERNSTEINAUTOPSYREPORTTHEAVVYMETAL.pdf)

211. That Simon may have been murdered not by his girlfriend but by those involved in the criminal conspiracy to steal intellectual properties worth billions upon billions of dollars, a conspiracy that has already been filed in a RICO and ANTITRUST lawsuit, already embodied herein, whereby there are allegations that ATTORNEYS AT LAW and others put a bomb in the Minivan of Eliot to murder he and his family, have made repeated and reported death threats to Eliot and more.
212. That Eliot is the midst of attempting to bring about a change in the legal system in efforts to root out systemic corruption at the highest levels by a rogue group of criminals disguised as Attorneys at Law, Judges, Politicians and more.
213. That Eliot has been targeted as a related case to Anderson, in efforts to silence his efforts to take a large bite out of crime in New York and Florida, through a complete violation of his personal property rights, privacy rights and more.
214. That this lawsuit and all the other related Probate cases and other legal cases Eliot is in are a coordinated and conspiratorial to harm Eliot and his family through legal process abuse and RICO type activities that use the legal system to deprive victims of their due process rights against those that hold seats of power and honor.
215. That this legal conspiracy may relate to other legal actions Eliot is currently involved in as described in Eliot's first Petition in the Estate cases<sup>6</sup>, which are again involving conspiracy charges against primarily Attorneys at Law. Several of the defendants in each case are similar.

---

<sup>6</sup> That on May 6, 2013 Petitioner filed an "EMERGENCY PETITION TO: FREEZE ESTATE ASSETS, APPOINT NEW PERSONAL REPRESENTATIVES, INVESTIGATE FORGED AND FRAUDULENT DOCUMENTS SUBMITTED TO THIS COURT AND OTHER INTERESTED PARTIES, RESCIND SIGNATURE OF ELIOT BERNSTEIN IN ESTATE OF SIMON/SHIRLEY BERNSTEIN AND MORE." Filed in both estates.

15th Judicial Florida Probate Court

[www.iviewit.tv/20130506PetitionFreezeEstates.pdf](http://www.iviewit.tv/20130506PetitionFreezeEstates.pdf)

and

Most Honorable Shira A. Scheindlin. Pages 156-582 reference estate matters in Simon and Shirley as it relates to RICO allegations.

[www.iviewit.tv/20130512MotionRehearReopenObstruction.pdf](http://www.iviewit.tv/20130512MotionRehearReopenObstruction.pdf) US District Court Southern District of New York

COUNTER COMPLAINT  
Wednesday, July 30, 2014  
Page 47

216. That Simon may have been murdered but not by his girlfriend as alleged, as he may have been talking with State and/or Federal Authorities regarding his knowledge in Proskauer Rose's alleged involvement in the Sir Robert Allen Stanford Ponzi scheme<sup>7</sup>.
217. That Eliot is pursuing Defendants, Proskauer Rose LLP, Gerald Lewin, CPA and Albert Gortz, Esq. as the main initial parties involved in the theft of Simon and Eliot's Intellectual Properties and companies that were set up to hold those assets, worth an estimated billions of dollars and that they are also centrally involved now in the Estates, Trusts and Corporate Entity torts committed.
218. That the conspiracy has reached into the Estates and Trusts, again through corruption involving complex legal frauds committed through misuse of the legal system now by new Attorneys at Law acting as Officers of this Court, now committed in efforts to deprive Eliot and his family of their inheritances to interfere and hinder their efforts to bring about justice in several of the other now related legal battles Eliot and they are involved in.
219. That new evidence reveals that Eliot and his family have been targeted by high ranking members of the legal community (disciplinary department members, judges and attorneys at law) illegally misusing Joint Terrorism Task Force funds and resources to specifically Obstruct Justice in the prior cases by targeting them and surveilling them directly to interfering with their rights to due process and procedure.
220. That Simon and Shirley left vast wealth to their beneficiaries under their years of elaborate estate plans, costing thousands upon thousands of dollars to set up these trusts, business entities and other

---

<sup>7</sup> "U.S. justices say Allen Stanford victims can sue lawyers, brokers" REUTERS, By Lawrence Hurley, WASHINGTON Wed Feb 26, 2014 4:09pm EST <http://www.reuters.com/article/2014/02/26/us-usa-court-stanford-idUSBREA1P17220140226>

and

"Proskauer, Chadbourne Could Face Billions In Damages" Law 360, By Stephanie Russell-Kraft, New York (February 26, 2014, 10:16 PM ET)

<http://www.law360.com/articles/513782/proskauer-chadbourne-could-face-billions-in-damages>

and

"How Allen Stanford kept the SEC at bay" Reuters, By Murray Waas, January 27, 2012 11:06 AM ET

<http://business.financialpost.com/2012/01/27/how-allen-stanford-kept-the-sec-at-bay>



vehicles. Simon and Shirley went to Proskauer for Estate planning in 2000 primarily to protect their interests in Eliot's technologies but fired them upon learning of their involvement in the stolen Intellectual Properties.

221. That Simon and Shirley's interests in the technologies and companies that held them is missing from the Estates and Trusts at this time.
222. That Spallina contacted Lewin and Proskauer to find out where the stocks were that they held for the companies they formed to hold the Intellectual Properties and did not receive any information back.
223. That Defendant's Oppenheimer and JP Morgan were both initially involved in Eliot's technologies and signed various agreements with the companies that held the Intellectual Properties, see <http://iviewit.tv/CompanyDocs/Appendix%20A/>.
224. That all of these complex estate plans, including multiple layers of trusts, business entities and other vehicles have been seized illegally and interfered with by various of the Defendants, acting alone and/or in concert with other Defendants and assets have been converted to improper parties through a combination of frauds and thefts to defeat Eliot of his inheritance, including but not limited to, the shares of the companies that hold the Intellectual Properties.
225. That in order to achieve this looting of the Estate, Trusts and Corporate Entities, financial and accounting information due to the Beneficiaries was further suppressed and denied and now it is learned in some instances even destroyed, to keep the information from the true and proper Beneficiaries, in violation of probate statutes, trust statutes, state law, federal law, attorney conduct codes and through breach upon breach of fiduciary duties.
226. That all parties sued hereunder have acted alone and in combination with others to violate the trusts, business entities and other vehicles to fraudulently remove assets from the corpuses of the trusts, business entities and other vehicles, in various artifices to defraud the true and proper Beneficiaries.

227. That the Oppenheimer Trusts and BFR are only a fraction of the trusts and entities that criminal activity is alleged taking place in but that directly relates to the overall conspiracy to rob and loot the Estates and further to extort Eliot, once Dominion and Control of the Estates and Trusts was seized illegally through the elaborate series of document forgeries and fraud.
228. That many of these frauds have already been brought before the Court in the Petitions and Motions filed by Eliot in the Estate cases before this Court, which remain unheard since May of 2013, which ties all of these Defendants together as part of the larger conspiracy in a variety of criminal acts and civil torts, again most of these illegal legal crimes were committed by Officers of this Court under the Tutelage of Your Honor.
229. That Craig was introduced to Eliot via the former Executors/Personal Representatives/Co-Trustees/Counsel of the Estate of Simon, Tescher and Spallina, who have since resigned and been removed from all Bernstein family matters in the midst of the arrest and conviction of their Notary Public/Legal Assistant for Fraudulent Notarizations, admitted Forgery (including forging documents POST MORTEM for Simon and five other forgeries of other interested parties), admitted POST MORTEM ALTERING of Trust documents by Robert Spallina in statements to PBSO<sup>8</sup>, POST MORTEM closing of the Estate of Shirley with a dead Executor/PR, Simon, improper distributions made against the advice of counsel by the alleged fiduciary Theodore and many more crimes are alleged and under ongoing investigations in the Estates, Trusts and Corporate Entities of Simon and Shirley.
230. That Spallina without any legal authority informed Eliot that he had transferred the BFR Manager position after Simon died to Craig, in violation of the BFR Operating Agreement which calls for a vote of the Members, Eliot and Candice's three minor children are the only Members with Eliot and Candice as their Guardians.

---

<sup>8</sup> See footnote 1, PBSO January 2014 Sheriff Report

231. That Craig claimed that she was the Successor Trustee to Stanford Bank as Trustee of the children's school trust funds. The transfer of funds allegedly occurred when the infamous Sir Robert Allen Stanford was arrested for the second biggest Ponzi scheme in the United States and the banks he owned and operated were seized by US federal authorities and the monies had to be transferred to a new financial institution.
232. That it is alleged that large amounts of monies were lost in the transfers but again financial information regarding these transfers is limited due to suppression, denial and destruction of documents.
233. That several of the account executives working the Bernstein family investment accounts at Stanford, including those handling the children's trusts, transferred from the now infamous Sir Robert Allen Stanford banks to Oppenheimer, then to JP Morgan or vice versa, as the records provided thus far are incomplete and unclear regarding the personal transfers.
234. That on information and belief, Simon Bernstein immediately prior to his sudden and unexpected death, where it has been alleged by Theodore Bernstein and others that he may have been murdered, was contacting JP Morgan and Oppenheimer regarding missing funds in the transfer of his accounts and his family's accounts from Stanford to Oppenheimer then to JP Morgan or vice versa, including but not limited to, trust funds of Eliot's three minor children.
235. That this Court in the Probate cases has recently sealed a document as "Attorney Client Privileged" that Eliot is precluded from publishing or distributing but can be found online at a number of sources due to its widespread distribution by Eliot prior to his knowledge that claims of Privilege were levied in attempts to cover up the document that both threatens Eliot with forcefulness and aggressiveness and displays a wide variety of Breaches of Fiduciary Duties by Fiduciaries in the Estates and Trusts, primarily Theodore and violations of Attorney Conduct Codes and more by the Attorneys at Law

mentioned in the letter that was sent by Theodore directly and solely to Eliot, where neither are Attorneys at Law, nor clients of one another. That the letter exhibits further conspiratorial activities.

236. That in keeping with the Court Order, Eliot will not republish the email herein as directed but will direct the Court to available sites where it exists publically and eternally in the World Wide Web, including, <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> and <http://tedbernsteinreport.blogspot.com/2014/07/alan-rose-john-pankauski-and-ted.html> , hereby incorporated by reference in entirety herein.

237. That Hon. Judge Colin claimed in hearings that it was obvious that the language threatening to use force and aggression with Eliot could not have meant to cause him physical harm or bodily injury and Eliot can understand that in normal circumstances lawyers using these terms may not mean harm but more strategy but in this unique case where the lawyers are accused of fraud, forgeries and theft and may face lengthy prison sentences, perhaps that language should be re-read in light of the claims of Murder of Simon, prior Death Threats to Eliot and CAR BOMBINGS and reported to the proper authorities by this Court.

238. This case is related to ALL of the following ongoing actions worldwide involving Eliot Bernstein where there are claims of conspiracy committed by Attorneys at Law in each and where shockingly there are many links in each of the cases to the same Attorneys at Law acting in various combinations in each case, including the instant action;

- i. UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK, ELIOT I. BERNSTEIN, et al., Plaintiffs, - against - APPELLATE DIVISION FIRST DEPARTMENT DISCIPLINARY COMMITTEE, et al., Defendants. Case No. 07 Civ. 11196 (SAS), Honorable Judge SHIRA A. SCHEINDLIN, U.S.D.J. (HEREBY FULLY INCORPORATED BY REFERENCE IN ENTIRETY HEREIN, ALL PLEADINGS,

ORDERS, ETC.) (TO BE PETITIONED TO REOPEN BASED UPON FRAUD ON THE COURT AND OBSTRUCTION RECENTLY DISCOVERED).

- ii. SIMON BERNSTEIN ESTATE PROBATE CASE IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL ESTATE OF SIMON LEON BERNSTEIN CASE NO. 502012CP004391 IZ XXXX SB (HEREBY FULLY INCORPORATED BY REFERENCE IN ENTIRETY HEREIN, ALL PLEADINGS, ORDERS, ETC.).
- iii. SHIRLEY BERNSTEIN ESTATE PROBATE CASE IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL ESTATE OF SHIRLEY BERNSTEIN CASE NO. 502011CP00653XXXXSB (HEREBY FULLY INCORPORATED BY REFERENCE IN ENTIRETY HEREIN, ALL PLEADINGS, ORDERS, ETC.).
- iv. IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION, Case No. 13cv3643, before the Hon. Judge Amy St. Eve (HEREBY FULLY INCORPORATED BY REFERENCE IN ENTIRETY HEREIN, ALL PLEADINGS, ORDERS, ETC.).

- a. Where the Estate of Simon was recently allowed to intervene in the II. case as it directly relates to the Estate of Simon that was not previously represented in the case by the former PR's of the Estate Tescher and Spallina, which is similar to the instant case where these matters are trying to be separated into other Courts to diffuse the situations unfolding involving criminal acts and civil torts that are directly related.

- v. OBSIDIAN FINANCE GROUP, LLC ET AL. V. COX CASE NO. 3:11-CV-00057-HZ. (HEREBY FULLY INCORPORATED BY REFERENCE IN ENTIRETY HEREIN, ALL PLEADINGS, ORDERS, ETC.). (Note Bernstein is not a Defendant but was tried to be added as a Defendant after the case was heard).



- vi. RANDAZZA ET AL V. COX, BERNSTEIN ET AL., CASE NO. 2:12-CV-02040-GMN-PAL. (HEREBY FULLY INCORPORATED BY REFERENCE IN ENTIRETY HEREIN, ALL PLEADINGS, ORDERS, ETC.)
- vii. COX VS. RANDAZZA, ET AL. – NEVADA RICO CASE NO. 2:13-CV-00297-JCM-VCF CHANGED TO 2:13-CV-00297 JCM (NJK) CHANGED TO 2:13-CV-00297 MMD-VCF. (HEREBY FULLY INCORPORATED BY REFERENCE IN ENTIRETY HEREIN, ALL PLEADINGS, ORDERS, ETC.)
- viii. MARC J. RANDAZZA ET AL. V GODADDY, LLC ET AL. ISSUED BY THE MIAMI-DADE COUNTY, FLORIDA 11TH JUDICIAL CIRCUIT COURT, CIVIL ACTION NO. 2014-5636-CA. (HEREBY FULLY INCORPORATED BY REFERENCE IN ENTIRETY HEREIN, ALL PLEADINGS, ORDERS, ETC.)
- ix. IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA, CASE NO. CA 01-04671 AB, PROSKAUER ROSE LLP, A NEW YORK LIMITED LIABILITY PARTNERSHIP, PLAINTIFF, VS. IVIEWIT.COM, INC., A DELAWARE CORPORATION, IVIEWIT HOLDINGS, INC., A DELAWARE CORPORATION, AND IVIEWIT TECHNOLOGIES, INC., A DELAWARE CORPORATION, DEFENDANT. (To be petitioned to reopen based upon fraud on the court and obstruction recently discovered)

239. That in the Federal Court recent news shows a massive fraud on the courts occurred and Obstructions of Justice directly committed by heads of the New York Attorney at Law Disciplinary Committees and more, see all of the following articles, as they relate to Eliot Bernstein's Federal RICO and ANTITRUST lawsuit that was legally related by Hon. Judge Shira Scheindlin to the Whistleblower Lawsuit of Attorney at Law and Disciplinary Expert former New York Supreme Court Attorney, Christine C. Anderson, Esq. and thus Eliot's RICO is one of the cases mentioned in the article related

to her case that due process and procedure was obstructed with intentionally. All of these matters will be cause for the lawsuits involved and related to Anderson to be reopened due to fraud on the court and obstruction now learned of, as evidenced in the following articles.

SELECTED ARTICLES RELATING TO THE ELIOT BERNSTEIN RICO AND NEW  
INFORMATION ABOUT OBSTRUCTION OF JUSTICE AND MORE:

**BREAKING NEWS!!!**

**INDICTMENTS COMING! US SENATOR JOHN SAMPSON FORMER HEAD OF THE  
NEW YORK DEMOCRATIC PARTY AND CHAIRMAN OF THE NEW YORK SENATE  
JUDICIARY COMMITTEE WAS THREATENED & BRIBED TO COVER UP NY &  
FEDERAL CORRUPTION!!**

UPDATE - INDICTMENTS COMING : Iviewit Breaking News: NY Supreme Court Ethics  
Oversight Bosses Alleged MISUSE of Joint Terrorism Task Force Resources & Funds &  
Violations of Patriot Acts Against Civilian Targets for Personal Gain... US Senator John Sampson  
Threatened & Bribed to Cover Up NY & Federal Corruption!!

<http://www.free-press-release.com/news-iviewit-breaking-indictments-coming-us-senator-john-sampson-threatened-bribed-to-cover-up-ny-federal-corruption-1369140092.html>

---

Wednesday, May 15, 2013  
Expose Corrupt Courts

**INSIDER SAYS NY STATE OFFICIALS BRIEFED ON JUDICIAL CORRUPTION  
INDICTMENTS**

BREAKING NEWS: A New York State Court administrative insider says that top state officials have been briefed by the feds on pending federal corruption indictments that will include New York state court employees....

And late this morning, a Washington, D.C. source confirmed the information, adding that the target of one federal corruption indictment will include at least one sitting New York State judge and other individuals- all with ties to major banks.....

<http://exposecorruptcourts.blogspot.com/2013/05/insider-says-ny-state-officials-briefed.html>

---

**UPDATE: SENATOR JOHN SAMPSON, FORMER NEW YORK SENATE JUDICIARY  
CHAIR THREATENED AND BRIBED TO COVER UP OFFICIAL CORRUPTION**

FRIDAY, MAY 17, 2013

COUNTER COMPLAINT  
Wednesday, July 30, 2014  
Page 55

Washington, D.C. Insider Says Senator John Sampson Covered-Up Court Corruption

BREAKING NEWS: Washington, D.C. insider says NYS Senator John Sampson covered-up evidence of widespread corruption in New York Surrogate's Courts.

Source says Sampson was first threatened, but then successfully bribed, to bury evidence involving countless state and federal crimes involving billions of dollars.

Syracuse, Rochester, Albany, White Plains, Brooklyn and Manhattan Surrogate's Courts are said to top the list of areas involved.

It was revealed on Wednesday that a New York State Court administrative insider said that top state officials had been briefed by the feds on pending federal corruption indictments that would include employees of New York's Office of Court Administration (a/ka/ "OCA"). Most court employees, including judges, are employed by OCA.

It was further confirmed by the Washington, D.C. source that judges, with ties to banks, would be among those charged.

<http://ethicsgate.blogspot.com/2013/05/washington-dc-insider-says-senator-john.html>

---

**VIEWIT BREAKING NEWS: NY SUPREME COURT ETHICS OVERSIGHT BOSSES  
ALLEGED MISUSE OF JOINT TERRORISM TASK FORCE RESOURCES & FUNDS &  
VIOLATIONS OF PATRIOT ACTS AGAINST CIVILIAN TARGETS FOR PERSONAL  
GAIN..**

May 14,2013

See Full Story at:

<http://www.free-press-release.com/news-iviewit-breaking-news-ny-supreme-court-ethics-oversight-bosses-alleged-misuse-of-joint-terrorism-task-force-resources-funds-violations-of-patriot-1368533731.html>

and

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

---

**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

COUNTER COMPLAINT  
Wednesday, July 30, 2014  
Page 56

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 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).

COUNTER COMPLAINT  
Wednesday, July 30, 2014  
Page 57

**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 Dreier, 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.

---

**NY SUPREME COURT BOSSES ILLEGALLY WIRETAPPING JUDGES CHAMBERS & HOMES. CHRISTINE ANDERSON WHISTLEBLOWER ILLEGALLY TARGETED FOR 24/7/365 SURVEILLANCE IN RELATED CASE TO INVIEWIT 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 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 BOSSES 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 @



COUNTER COMPLAINT  
Wednesday, July 30, 2014  
Page 58



<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>

PREVIOUS PRESS RELEASES RELATING TO JUDGES ILLEGALLY WIRETAPPED

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

**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>

---

**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%20PRINTED%20EMAIL.pdf>

**IVIEWIT RICO MOTION FOR CLARIFICATION:**

<http://www.iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20130513%20FINAL%20Motion%20for%20Clarification%20of%20Order174604%20WITH%20NO%20EXHIBITS.pdf>

Investigative Blogger Crystal Cox Sues Forbes and the New York Times for Defamation. March 6, 2013

<http://www.free-press-release.com/news-investigative-blogger-crystal-cox-sues-forbes-and-the-new-york-times-for-defamation-1362547010.html>

**COURT CASES OF INTEREST**

COX VS. RANDAZZA, ET AL. "NEVADA RICO CASE NO. 2:13-CV-00297-JCM-VCF CHANGED TO 2:13-CV-00297 JCM (NJK) CHANGED TO 2:13-CV-00297 MMD-VCF

OBSIDIAN FINANCE GROUP, LLC ET AL. V. COX CASE NO. 3:11-CV-00057-HZ (Famed First Amendment Rights Attorney at Law and Professor, Eugene Volokh, Esq., Professor at UCLA School of Law is representing Cox on Appeal)

---

**THE BEGINNING OF THE END ~ NEW YORK SENATE JUDICIARY COMMITTEE HEARINGS**

September 24, 2009 - Second Hearing

COUNTER COMPLAINT  
Wednesday, July 30, 2014  
Page 59

Public Hearing: Standing Committee On The Judiciary New York Senate Judiciary Committee  
John L. Sampson Chairman

SENATE STANDING COMMITTEE ON THE JUDICIARY NOTICE OF PUBLIC HEARING

SUBJECT: The Appellate Division First Department Departmental Disciplinary Committee, the grievance committees of the various Judicial Districts and the New York State Commission on Judicial Conduct

PURPOSE: This hearing will review the mission, procedures and level of public satisfaction with the Appellate Division First Department Departmental Disciplinary Committee, the grievance committees of the various Judicial Districts as well as the New York State Commission on Judicial Conduct

ORAL TESTIMONY BY:

Witness List for Judiciary Hearing 9/24/09 The Judicial & Attorney Disciplinary Process in the State of New York

1. Richard Kuse of New City, NY
2. Victor Kovner of the Fund for Modern Courts
3. Douglas Higbee of Mamaroneck, NY
4. Judith Herskowitz of Miami Beach, FL
5. Peter Gonzalez of Troy, NY
6. Andrea Wilkinson of Rensselaer, NY
7. Maria Gkanios of Mahopac, NY
8. Dominic Lieto of Mahopac, NY
9. Regina Felton Esq of Brooklyn, NY
10. Kathryn Malarkey of Purchase, NY
11. Nora Renzuli, Esq. of Staten Island, NY
12. Stephanie Klein of Long Beach, NY
13. Ike Aruti of Rosedale, NY
14. Terrence Finnan of Keene, NY
15. Gizella Weissshaus, NY
16. **Eliot I. Bernstein of Boca Raton, FL**
17. Suzanne McCormick & Patrick Handley of NY

The Appellate Division of the Supreme Court is the entity that is legally responsible for enforcing the Rules of Professional Conduct governing the conduct of attorneys in New York State. The Appellate Division Departments have created grievance committees that are charged with the investigation of complaints against attorneys. Within the First Judicial Department the Departmental Disciplinary Committee of the Appellate Division investigates complaints against attorneys. The New York State Commission on Judicial Conduct was created by the State Constitution and is charged with investigating complaints against Judges and Justices of the Unified Court System.

According to the 2009 Report of the Commission on Judicial Conduct, there were 1,923 complaints filed in 2008. Yet of these complaints only 262 were investigated and of those, 173 were dismissed. This hearing will examine the processes and procedures that are followed by the various agencies charged with the responsibility of enforcing the rules and regulations that must be followed by the Judiciary and the Bar in the State of New York. It will also evaluate public satisfaction with the disciplinary process.

240. That if this Court would like a more definite type statement at this time of all known participants and each act they have committed in the Conspiracies, including those already pled in the Estate cases Petitioner will be happy to provide a statement similar to a RICO Statement to tie the conspirators together in any Amended Complaint where further elaboration is requested.
241. That more on the Conspiracy can be found in Eliot's first Petition in the Estate cases of Simon and Shirley under the section titled "The Elephant in the Room"<sup>9</sup> and while this was done over a year ago, many of the main allegations of criminal misconduct and civil torts have now been either proven or admitted and many more recently uncovered.
242. All conditions precedent to this action have been performed or occurred and continue.

WHEREFORE, Plaintiffs prays for judgment against Defendants for Civil Conspiracy, jointly and severally, personally and professionally, for remedies as may be awarded Plaintiff under other Counts herein, together with such other and further relief as the Court may deem just and appropriate.

### **COUNT 2 - CIVIL EXTORTION**

243. This is an action for Civil Extortion under Florida Statutes.
244. Plaintiffs hereby reiterate and incorporate herein by reference, as if fully restated herein, preceding paragraphs 1 through 242, inclusive.

---

<sup>9</sup> That on May 6, 2013 Petitioner filed an "EMERGENCY PETITION TO: FREEZE ESTATE ASSETS, APPOINT NEW PERSONAL REPRESENTATIVES, INVESTIGATE FORGED AND FRAUDULENT DOCUMENTS SUBMITTED TO THIS COURT AND OTHER INTERESTED PARTIES, RESCIND SIGNATURE OF ELIOT BERNSTEIN IN ESTATE OF SIMON/SHIRLEY BERNSTEIN AND MORE." Filed in both estates.

[www.iviewit.tv/20130506PetitionFreezeEstates.pdf](http://www.iviewit.tv/20130506PetitionFreezeEstates.pdf) 15th Judicial Florida Probate Court and [www.iviewit.tv/20130512MotionRehearReopenObstruction.pdf](http://www.iviewit.tv/20130512MotionRehearReopenObstruction.pdf) US District Court Southern District of New York, Most Honorable Shira A. Scheindlin. Pages 156-582 reference estate matters in Simon and Shirley as it relates to RICO allegations.



245. That many of the claims of Extortion have already been pled before this Court<sup>10</sup> in filings yet unheard at this time.
246. That the Defendants worked together and with others to interfere and deprive in combinations and separately to illegally seize Dominion and Control of BFR and the children's trust funds, which were the primary sources of funding for Eliot's family, along with intentional interference with Eliot and his children's inheritances.

---

<sup>10</sup> That on September 04, 2013, ELIOT filed Docket #TBD, in the estate of Simon, a "NOTICE OF EMERGENCY MOTION TO FREEZE ESTATES OF SIMON BERNSTEIN DUE TO ADMITTED AND ACKNOWLEDGED NOTARY PUBLIC FORGERY, FRAUD AND MORE BY THE LAW FIRM OF TESCHER & SPALLINA, P.A., ROBERT SPALLINA AND DONALD TESCHER ACTING AS ALLEGED PERSONAL REPRESENTATIVES AND THEIR LEGAL ASSISTANT AND NOTARY PUBLIC, KIMBERLY MORAN: **MOTION FOR INTERIM DISTRIBUTION DUE TO EXTORTION BY ALLEGED PERSONAL REPRESENTATIVES AND OTHERS**; MOTION TO STRIKE THE MOTION OF SPALLINA TO REOPEN THE ESTATE OF SHIRLEY; CONTINUED MOTION FOR REMOVAL OF ALLEGED PERSONAL REPRESENTATIVES AND ALLEGED SUCCESSOR TRUSTEE."

<http://www.iviewit.tv/20130904MotionFreezeEstatesShirleyDueToAdmittedNotaryFraud.pdf>

and

That on October 10, 2013 Petitioner filed in Shirley's estate case Motions titled,

(I) MOTION TO ORDER ALL DOCUMENTS BOTH CERTIFIED AND VERIFIED REGARDING ESTATES OF SHIRLEY AND SIMON (SIMON'S DOCUMENT ARE REQUESTED AS IT RELATES TO SHIRLEY'S ALLEGED CHANGES IN BENEFICIARIES) BE SENT TO ELIOT AND HIS CHILDREN IMMEDIATELY IN PREPARATION FOR THE EVIDENTIARY HEARING ORDERED BY THIS COURT

(II) MOTION TO FOLLOW UP ON SEPTEMBER 13, 2013 HEARING AND CLARIFY AND SET STRAIGHT THE RECORD

(III) **MOTION TO COMPEL FOR IMMEDIATE, EMERGENCY RELIEF!!!, INTERIM DISTRIBUTIONS AND FAMILY ALLOWANCE FOR ELIOT, CANDICE & THEIR THREE MINOR CHILDREN DUE TO ADMITTED AND ACKNOWLEDGED FRAUD BY FIDUCIARIES OF THE ESTATE OF SHIRLEY AND ALLEGED CONTINUED EXTORTION**

(IV) MOTION TO CORRECT AND DETERMINE THE BENEFICIARIES OF THE ESTATE BASED ON PRIOR CLOSING OF THE ESTATE THROUGH FRAUD ON THE COURT BY USING FRAUDULENT DOCUMENTS SIGNED BY SIMON WHILE HE WAS DEAD AND POSITED BY SIMON IN THIS COURT WHEN HE WAS DEAD AS PART OF A LARGER FRAUD ON THE ESTATE BENEFICIARIES

(V) MOTION TO ASSIGN NEW PERSONAL REPRESENTATIVES AND ESTATE COUNSEL TO THE ESTATE OF SHIRLEY FOR BREACHES OF FIDUCIARY DUTIES AND TRUST, VIOLATIONS OF PROFESSIONAL ETHICS, VIOLATIONS OF LAW, INCLUDING BUT NOT LIMITED TO ADMITTED AND ACKNOWLEDGED FRAUD, ADMITTED AND ACKNOWLEDGED FRAUD ON THE COURT, ALLEGED FORGERY, INSURANCE FRAUD, REAL PROPERTY FRAUD AND MORE

(VI) MOTION FOR GUARDIAN AD LITUM FOR THE CHILDREN OF TED, P. SIMON, IANTONI AND FRIEDSTEIN AND ASSIGN A TRUSTEE AD LITUM FOR TED FOR CONFLICTS OF INTEREST, CONVERSION AND MORE

(VII) MOTION TO RECONSIDER AND RESCIND ORDER ISSUED BY THIS COURT "ORDER ON NOTICE OF EMERGENCY MOTION TO FREEZE ASSETS" ON SEPTEMBER 24TH FOR ERRORS AND MORE AND

(VIII) MOTION TO RECONSIDER AND RESCIND ORDER ISSUED BY THIS COURT "AGREED ORDER TO REOPEN THE ESTATE AND APPOINT SUCCESSOR PERSONAL REPRESENTATIVES" ON SEPTEMBER 24TH FOR ERRORS AND MORE

[www.iviewit.tv/20131010MotionCompelFreezeYouHaveTheRighttoRemainSilent.pdf](http://www.iviewit.tv/20131010MotionCompelFreezeYouHaveTheRighttoRemainSilent.pdf)

COUNTER COMPLAINT

Wednesday, July 30, 2014

Page 62

247. That Defendants worked together in concert and with others to interfere and deprive in combinations and separately to then begin a Pattern and Practice of frauds to destroy BFR and the children's trusts, in efforts to deplete Eliot of resources and then extort Eliot to either accept improper distributions to his children by participating in their fraud or else deprive Eliot of his and his children's inheritances.
248. That the Defendants worked together in concert and with others to interfere and deprive in combinations and separately to illegally seize Dominion and Control of the Estates and Trusts and delay and interfere with expectancies and inheritances of Eliot and his children.
249. That the Defendants worked together in concert and with others to interfere and deprive in combinations and separately to illegally seize Dominion and Control of Telenet Systems and delay and interfere with Eliot and Candice's income and interests in that company.
250. That once Defendants had seized Dominion and Control of the Estates, Trusts and Corporate Entities and diminished available funds to Eliot's family, they began an extortive attempt to have Eliot either participate in the fraudulent activity they were caught in or to face intentional financial calamity they now controlled.
251. That when Eliot refused and instead continued to pursue investigations with civil and criminal authorities, Defendants worked together in concert and with others to interfere and deprive in combinations and separately to interfere and deprive Eliot and his family of inheritances due them and deplete trust funds in his three minor children's trusts and leave them with no income that had been set up by Simon and Shirley in their estate plans virtually cutting them off of essential monies owed them.
252. That Eliot and his children had been set up financially through entities created by both Simon and Shirley while living and these finances were intended to continue after their deaths through their ELABORATE estate plans, some of these entities done exclusively for Eliot and his family's



PROTECTION, which were designed to provide monthly income and school funds for his family into the future for many years.

253. That intentional delays in Eliot's inheritance have been caused in Shirley's Estate and Trusts where ELIOT is a one third beneficiary by the former PR's and Trustees of Simon's Estate attempted to claim that Simon had changed Shirley's beneficiaries from her three children to her ten grandchildren, through a series of fraudulent documents and frauds on this Court.
254. That Eliot's siblings Theodore and his sister Pamela had been wholly disinherited and considered predeceased for Shirley and Simon's Estate and Trusts in 2008. When Shirley died in 2010 her Trusts that held millions of dollars in assets then became irrevocable with Eliot, Lisa and Jill and their lineal descendants as the only ultimate beneficiaries.
255. That both Simon and Shirley completed mirrored Wills and Trusts in 2008, according to deposition statements made by Donald Tescher on July 09, 2014, and these plans wholly left their Estates and Trusts and all properties to Eliot, Lisa and Jill and their lineal descendants only.
256. That documents recently provided by Court Order in the Estate of Simon have revealed that the 2008 Wills and Trusts of Shirley and Simon's appear materially different and not mirrored and these documents have already been questioned in prior filed and unheard motions of Eliot's as to their legal validity.
257. That Shirley died with her 2008 Will and Trusts as the Dispositive documents, with Simon as a beneficiary while alive and Trustee and only Eliot, Lisa and Jill and their lineal descendants as the ultimate beneficiaries. Simon could neither add nor subtract beneficiaries to Shirley's plans once she died as the trusts became irrevocable, despite efforts by the former PR/Executors/Trustees, Tescher, Spallina and Ted to illegally achieve changes to the Beneficiaries through a series of proven fraudulent and admitted forged and fraudulently altered documents and then subsequent distributions

were made as if these changes were legal and this to the advantage of Theodore and Pamela and to the disadvantage of others.

258. That Simon in no way could execute a Power of Appointment to make any changes to the Class of Beneficiaries (Eliot, Lisa and Jill and their lineal descendants) once she passed away. Yet, efforts were made to change the Beneficiaries of these irrevocable trusts and assets were then sold and distributions made to knowingly improper parties by the former PR's, Fiduciaries and Counsel for Simon and Shirley's Estates and Trusts.
259. That in 2012 Shirley's Estate was reopened by Hon. Judge Martin Colin due to Fraud committed by Tescher, Spallina, TSPA, Theodore, Manceri and Moran et al. and remains open today, pending ongoing litigation.
260. That in 2012 it is ALLEGED that Simon annulled his 2008 Will (instead of Amending it) and replaced it with an alleged 2012 Will and further allegedly Amended his 2008 Trusts and replaced it with a 2012 Amended and Restated Trust, only six weeks before he passed suddenly and unexpectedly.
261. That in 2013 it is proven in this Court in the Estate and Trust cases that POST MORTEM, Simon closed the Estate of Shirley, while dead for four months acting as Personal Representative, yes dead and done with Fraudulently Notarized, Fraudulent and Forged documents that has already led to one an arrest for felony acts.
262. That in 2013 it was learned from the Governor Rick Scott's Office Notary Public Division that the notarizations on the ALLEGED 2012 Will and Amended and Restated Trust were improper and where Simon cannot now said to have been present on the date the document is alleged signed, due to such improper notarization and legally void for this and other defects. The documents have been challenged before this Court for the 2012 Will and Trusts of Simon.

263. That Eliot has assisted the PBSO financial crimes division with information regarding alleged further criminal acts that are ongoing and primarily committed by Officers of this Court and Fiduciaries of this Court and due to this fact they have conspired to deny Eliot and his family, including three minor children of their inheritances, have stolen monies from Eliot and his children's pre-funded trusts and companies and then knowing that they were harming Eliot and his family, they proceeded to repeatedly attempt to force Eliot to either partake in illegal activities or starve and possibly be foreclosed on and evicted from their home and more.
264. That these efforts to foreclose on the home and starve out Eliot and his family completely defeats the wishes of both Simon and Shirley Bernstein in the elaborate estate planning mechanisms they put in place to protect Eliot and his family's assets, in some instances these plans were solely for Eliot and his family.
265. All conditions precedent to this action have been performed or occurred and continue.

WHEREFORE, Plaintiffs prays for judgment against Defendants for Civil Extortion, jointly and severally, personally and professionally, for remedies as may be awarded Plaintiff under other Counts herein, together with such other and further relief as the Court may deem just and appropriate.

### **COUNT 3 - THEFT**

266. This is an action for Civil Theft under the Florida Statutes.
267. Plaintiffs hereby reiterate and incorporate herein by reference, as if fully restated herein, preceding paragraphs 1 through 265, inclusive.
268. That theft of property has occurred with the misuse of bank accounts, including POST MORTEM held in the Estates and Trusts.

269. That a series of property frauds have left assets missing and unaccounted for at this time, including but not limited to, Jewelry, Artwork and Furnishings, which has been reported to authorities and remains under ongoing investigation.

270. All conditions precedent to this action have been performed or occurred and continue.

WHEREFORE, Plaintiffs prays for judgment against Defendants for Theft, jointly and severally, personally and professionally, for remedies as may be awarded Plaintiff under other Counts herein, together with such other and further relief as the Court may deem just and appropriate.

#### **COUNT 4 – FRAUDULENT CONVERSION**

271. This is an action for Fraudulent Conversion under Florida Statutes.

272. Plaintiffs hereby reiterate and incorporate herein by reference, as if fully restated herein, preceding paragraphs 1 through 270, inclusive.

273. That Spallina, Tescher, Theodore, Craig, Worth, Manceri, Rose, Pankauski and others have interfered with Eliot and his children's inheritances by falsifying documents and other criminal acts and civil torts to convert assets to improper parties and seize Dominion and Control of various trusts and estates assets with intent and destroy, suppress and deny Eliot and his family of their inheritances.

274. All conditions precedent to this action have been performed or occurred and continue.

WHEREFORE, Plaintiffs prays for judgment against Defendants for Conversion, jointly and severally, personally and professionally, for remedies as may be awarded Plaintiff under other Counts herein, together with such other and further relief as the Court may deem just and appropriate.

#### **COUNT 5 – INTENTIONAL INTERFERENCE WITH AN INHERITANCE/EXPECTANCY**

275. This is an action for Torturous Interference with an Inheritance under Florida Statutes.
276. Plaintiffs hereby reiterate and incorporate herein by reference, as if fully restated herein, preceding paragraphs 1 through 274, inclusive.
277. That Eliot and/or his children had expectancy from the Trusts, Estates and Corporate Entities of Simon and Shirley Bernstein sued hereunder and there has been intentional interference with the expectancy through tortuous conduct that caused and continue to cause damages.
278. That Spallina, Tescher, Theodore, Craig, Worth, Manceri, Rose, Pankauski and others have interfered with Eliot and his children's inheritances through a number of schemes and artifices to defraud and by falsifying dispositive documents to convert assets to improper parties and seize Dominion and Control of various trusts and estates assets with intent and destroy, suppress and deny Eliot and his family of their inheritances.
279. That Eliot and his family have been denied access to Estate and Trust documents and accountings for now four years in Shirley's Estates and Trusts and two years in Simon's Estates and Trusts in efforts to deny them their inheritances and convert the properties to improper parties.
280. That despite the fact that Simon and Shirley's Estate and Trusts were to be distributed to Eliot and his children immediately upon their deaths to provide income for their health, maintenance, schooling and more, through intentional egregious acts of bad faith and criminal activity Eliot and his family have not received any inheritance in almost two years, which was intentionally caused to harm them.
281. All conditions precedent to this action have been performed or occurred and continue.

WHEREFORE, Plaintiffs prays for judgment against Defendants for Intentional Interference with an Inheritance/Expectancy, jointly and severally, personally and professionally and for remedies



as may be awarded Plaintiff under other Counts herein, together with such other and further relief as the Court may deem just and appropriate.

#### **COUNT 6 – CIVIL FRAUD**

282. This is an action for Civil Fraud under Florida Statutes.
283. Plaintiffs hereby reiterate and incorporate herein by reference, as if fully restated herein, preceding paragraphs 1 through 281, inclusive.
284. That a complex set of frauds have taken place in the Estates and Trusts of Simon and Shirley and some are already proven such as improper notarizations of Wills and Trusts of Simon, proven fraudulently notarized Waivers in Shirley's Estate, proven Fraud on this Court through use of a deceased person, Simon, to act as Personal Representative to close an Estate through documents filed by the law offices of Tescher and Spallina on behalf of a dead PR and with no notice to the Court for months that the PR that was filing the documents had passed and this was done with scienter with this Court POST MORTEM.
285. That when Simon died the Estate of Shirley had not been closed and in order to attempt to change her Beneficiaries of her Estate and Irrevocable Trusts, the scheme needed Simon to be alive and close the Estate and then attempt to use an ALLEGED Power of Appointment to make changes that could not be made legally, therefore Simon was used POST MORTEM for several months while dead to close Shirley's Estate and then try and make changes to her Beneficiaries, again, POST MORTEM.
286. That similar fraudulent activity is taking place with the children's Trusts, BFR, the Estates, virtually all of the Trusts and entities sued hereunder, where documents are not complete, there are missing signatures, assets are being stolen and funds improperly used by the fiduciaries in self-dealing transactions that have benefited the Defendants.

287. That virtually every act of the Fiduciaries and their Counsel has been fraudulent since the altering and changing of dispositive documents to illegally seize Dominion and Control of the Estates, Trusts and Corporate Entities in efforts to loot the Estates, Trusts and Corporate Entities of Simon and Shirley through various subsequently fraudulent acts.
288. All conditions precedent to this action have been performed or occurred and continue.

WHEREFORE, Plaintiffs prays for judgment against Defendants for Frauds, jointly and severally, personally and professionally, for remedies as may be awarded Plaintiff under other Counts herein, together with such other and further relief as the Court may deem just and appropriate.

#### **COUNT 7 - BREACH OF FIDUCIARY DUTIES**

289. This is an action for Breach of Fiduciary Duties under Florida Statutes.
290. Plaintiffs hereby reiterate and incorporate herein by reference, as if fully restated herein, preceding paragraphs 1 through 288, inclusive.
291. That the fiduciaries of the Estates, Trusts and Corporate Entities sued hereunder are alleged to have gained their fiduciary positions through a series of fraudulent documents and other acts and thus EVERY action they have taken forward is a breach of fiduciary duties through combinations of self-dealing transactions, excessive compensations, excessive and unjustified legal fees (including billing for time to respond to investigators and more), improper and illegal investment decisions and a mass of pilfering and stealing of assets.
292. That despite being aware of their involvement in criminal acts, the fact that they are under ongoing investigations, the fact that the dispositive documents have been challenged and found fraught with fraud and more, the fiduciaries, primarily now Theodore since the counsel he brought to the Bernstein family, Tescher and Spallina, are removed, continues to act and abuse his alleged fiduciary

powers to harm and deceive beneficiaries despite his absolute and irrefutable conflicts of interest and adverse interests that factually preclude his involvement further as fiduciary.

293. That despite Theodore knowing and being informed repeatedly of the reasons he cannot now serve in any fiduciary capacities in the Estates and Trusts of Simon and Shirley he continues with his counsel to act in disregard of his fiduciary duties to resign, in efforts to liquidate assets in fire sale self-dealing transactions before he is removed.
294. That Theodore is alleged by his counsel to have took distributions against the advice of counsel as claimed by Spallina to PBSO, all in efforts to loot further the Estates and Trusts before he is fully removed in every capacity in the Estates and Trusts of Simon and Shirley.
295. That all Fiduciaries to the Estates, Trusts and Corporate Entities sued hereunder have committed multiple Egregious Acts of Bad Faith with Unclean Hands in violation of their fiduciary duties causing a mass of civil torts against Plaintiffs.
296. All conditions precedent to this action have been performed or occurred and continue.

WHEREFORE, Plaintiffs prays for judgment against all Defendants in any Fiduciary role for any of the trusts sued hereunder for Breach of Fiduciary Duties under 736.1001 Remedies for breach of trust and other applicable statutes both jointly and severally, personally and professionally, and for remedies as may be awarded Plaintiff under other Counts herein, together with such other and further relief as the Court may deem just and appropriate.

#### **COUNT 8 - ABUSE OF PROCESS**

297. This is an action for Abuse of Process under Florida Statutes.
298. Plaintiffs hereby reiterate and incorporate herein by reference, as if fully restated herein, preceding paragraphs 1 through 296, inclusive.

299. That improper use of the court's process through vexatious litigations and other legal debauchery has taken place repeatedly, including the filing of this instant action with ulterior and improper motives of the Defendants in exercising such illegal use of process and damages to the Eliot and his family have resulted from such abuse of process with malice.
300. That all of the document Frauds have been implemented using the Court processes to achieve Dominion and Control of the Estates and Trusts through a series of fraudulent dispositive documents crafted to commit fraud both on the Court and the Beneficiaries, Interested Parties and Creditors.
301. That several instances of Fraud on this Court by Officers and Fiduciaries of this Court are already proven and this represents irrefutable evidence of Abuse of Process, similar to the abuse of process in this action, whereby the Courts are being used to attempt to diffuse and cover up the crimes that have taken place in the children's school trusts and BFR.
302. That there are multiple abuses of process that are expensive and abusive to the Beneficiaries, including legal harassment in efforts to further harm beneficiaries by causing expensive delays in estate administration and billing up outrageous attorney fees and costs through frivolous and fraudulent pleadings.
303. That Gray Robinson and Steven Lessne have abused process by contacting Eliot and Candice under false premises to gain insight into highly confidential and sensitive information regarding their legal strategies against Oppenheimer, initially claiming to represent BFR and Eliot's children's pre funded school trusts when really representing Oppenheimer's Craig as Trustee and Manager of BFR. Then using this ill gained information to file a lawsuit to further harass Eliot and Candice.
304. That Gray Robinson knowing of Fraud allegations against Craig, Worth and others involved in these matters, then tried to escape from their fiduciary obligations to report the crimes and filed this instant action with a separate Judge at this Court and without notifying the Court, the new Judge or the authorities of the illegally activities alleged against their client Oppenheimer et al.

305. That Lessne also did not file this instant action as part of the Court cases before Hon. Judge Martin Colin, while knowing of the related Estate and Trusts actions already in play and directly related to these matters.

306. All conditions precedent to this action have been performed or occurred and continue.

WHEREFORE, Plaintiffs prays for judgment against Defendants, jointly and severally, personally and professionally, for Abuse of Process and for remedies as may be awarded Plaintiff under other Counts herein, together with such other and further relief as the Court may deem just and appropriate, together with such other and further relief as the Court may deem just and appropriate.

#### **COUNT 9 - LEGAL MALPRACTICE**

307. Plaintiffs hereby reiterate and incorporate herein by reference, as if fully restated herein, preceding paragraphs 1 through 306, inclusive.

308. This is an action for Legal Malpractice under Florida Statutes.

309. That in the instant action Gray Robinson and Steven Lessne have committed legal malpractice by contacting Eliot and Candice under false premises to gain insight into highly confidential and sensitive information regarding their legal strategies against Oppenheimer, Spallina, Tescher, Theodore, Manceri et al. initially claiming to represent BFR and Eliot's children's pre funded school trusts when really Lessne was representing Oppenheimer's Craig as Trustee of the children's trusts and Manager of BFR, not the entities and beneficiaries of the entities.

310. That Attorneys at Law, Spallina, Tescher, Manceri, Rose, Pankauski, Gortz and others have worked together in concert and with others to interfere and deprive in combinations and separately to commit frauds, frauds on the courts and more in direct efforts to commit a series of criminal wrongdoings and civil torts against parties to the Estates and Trusts of Simon and Shirley and other related entities, which have enriched them greatly through legal fees and more.



311. That all Attorneys at Law named as Defendants hereunder have committed malpractice by subverting their clients' interests and participating in a variety of criminal acts resulting in a mass of civil torts to the true and proper Beneficiaries of the Estates and Trusts of Simon and Shirley and others.
312. That through a web of conflicting interests and adverse interests the Attorneys at Law involved in this action and those involved in the probate of the Estates of Simon and Shirley have worked together in concert and with others to interfere and deprive in combinations and separately to violate virtually the entire Attorney Conduct Codes and State and Federal Laws.
313. That the Attorneys at Law have enriched themselves through these fraudulent activities to the disadvantage of Eliot and his family.
314. That the Attorneys at Law named hereunder as Defendant, in some instances even admittedly, altered Estate and Trusts documents to enrich themselves and others, including their friend and client Theodore, while intentionally causing problems with the Beneficiaries to gin up disputes that resulted in excessive legal fees for themselves and the fiduciaries, in some cases the Attorneys also acting as the Fiduciaries and then counsel to themselves as the fiduciaries, as the case is with Tescher and Spallina.
315. That Tescher and Spallina conspired together to change and alter Trust documents in Shirley's Estate in efforts to benefit their CLIENT, FRIEND and BUSINESS ASSOCIATE, Theodore.
316. That all Attorneys at Law to the Estates, Trusts and Corporate Entities sued hereunder have committed multiple Egregious Acts of Bad Faith with Unclean Hands in violation of their Attorney Conduct Codes and Law causing a mass of civil torts against Plaintiffs.
317. All conditions precedent to this action have been performed or occurred and continue.

WHEREFORE, Plaintiffs prays for judgment against Defendants for Legal Malpractice, jointly and severally, professionally and personally and for remedies as may be awarded Plaintiff

under other Counts herein, together with such other and further relief as the Court may deem just and appropriate.

#### **COUNT 10 – EQUITABLE LIEN**

318. Plaintiffs hereby reiterate and incorporate herein by reference, as if fully restated herein, preceding paragraphs 1 through 316, inclusive.
319. This is an action to impose an Equitable Lien on the Estates and Trusts Assets in both the Simon and Shirley Estates that were seized illegally from December 08, 2010 when Shirley deceased and then further from September 13, 2012 when Simon deceased through a series of fraudulent activities that transferred Dominion and Control of the assets to improper parties and have since led to numerous other fraudulent activities under ongoing State and Federal investigations both civil and criminal.
320. That this is an action for an Equitable Lien on the children's Trusts, all Trusts sued hereunder and all Estates, Trusts and Corporate Entities sued hereunder that Simon and Shirley had interests in, due to the fraudulent activity taking place and to preserve and protect the assets.
321. That the Defendants have become enriched unjustly due to the criminal acts and civil torts defined herein.
322. All conditions precedent to this action have been performed or occurred and continue.

WHEREFORE, Plaintiffs prays for judgment for an Equitable Lien and for remedies as may be awarded Plaintiff under other Counts herein, together with such other and further relief as the Court may deem just and appropriate.

#### **COUNT 11 - ACCOUNTING**

323. Plaintiffs hereby reiterate and incorporate herein by reference, as if fully restated herein, preceding paragraphs 1 through 322, inclusive.

324. This is an action against Theodore, Craig, Worth, Spallina and Tescher and others who have failed to provide accountings for the Estates or Trusts to the Beneficiaries and Interested Parties as statutorily required for full formal accountings of all Trusts, Estates and Entities involved in the estate plans of Simon and Shirley and sued hereunder.
325. That Theodore has failed to provide accounting in any of his alleged roles as a fiduciary in the Estates and Trusts of Shirley and Simon as required by law since he allegedly began acting as a fiduciary.
326. That Spallina and Tescher and all other current and former trustees (excluding Benjamin Brown, Esq. the Curator of Simon's Estate and the new Successor PR of the Estate of Simon, Brian O'Connell, Esq.) failed to provide accountings or tender documents to Beneficiaries and Interested Parties according to well established probate rules and statutes in their roles as fiduciaries and counsel to the Estates and Trusts of Simon and Shirley as required by law.
327. That Theodore after allegedly becoming Successor Trustee to the Trusts of Simon has failed to provide an accounting or any other evidence that he was elected legally as the Successor Trustee.
328. That Theodore after acting for almost a year in Shirley's Estates and Trusts with no legal authority or notice or accountings to beneficiaries, was then appointed PR of the Estate of Shirley by Judge Colin and since October 2013 has failed to provide an accounting, his letters or any other documents to the beneficiaries in violation of Probate Rules and Statutes.
329. All Trustees in ALL of the Trusts created by Simon and Shirley Bernstein and so sued hereunder have failed under;

736.0813 Duty to inform and account.—The trustee shall keep the qualified beneficiaries of the trust reasonably informed of the trust and its administration.  
(1) The trustee's duty to inform and account includes, but is not limited to, the following:  
(a) Within 60 days after acceptance of the trust, the trustee shall give notice to the qualified beneficiaries of the acceptance of the trust, the full name and address of the trustee, and that the fiduciary lawyer-client privilege in s. 90.5021 applies with respect to the trustee and any attorney employed by the trustee.

(b) Within 60 days after the date the trustee acquires knowledge of the creation of an irrevocable trust, or the date the trustee acquires knowledge that a formerly revocable trust has become irrevocable, whether by the death of the settlor or otherwise, the trustee shall give notice to the qualified beneficiaries of the trust's existence, the identity of the settlor or settlors, the right to request a copy of the trust instrument, the right to accountings under this section, and that the fiduciary lawyer-client privilege in s. 90.5021 applies with respect to the trustee and any attorney employed by the trustee.

(c) Upon reasonable request, the trustee shall provide a qualified beneficiary with a complete copy of the trust instrument.

(d) A trustee of an irrevocable trust shall provide a trust accounting, as set forth in s. 736.08135, from the date of the last accounting or, if none, from the date on which the trustee became accountable, to each qualified beneficiary at least annually and on termination of the trust or on change of the trustee.

(e) Upon reasonable request, the trustee shall provide a qualified beneficiary with relevant information about the assets and liabilities of the trust and the particulars relating to administration.

330. That all Fiduciaries and Attorneys at Law to the Estates, Trusts and Corporate Entities sued hereunder have committed multiple Egregious Acts of Bad Faith with Unclean Hands in violation of their fiduciary duties by failing to provide legally timely accountings and have intentionally and with scienter have failed to provide accountings and more causing a mass of civil torts against Plaintiffs.

331. All conditions precedent to this action have been performed or occurred and continue.

WHEREFORE, Plaintiffs demands judgment for accountings for ALL Estate and Trusts of both Shirley and Simon sued hereunder that have been denied in violation of statutes and for remedies as may be awarded Plaintiff under other Counts herein, together with such other and further relief as the Court may deem just and appropriate.

**COUNT 12 – REMOVE DEFENDANTS IMMEDIATELY FROM ALL FIDUCIARY AND LEGAL POSITIONS IN THE ESTATES, TRUSTS AND OTHER CORPORATE ENTITIES SUED HEREUNDER**

332. Plaintiffs hereby reiterate and incorporate herein by reference, as if fully restated herein, preceding paragraphs 1 through 331, inclusive.

333. This is an action to remove the current ALLEGED Trustee of the Estate and trusts of Shirley, Theodore, the Trustee of Simon's trusts, again Theodore, the Trustee of the children's school Trusts, Craig and Worth and the Manager of BFR, Craig.

736.0706 Removal of trustee

334. This is an action to remove the current ALLEGED Counsel to the Trustee of the Estate and trusts of Shirley, Rose and Pankauski, the Counsel to the Alleged Trustee of Simon's trusts, again Rose and Pankauski, the Counsel for the Trustee of the children's school Trusts, Gray Robinson, the Counsel for the Manager of BFR, Gray Robinson and all other unknown counsel to any of the trustees who have acted alone and in combination with each other, with the fiduciaries of the various trusts and wills and other defendants to violate the trusts and wills of Simon and Shirley sued hereunder.
335. That on July 11<sup>th</sup> 2014 Theodore's Motion to be Appointed Personal Representative of the Estate of Simon to replace the Curator, Benjamin Brown, Esq. that was installed after Tescher and Spallina were removed in all capacities from the Estates and Trusts of Simon and Shirley Bernstein amidst the criminal acts and civil torts proven, admitted and alleged in the Estates and Trusts thus far and where after making a bid to become the Successor PR, against a tidal wave of opposition and legally sound reasons that do not make him qualified now to act in any fiduciary capacities in either the Estates and Trusts of Simon and Shirley, Theodore withdrew his request after wasting this Court and everyone's time, including a mass of legal fees encumbered by all parties and allowed an independent Third Party Personal Representative to be elected, Brian O'Connell, Esq.
336. That Theodore is not now qualified to be Personal Representative or Trustee or Manager of any of Simon and Shirley's Wills and Trusts and entities created by them for the beneficiaries, as he has a plethora of Conflicts of Interests, he has absolute Adverse Interests in both Simon and Shirley's Estates and Trusts, he is under ongoing criminal investigations and civil actions that further make him conflicted and unable to legally serve and he must instantly be removed by this Court to preserve



and protect the assets of Simon and Shirley from further Fraud and more that Theodore is the central alleged perpetrator of. Where Theodore has directly benefited the most from the criminal acts already proven, admitted and alleged and Theodore has been considered in all Wills and Trusts of Simon and Shirley as PREDECEASED and wholly disinherited. Theodore therefore has no real beneficial interest in these matters in light of the allegations against him, to be a Fiduciary in light of the ongoing messes caused under his tutelage and aided and abetted by Attorneys at Law that are his friends and business associates who all came in to the Estate and Trust matters through their relations to Theodore. Theodore must be removed as he and his sister Pamela are the direct benefactors of all these problems and criminal acts committed thus far, to the disadvantage of other beneficiaries, interested parties and creditors.

337. All conditions precedent to this action have been performed or occurred and continue.

WHEREFORE, Plaintiffs prays for judgment to REMOVE COUNTER DEFENDANTS IMMEDIATELY FROM ALL FIDUCIARY AND LEGAL POSITIONS IN THE ESTATES AND TRUSTS AND OTHER ENTITIES OF SIMON AND SHIRLEY BERNSTEIN, to SIEZE ALL RECORDS and Estate and Trust Assets from all Defendants regarding the Estates, Trusts and Corporate Entities Sued hereunder and for remedies as may be awarded Plaintiff under other Counts herein, together with such other and further relief as the Court may deem just and appropriate.

#### **COUNT 13 - PRELIMINARY INJUNCTION**

338. Plaintiffs hereby reiterate and incorporate herein by reference, as if fully restated herein, preceding paragraphs 1 through 337, inclusive.

339. This is an action under Florida Statute 526.312 and any other applicable statutes to prohibit instantly the current ALLEGED Trustee of the Estate and trusts of Shirley, Theodore, the Trustee of Simon's trusts, again Theodore, the Trustee of the children's school Trusts, Craig and Worth and the Manager

of BFR, Craig from any further actions in any capacities until these matters of fraud and more can be fully resolved both criminally and civilly before this Court and state and federal civil agencies.

340. That this injunction should freeze all assets held in ALL Trusts, Estates and Entities named hereunder to preserve them from further fraud being committed by fiduciaries and counsel to the fiduciaries, who are all alleged to be directly involved in the prior criminal acts, ongoing alleged criminal acts and admitted criminal acts and that no further acts regarding the assets should be made without direct Court approval, including ALL Attorney at Law fees, costs or any other transactions other than those already arranged by the Court with Brian O'Connell and Benjamin Brown. That this is to include all properties held in all Trusts. Estates and Corporate Entities sued hereunder that Simon and Shirley owned or had interests in.

341. All conditions precedent to this action have been performed or occurred and continue.

WHEREFORE, Plaintiffs prays for judgment a Preliminary Injunction and for remedies as may be awarded Plaintiff under other Counts herein, together with such other and further relief as the Court may deem just and appropriate.

**COUNT 14 – BREACH OF CONTRACT**  
**HERITAGE UNION LIFE INSURANCE CONTRACT**

342. This is an action for Breach of Contract under Florida Statutes.

343. Plaintiffs hereby reiterate and incorporate herein by reference, as if fully restated herein, preceding paragraphs 1 through 341, inclusive.

344. That there is an insurance Policy #1009208 issued by Heritage Union Life Insurance Company on the life of Simon L. Bernstein and assumed by their Successors and Re-Insurers and their Successors and whereby the policy is now alleged to be missing by all parties, including Heritage and their Successors.

345. That failure to produce the contract to determine the terms and conditions of the contract is a breach of the contract by Heritage.
346. That failure to maintain a copy of the Policy by Heritage and their Re-Insurers violates record retention rules, procedures and statutes.
347. That it is alleged that the insurance policy is not lost but rather suppressed and denied to deprive the true and proper beneficiaries of the proceeds and to hide the true policy face amount and more.
348. That Robert Spallina signed an insurance death benefit claim form acting as the Trustee of the alleged lost SIMON BERNSTEIN IRREVOCABLE INSURANCE TRUST DATED 6/21/1995 that Spallina himself claimed never to have seen or possessed.
349. That Robert Spallina acted in egregious bad faith in misleading Heritage to believe that he was also the Trustee of LaSalle National Trust, N.A., which is also alleged to be a Beneficiary of the Policy, in efforts to convert the death benefit to his law firm.
350. That the claim form Robert Spallina signed was denied by Heritage for insufficient proof that he was the Beneficiary of the Policy as the alleged Trustee of the lost Trust or the alleged Trustee of LaSalle National Trust, N.A.
351. That Theodore then filed a Breach of Contract lawsuit against Heritage as the acting as the Trustee of the alleged lost SIMON BERNSTEIN IRREVOCABLE INSURANCE TRUST DATED 6/21/1995 that Theodore himself claimed never to have seen or possessed.
352. That Heritage and/or their Successors cannot prove who the Beneficiary of the Policy at the time of Simon's death was due to their failure to maintain records and possess a bonafide copy of the Policy with all of its terms and conditions and that this has damaged Eliot and his children who are alleged to be Beneficiaries of the Policy and or trusts that make claim as having a beneficial interest in the proceeds.
353. All conditions precedent to this action have been performed or occurred and continue.

WHEREFORE, Plaintiffs prays for judgment a Preliminary Injunction and for remedies as may be awarded Plaintiff under other Counts herein, together with such other and further relief as the Court may deem just and appropriate.

Filed on Wednesday, July 30, 2014,

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

X

Candice Bernstein, Pro Se, as legal guardian  
on behalf of her three minor children.

X

**CERTIFICATE OF SERVICE**

I, ELIOT IVAN BERNSTEIN, HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by email to all parties on the following Service List, Wednesday, July 30, 2014,

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

X

SERVICE LIST

Robert L. Spallina, Esq.,  
Tescher & Spallina, P.A.  
Wells Fargo Plaza  
925 South Federal Hwy Suite 500  
Boca Raton, Florida 33432  
rspallina@tescherspallina.com  
kmoran@tescherspallina.com  
ddustin@tescherspallina.com

Donald Tescher, Esq.,  
Tescher & Spallina, P.A.  
Wells Fargo Plaza  
925 South Federal Hwy Suite 500  
Boca Raton, Florida 33432  
dtescher@tescherspallina.com  
ddustin@tescherspallina.com  
kmoran@tescherspallina.com

Ted Bernstein  
880 Berkeley  
Boca Raton, FL 33487  
tbernstein@lifeinsuranceconcepts.com

Ted Bernstein  
Life Insurance Concepts et al.  
950 Peninsula Corporate Circle  
Suite 3010  
Boca Raton, FL 33487  
tbernstein@lifeinsuranceconcepts.com

John J. Pankauski, Esq.  
Pankauski Law Firm PLLC  
120 South Olive Avenue  
7th Floor  
West Palm Beach, FL 33401

Pankauski Law Firm PLLC  
120 South Olive Avenue  
7th Floor  
West Palm Beach, FL 33401  
courtfilings@pankauskilawfirm.com  
john@pankauskilawfirm.com

Pamela Beth Simon  
950 N. Michigan Avenue  
Apartment 2603  
Chicago, IL 60611  
psimon@stpcorp.com



TESCHER & SPALLINA, P.A.  
Wells Fargo Plaza  
925 South Federal Hwy Suite 500  
Boca Raton, Florida 33432  
dtescher@tescherspallina.com  
ddustin@tescherspallina.com  
kmoran@tescherspallina.com

Alan B. Rose, Esq.  
PAGE, MRACHEK, FITZGERALD, ROSE,  
KONOPKA, THOMAS & WEISS, P.A.  
505 South Flagler Drive, Suite 600  
West Palm Beach, Florida 33401  
arose@pm-law.com  
and  
arose@mrachek-law.com

Pamela Simon  
President  
STP Enterprises, Inc.  
303 East Wacker Drive  
Suite 210  
Chicago IL 60601-5210  
psimon@stpcorp.com

Mark R. Manceri, Esq., and  
Mark R. Manceri, P.A.,  
2929 East Commercial Boulevard  
Suite 702  
Fort Lauderdale, FL 33308  
mrmlaw@comcast.net  
[mrmlaw1@gmail.com](mailto:mrmlaw1@gmail.com)

L. Louis Mrachek, Esq.  
PAGE, MRACHEK, FITZGERALD, ROSE,  
KONOPKA, THOMAS & WEISS, P.A.  
505 South Flagler Drive, Suite 600  
West Palm Beach, Florida 33401  
lmrachek@mrachek-law.com

Charles D. Rubin  
Managing Partner  
Gutter Chaves Josepher Rubin Forman  
Fleisher Miller PA  
Boca Corporate Center  
2101 NW Corporate Blvd., Suite 107  
Boca Raton, FL 33431-7343  
crubin@floridatx.com

Kimberly Moran  
Teschler & Spallina, P.A.  
Wells Fargo Plaza  
925 South Federal Hwy Suite 500  
Boca Raton, Florida 33432  
kmoran@tescherspallina.com

Lindsay Baxley aka Lindsay Giles  
Life Insurance Concepts  
950 Peninsula Corporate Circle  
Suite 3010  
Boca Raton, FL 33487  
lindsay@lifeinsuranceconcepts.com

Gerald R. Lewin  
CBIZ MHM, LLC  
1675 N Military Trail  
Fifth Floor  
Boca Raton, FL 33486  
jlewin@cbiz.com

COUNTER COMPLAINT  
Wednesday, July 30, 2014  
Page 84

Clair A. Rood, Jr.  
Senior Managing Director  
CBIZ Accounting, Tax & Advisory of  
Utah, LLC / CBIZ MHM, LLC  
175 South West Temple, Suite 650  
Salt Lake City, UT 84101  
crood@cbiz.com

Joseph M Leccese  
Chairman of the Firm  
Proskauer  
Eleven Times Square  
New York, NY 10036  
t: 212.969.3000  
f: 212.969.2900  
info@proskauer.com  
jleccese@proskauer.com

Albert Gortz, Esq.  
Proskauer Rose LLP  
One Boca Place  
2255 Glades Road  
Suite 421 Atrium  
Boca Raton, FL 33431-7360  
agortz@proskauer.com

Christopher Stroup  
Chairman of the Board of Directors  
and Chief Executive Officer  
Heritage Union  
A member of WiltonRe Group of  
Companies  
187 Danbury Road  
Wilton, CT 06897  
cstroup@wiltonre.com  
msarlitto@wiltonre.com

Estate of Simon Bernstein  
Personal Representative  
Brian M. O'Connell, Partner  
Ciklin Lubitz Martens & O'Connell  
515 N Flagler Drive  
20th Floor  
West Palm Beach, FL 33401  
boconnell@ciklinlubitz.com  
jfoglietta@ciklinlubitz.com

Steven Lessne, Esq.  
Gray Robinson, PA  
225 NE Mizner Blvd #500  
Boca Raton, FL 33432  
steven.lessne@gray-robinson.com

Byrd F. "Biff" Marshall, Jr.  
President & Managing Director  
Gray Robinson, PA  
225 NE Mizner Blvd #500  
Boca Raton, FL 33432  
biff.marshall@gray-robinson.com

T&S Registered Agents, LLC  
Wells Fargo Plaza  
925 South Federal Hwy Suite 500  
Boca Raton, Florida 33432  
rspallina@tescherspallina.com  
kmoran@tescherspallina.com  
ddustin@tescherspallina.com  
dtescher@tescherspallina.com

Chicago Title Land Trust Company  
10 S. LaSalle Street,  
Suite 2750  
Chicago, IL 60603  
David Lanciotti,  
Exec Vice Pres and General Counsel  
David.Lanciotti@ctt.com

COUNTER COMPLAINT  
Wednesday, July 30, 2014  
Page 85

Lisa Friedstein  
2142 Churchill Lane  
Highland Park, IL 60035  
Lisa@friedsteins.com  
lisa.friedstein@gmail.com  
lisa@friedsteins.com

Jill Iantoni  
2101 Magnolia Lane  
Highland Park, IL 60035  
jilliantoni@gmail.com

Dennis McNamara  
Executive Vice President and General  
Counsel  
Oppenheimer & Co. Inc.  
Corporate Headquarters  
125 Broad Street  
New York, NY 10004  
800-221-5588  
Dennis.mcnamara@opco.com  
info@opco.com

Hunt Worth, Esq.  
President  
Oppenheimer Trust Company of  
Delaware  
405 Silverside Road  
Wilmington, DE 19809  
302-792-3500  
hunt.worth@opco.com

Dennis G. Bedley  
Chairman of the Board, Director and  
Chief Executive Officer  
Legacy Bank of Florida  
Glades Twin Plaza  
2300 Glades Road  
Suite 120 West – Executive Office  
Boca Raton, FL 33431  
info@legacybankfl.com  
DBedley@LegacyBankFL.com

Neil Wolfson  
President & Chief Executive Officer  
Wilmington Trust Company  
1100 North Market Street  
Wilmington, DE 19890-0001  
nwolfson@wilmingtontrust.com

Ralph S. Janvey  
Krage & Janvey, L.L.P.  
Federal Court Appointed Receiver  
Stanford Financial Group  
2100 Ross Ave, Dallas, TX 75201  
rjanvey@kjllp.com

James Dimon  
Chairman of the Board and Chief  
Executive Officer  
JP Morgan Chase & CO.  
270 Park Ave. New York, NY 10017-  
2070  
Jamie.dimon@jpmchase.com

Janet Craig  
Oppenheimer Trust Company of Delaware  
405 Silverside Road  
Wilmington, DE 19809  
Janet.Craig@opco.com

William McCabe  
Oppenheimer & Co., Inc.  
85 Broad St Fl 25  
New York, NY 10004  
William.McCabe@opco.com