

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT, 1525 PALM BEACH LAKES BLVD., WEST PALM  
BEACH, FL 33401

CASE NO.: 4D16-1449  
L.T. No.: 2014CP002815XXXXNB

ELIOT IVAN BERNSTEIN,

Appellant / Petitioners,

V.

OPPENHEIMER TRUST CO.  
OF DELAWARE, ET AL.

**Motion for Extension of Time  
To File and Serve Initial Brief  
On Merits within 48 Hours;  
Substantially Completed Draft  
Brief Attached**

Appellee / Respondent(s)

---

Appellant-Petitioner Eliot I. Bernstein, respectfully says and moves this Court as follows:

1. I am the Appellant-Petitioner Pro Se and in indigent status.
2. I respectfully seek in good faith an additional 48 hours to file the Initial Brief on the Merits herein and have attached as Exhibit 1 a substantially completed Draft Brief.
3. It is understood that the brief was due within 15 days of this Court's Order on July 8, 2015 which fell on the weekend. Today is the first business day after such date and the motion is thus timely.

4. The Initial Brief on the Merits for the underlying original Order appointing a Guardian Ad Litem is substantially completed in draft form to be filed within 24-48 hours under Appeal No. 4D16-1449 due July 25, 2016.
5. Should the Appellant succeed on Appeal in that case, then an Appeal in this case becomes moot.
6. In addition to just completing the Initial brief in that case, an Initial Brief was also just filed recently within the last 10 days on the related “validity” of certain Trusts and Wills of Simon and Shirley Bernstein.
7. As this Court should be aware, the Records on Appeal on those cases produced went into the thousands of pages and as the Court may also recall, I recently had to request an extension also based upon medical-dental related issues necessitating prescription medicine and causing substantial pain and lack of sleep throughout this appeal process and due in large part to additional stresses caused by this legal abuse process.
8. As the draft initial brief on the underlying Order finding a need for a Guardian Ad litem shows, there is merit to the appeal.
9. Additionally, I had virtually an entire day consumed on Court Ordered Mediation today that actually was somehow still “ongoing” as of almost 9 pm EST this evening as I was kept “in a hold pattern” waiting for the Mediator to call me.

10. Eliot has been under medical treatment and medications throughout this entire appeal process and parties have knowingly ignored this and further are damaging the Bernstein family and jeopardizing their health and safety where we are already victims to frauds on the court by court appointed counsel and fiduciaries and fraud by the court in this case and the related cases involving the Estates and Trusts of Simon and Shirley Bernstein that are yet resolved according to this Court's own fraud policies and law.

11. I respectfully seek a reasonable time of no less than 30 days to submit the initial brief herein.

**WHEREFORE**, it is respectfully prayed for an Order Motion to Accept Late Filing / Extension of Time; Motion to Exceed Page Limit on Brief and for such other and further relief as to this Court may seem just and proper.

Dated: July 25, 2016

/s/Eliot Ivan Bernstein  
Eliot Ivan Bernstein  
2753 NW 34th St  
Boca Raton, FL 33434  
561-245-8588  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

**CERTIFICATE OF SERVICE**

I CERTIFY that a copy of the foregoing has been furnished to parties listed on attached Service List by E-mail Electronic Transmission; Court ECF; this 25th day of July, 2016.

/s/ Eliot Ivan Bernstein  
Eliot Ivan Bernstein  
2753 NW 34th St.  
Boca Raton, FL 33434  
561-245-8588  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

**SERVICE LIST - CASE NO. SC15-1077 & LOWER CASES DEFENDANTS,  
RESPONDENTS, COUNTER DEFENDANTS**

John P. Morrissey, Esq. 330 Clematis Street, Suite 213 West Palm Beach, FL 33401 (561) 833-0766-Telephone (561) 833-0867 -Facsimile Email: John P. Morrissey (john@jrnoiTisseylaw.com)	Lisa Friedstein 2142 Churchill Lane Highland Park, IL 60035 <a href="mailto:lisa@friedsteins.com">lisa@friedsteins.com</a>
Peter M. Feaman, Esq. Peter M. Feaman, P.A. 3695 West Boynton Beach Blvd., Suite 9 Boynton Beach, FL 33436 (561) 734-5552 -Telephone (561) 734-5554 -Facsimile Email: <a href="mailto:service@feamanlaw.com">service@feamanlaw.com</a> : <a href="mailto:mkoskey@feamanlaw.com">mkoskey@feamanlaw.com</a>	Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 <a href="mailto:jilliantoni@gmail.com">jilliantoni@gmail.com</a>

<p>Gary R. Shendell, Esq.  Kenneth S. Pollock, Esq.  Shendell &amp; Pollock, P.L.  2700 N. Military Trail,  Suite 150  Boca Raton, FL 33431  (561)241-2323 - Telephone (561)241-  2330-Facsimile  Email: <a href="mailto:gary@shendellpollock.com">gary@shendellpollock.com</a>  <a href="mailto:ken@shendellpollock.com">ken@shendellpollock.com</a>  <a href="mailto:estella@shendellpollock.com">estella@shendellpollock.com</a>  <a href="mailto:britt@shendellpollock.com">britt@shendellpollock.com</a>  <a href="mailto:grs@shendellpollock.com">grs@shendellpollock.com</a></p>	<p>Counter Defendant  Robert Spallina, Esq.  Donald Tescher, Esq.  Tesch &amp; Spallina  925 South Federal Hwy., Suite 500  Boca Raton, Florida 33432</p>
<p>Brian M. O'Connell, Esq.  Joelle A. Foglietta, Esq.  Ciklin Lubitz Martens &amp; O'Connell  515 N. Flagler Dr., 20th Floor  West Palm Beach, FL 33401  561-832-5900-Telephone  561-833-4209 - Facsimile  Email: <a href="mailto:boconnell@ciklinlubitz.com">boconnell@ciklinlubitz.com</a>;  <a href="mailto:ifoglietta@ciklinlubitz.com">ifoglietta@ciklinlubitz.com</a>;  <a href="mailto:service@ciklinlubitz.com">service@ciklinlubitz.com</a>;  <a href="mailto:slobdell@ciklinlubitz.com">slobdell@ciklinlubitz.com</a></p>	<p>Counter Defendant  John J. Pankauski, Esq.  Pankauski Law Firm PLLC  120 South Olive Avenue  7th Floor  West Palm Beach, FL 33401  <a href="mailto:courtfilings@pankauskilawfirm.com">courtfilings@pankauskilawfirm.com</a>  <a href="mailto:john@pankauskilawfirm.com">john@pankauskilawfirm.com</a></p>
<p>Counter Defendant  Mark R. Manceri, Esq., and  Mark R. Manceri, P.A.,  2929 East Commercial Boulevard  Suite 702  Fort Lauderdale, FL 33308  <a href="mailto:mrmlaw@comcast.net">mrmlaw@comcast.net</a></p>	<p>Counter Defendant  Donald Tescher, Esq.,  Tesch &amp; Spallina, P.A.  Wells Fargo Plaza  925 South Federal Hwy Suite 500  Boca Raton, Florida 33432  <a href="mailto:dtescher@tescherspallina.com">dtescher@tescherspallina.com</a></p>
<p>Theodore Stuart Bernstein</p>	<p>Counter Defendant</p>

<p>880 Berkeley Boca Raton, FL 33487 tberNSTEIN@lifeinsuranceconcepts.com</p>	<p>TESCHER &amp; SPALLINA, P.A.. Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 dtescher@tescherspallina.com</p>
<p>Theodore Stuart Bernstein Life Insurance Concepts, Inc. 950 Peninsula Corporate Circle Suite 3010 Boca Raton, FL 33487 tberNSTEIN@lifeinsuranceconcepts.com</p>	<p>Counter Defendant Alan B. Rose, Esq. PAGE, MRACHEK, FITZGERALD, ROSE, KONOPKA, THOMAS &amp; WEISS, P.A. 505 South Flagler Drive, Suite 600 West Palm Beach, Florida 33401 561-355-6991 arose@pm-law.com arose@mrachek-law.com</p>
<p>Pamela Beth Simon 950 N. Michigan Avenue Apartment 2603 Chicago, IL 60611 psimon@stpcorp.com</p>	<p>Counter Defendant L. Louis Mrachek, Esq. PAGE, MRACHEK, FITZGERALD, ROSE, KONOPKA, THOMAS &amp; WEISS, P.A. 505 South Flagler Drive, Suite 600 West Palm Beach, Florida 33401 561-355-6991 lmrachek@mrachek-law.com</p>
<p>Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com</p>	<p>Counter Defendant Pankauski Law Firm PLLC 120 South Olive Avenue 7th Floor West Palm Beach, FL 33401</p>
<p>Lisa Sue Friedstein 2142 Churchill Lane Highland Park, IL 60035</p>	<p>Dennis McNamara Executive Vice President and General Counsel</p>

<p>lisa.friedstein@gmail.com lisa@friedsteins.com</p>	<p>Oppenheimer &amp; Co. Inc. Corporate Headquarters 125 Broad Street New York, NY 10004 800-221-5588 Dennis.mcnamara@opco.com info@opco.com</p>
<p>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</p>	<p>Hunt Worth, Esq. President Oppenheimer Trust Company of Delaware 405 Silverside Road Wilmington, DE 19809 302-792-3500 hunt.worth@opco.com</p>
<p>James Dimon Chairman of the Board and Chief Executive Officer JP Morgan Chase &amp; CO. 270 Park Ave. New York, NY 10017- 2070 Jamie.dimon@jpmchase.com</p>	<p>Neil Wolfson President &amp; Chief Executive Officer Wilmington Trust Company 1100 North Market Street Wilmington, DE 19890-0001 nwolfson@wilmingtontrust.com</p>
<p>William McCabe Oppenheimer &amp; Co., Inc. 85 Broad St Fl 25 New York, NY 10004 William.McCabe@opco.com</p>	<p>STP Enterprises, Inc. 303 East Wacker Drive Suite 210 Chicago IL 60601-5210 psimon@stpcorp.com</p>
<p>Charles D. Rubin Managing Partner</p>	<p>Ralph S. Janvey Krage &amp; Janvey, L.L.P.</p>

<p>Gutter Chaves Josepher Rubin Forman  Fleisher Miller PA  Boca Corporate Center  2101 NW Corporate Blvd., Suite 107  Boca Raton, FL 33431-7343  crubin@floridatax.com</p>	<p>Federal Court Appointed Receiver  Stanford Financial Group  2100 Ross Ave, Dallas, TX 75201  rjanvey@kjllp.com</p>
<p>Kimberly Moran  Teschers &amp; Spallina, P.A.  Wells Fargo Plaza  925 South Federal Hwy Suite 500  Boca Raton, Florida 33432  kmoran@tescherspallina.com</p>	<p>Lindsay Baxley aka Lindsay Giles  Life Insurance Concepts  950 Peninsula Corporate Circle  Suite 3010  Boca Raton, FL 33487  lindsay@lifeinsuranceconcepts.com</p>
<p>Gerald R. Lewin  CBIZ MHM, LLC  1675 N Military Trail  Fifth Floor  Boca Raton, FL 33486</p>	<p>CBIZ MHM, LLC  General Counsel  6480 Rockside Woods Blvd. South  Suite 330  Cleveland, OH 44131  ATTN: General Counsel  generalcounsel@cbiz.com  (216)447-9000</p>
<p>Albert Gortz, Esq.  Proskauer Rose LLP  One Boca Place  2255 Glades Road  Suite 421 Atrium  Boca Raton, FL 33431-7360  agortz@proskauer.com</p>	<p>Heritage Union Life Insurance  Company  A member of WiltonRe Group of  Companies  187 Danbury Road  Wilton, CT 06897  cstrroup@wiltonre.com</p>
<p>Estate of Simon Bernstein  Brian M O'Connell Pa  515 N Flagler Drive  West Palm Beach, FL 33401  boconnell@ciklinlubitz.com</p>	<p>Counter Defendant  Steven Lessne, Esq.  Gray Robinson, PA  225 NE Mizner Blvd #500  Boca Raton, FL 33432</p>

	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	Steven A. Lessne, Esq. Gunster, Yoakley & Stewart, P.A. 777 South Flagler Drive, Suite 500 East West Palm Beach, FL 33401 Telephone: (561) 650-0545 Facsimile: (561) 655-5677 E-Mail Designations: slessne@gunster.com jhoppel@gunster.com eservice@gunster.com
T&S Registered Agents, LLC Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 dtescher@tescherspallina.com	David Lanciotti Executive VP and General Counsel LaSalle National Trust NA CHICAGO TITLE LAND TRUST COMPANY, as Successor 10 South LaSalle Street Suite 2750 Chicago, IL 60603 David.Lanciotti@ctt.com
Joseph M. Leccese Chairman Proskauer Rose LLP Eleven Times Square New York, NY 10036 jleccese@proskauer.com	Brian Moynihan Chairman of the Board and Chief Executive Officer 100 N Tryon St #170, Charlotte, NC 28202 Phone:(980) 335-3561

**EXHIBIT 1 - DRAFT BRIEF**

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT, 1525 PALM BEACH LAKES BLVD., WEST PALM  
BEACH, FL 33401

CASE NO.: 4D16-1449  
L.T. No.: 2014CP002815XXXXNB

ELIOT IVAN BERNSTEIN v. OPPENHEIMER TRUST CO.  
OF DELAWARE, ET AL.

---

Appellant / Petitioner(s) Appellee / Respondent(s)

**INITIAL BRIEF OF APPELLANT**

On Appeal to the 4th District Court of Appeals from the “ORDER APPOINTING GUARDIAN AD LITEM FOR MINORS JOSHUA , JAKE AND DANIEL BERNSTEIN” of Judge John Phillips dated March 01, 2016. It is noted by Appellant herein that while the Order on Appeal refers to “Minors”, Joshua Bernstein had already reached the age of 18 as of August, 2015, some 6 months prior to issuance of the Order and where Appellee was aware of the age of the adult child at the time of filing said Petition for Guardianship.

**TABLE OF CONTENTS**

[INITIAL BRIEF OF APPELLANT](#)

[TABLE OF CONTENTS](#)

[TABLE OF CITATIONS](#)

CASES

STATUTES

PRELIMINARY STATEMENT

STATEMENT OF THE CASE AND FACTS

Factual Background

SUMMARY OF ARGUMENT

ARGUMENT

1. The Order must be reversed, vacated and remanded to a new Judge after the Lower Tribunal violated Court Rules for mandatory Recording of Guardian cases denying Appellant procedural due process protections and a proper record.
2. The Order is not supported by competent substantial evidence and must be reversed and vacated.
3. The lower tribunal abused its discretion by failing to schedule and allow for a proper hearing based on the extensive fraud in the cases and detailed factual pleadings of Appellant which were never heard.
4. The lower tribunal permitted fraud upon the Court by attorney Steven Lessne and then the Court itself committed fraud in Official records, the Order of the case and thus Judge John Phillips must now be permanently Disqualified from all Bernstein matters and all Orders, Judgments, Decisions vacated.

CONCLUSION

CERTIFICATE OF COMPLIANCE

CERTIFICATE OF SERVICE

APPENDIX

Appendix Exhibits Filed Separately

## TABLE OF CITATIONS

## **CASES**

1. Vollmer v. Key Dev. Props., 966 So.2d 1022 (Fla. 2nd DCA 2007).
2. Mora v. State, 814 So. 2d 322 (Fla. 2002).
3. Ferguson v. State, 417 So. 2d 639, 642 (Fla.1982).

## **STATUTES**

1. Florida Statute 607.1601
2. F.S. 736.0201(1)
3. Florida Probate Code Rule 5.541
4. F.S. 744.109

## **RULES:**

1. <http://15thcircuit.co.palm-beach.fl.us/web/guest/court-reporters>
2. [http://15thcircuit.co.palm-beach.fl.us/documents/19739/25153/courtreporting\\_FAQ.pdf](http://15thcircuit.co.palm-beach.fl.us/documents/19739/25153/courtreporting_FAQ.pdf)
- 3.

## **PRELIMINARY STATEMENT**

## **STATEMENT OF THE CASE AND FACTS**

- 1.

## **Factual Background**

- 2.

## **SUMMARY OF ARGUMENT**

## **ARGUMENT**

**1. The Order must be reversed, vacated and remanded to a new Judge after the Lower Tribunal violated Florida Statutes, Probate Rules and 15th Judicial Court Rules for mandatory Recording of Guardian cases denying Appellant procedural due process protections and a proper record.**

Procedural due process is a constitutional guarantee. See, e.g., *Vollmer v. Key Dev. Props.*, 966 So.2d 1022 (Fla. 2 nd DCA 2007). Appellant maintains that because this is a Trust case, this is a Civil case and subject to the Florida Rules of Civil Procedure. As set out in Florida Statutes, “736.0201 Role of court in trust proceedings.—

(1) Except as provided in subsections (5) and (6) and s. 736.0206, judicial proceedings concerning trusts shall be commenced by filing a complaint and shall be governed by the Florida Rules of Civil Procedure.” See, FS 736.0201.

The instant proceedings that gave rise to the Order on Appeal appointing a Guardian Ad litem were not a “construction” proceeding of the Oppenheimer Trusts which were not Testamentary Trusts and therefore should not have fallen

under the exception in FS 736.0201(5) to be filed or determined in the Probate Court under the Probate Rules. For procedural posture of this and all “related” cases, however, it is noted in fact that there still has never been any “construction” or “validity” of the involved Oppenheimer Trusts determined despite Appellant raising further “fraud” in Instruments and documents on the record with the involved Trusts herein.

The lower tribunal under Judge Martin Colin, however, somehow had the case marked and filed as a “Probate” case and to the extent the case was marked as a Probate case, the lower tribunal was required by Florida Statutes, Probate Rules and Court Rules to mandatorily Record the Hearing Digitally for Guardians. See, 15th Judicial Circuit Court Reporting Department and 15th Judicial Frequently asked questions. ( Put in links from above )

In addition to the Rules of the 15th Judicial Circuit, Florida Statutes Sec. 744.109 and Florida Probate Rule 5.541 also mandate the Recording of Hearings either Electronically or by Stenographic recording for the appointment of a Guardian, all of which was denied by Judge John Phillips and which alone require reversal and vacating of the Order herein.

Appellant having been denied the procedural and substantive due process protections of the Florida Statutes and Rules for appointment of a Guardian ad litem, the Order must now be reversed and vacated in it’s entirety.

**The Order is not supported by competent substantial evidence and must be reversed and vacated.**

The Order appointing a Guardian Ad Litem is not supported by any evidence from any Hearing, much less competent substantial evidence as the Lower Tribunal acted illegally abusing its discretion in failing to ensure the Hearing was Digitally Recorded as required according to Florida Statutes 744.3109, Probate Rule 5.541, and the 15th Judicial Circuit Court Rules and Staff from the 15th Judicial Court Reporting Services Department. The arbitrary, capricious and illegal acts of lower tribunal Judge John L. Phillips in denying Digital Recording and denying Appellant time to get a court reporter at the hearing ensured that there is no competent evidence to support the Order.

All this Court is left with is the pleadings and papers in the Record on Appeal with no testimony or Records to assess the sufficiency of the evidence from. Competent substantial evidence is enough evidence to permit a rational trier of fact to reach the conclusion that was reached. See, Mora v. State, 814 So. 2d 322 (Fla. 2002). Appellate Courts have an independent duty to review the record to ensure the sufficiency of the evidence. See, e.g., Ferguson v. State, 417 So. 2d 639, 642

(Fla.1982). Yet in this case, all this District Court of Appeal has to review are untried, unheard and undetermined petitions and pleadings. This requires reversal of the Order and remand to the lower tribunal and assignment to an independent and neutral Judge.

**The lower tribunal abused its discretion by failing to schedule and allow for a proper hearing based on the extensive fraud in the cases and detailed factual pleadings of Appellant which were never heard.**

The essence of the argument for appointment of a Guardian ad litem as set out in the Petition filed by attorney Steven Lessne is that Appellant is allegedly a “vexatious” litigant who is on a campaign for justice in the Courts and changing the legal system and further attacking Appellant for doing what every Court in the State of Florida has the obligation to do, address Fraud in the Court and fraud in Pleadings. See, Florida Statewide Court Fraud Policy.

Yet, attorney Lessnee directly committed Fraud Upon the Court in his Pleadings by citing to alleged findings by the US District Court for the Southern District of New York that never occurred. See, Lessnee Petition ROA pages

The Court itself perpetuates this Fraud by making a Finding that Appellant was in fact adjudicated a “vexatious litigant” by the US SDNY District Court. Yet, the Court, in either a further act of direct fraud or act of extreme lack of competence in

reviewing pleadings, actually mis-reads and mis-cites pleadings in the same manner as alleged by Lessnee. For example,

What the Record on Appeal does show, however, is extensive pleadings showing misconduct of the various Fiduciaries and actual Fraud upon the Court. Yet, the lower tribunal never permitted these pleadings to be heard and never scheduled sufficient time to hear such pleadings in any event, another act in an abuse of discretion, arbitrary and prejudicial and pre-determined conduct.

**The lower tribunal permitted fraud upon the Court by attorney Steven Lessne and then the Court itself committed fraud in Official records, the Order of the case and thus Judge John Phillips must now be permanently Disqualified from all Bernstein matters and all Orders, Judgments, Decisions vacated.**

## **CONCLUSION**

For all of the foregoing reasons, this Court should reverse

## **CERTIFICATE OF COMPLIANCE**

I HEREBY CERTIFY that this brief complies with the font requirements of Fla. R. App. P. 9.210(a)(2).

Dated: July 25th, 2016

**/s/ Eliot Ivan Bernstein**  
Eliot Ivan Bernstein  
2753 NW 34th St.  
Boca Raton, FL 33434  
561-245-8588  
iviewit@iviewit.tv

## **CERTIFICATE OF SERVICE**

I CERTIFY that a copy of the foregoing has been furnished to parties listed on attached Service List by E-mail Electronic Transmission; Court ECF; this 25th day of July, 2016.

**/s/ Eliot Ivan Bernstein**  
Eliot Ivan Bernstein  
2753 NW 34th St.  
Boca Raton, FL 33434  
561-245-8588  
iviewit@iviewit.tv

## **SERVICE LIST LOWER CASES DEFENDANTS, RESPONDENTS, COUNTER DEFENDANTS**

John P. Morrissey, Esq. 330 Clematis Street, Suite 213 West Palm Beach, FL 33401 (561) 833-0766-Telephone	Lisa Friedstein 2142 Churchill Lane Highland Park, IL 60035 lisa@friedsteins.com
--	---

<p>(561) 833-0867 -Facsimile  Email: John P. Morrissey  (john@jrnoiTisseylaw.com)</p>	
<p>Peter M. Feaman, Esq.  Peter M. Feaman, P.A.  3695 West Boynton Beach Blvd., Suite 9  Boynton Beach, FL 33436  (561) 734-5552 -Telephone  (561) 734-5554 -Facsimile  Email: service@feamanlaw.com:  mkoskey@feamanlaw.com</p>	<p>Jill Iantoni  2101 Magnolia Lane Highland Park, IL 60035  jilliantoni@gmail.com</p>
<p>Gary R. Shendell, Esq.  Kenneth S. Pollock, Esq.  Shendell &amp; Pollock, P.L.  2700 N. Military Trail, Suite 150  Boca Raton, FL 33431  (561)241-2323 - Telephone (561)241-2330-Facsimile  Email: gary@shendellpollock.com  ken@shendellpollock.com  estella@shendellpollock.com  britt@shendellpollock.com  grs@shendellpollock.com</p>	<p>Counter Defendant  Robert Spallina, Esq.  Donald Tescher, Esq.  Tescher &amp; Spallina  925 South Federal Hwy., Suite 500  Boca Raton, Florida 33432</p>
<p>Brian M. O'Connell, Esq.  Joielle A. Foglietta, Esq.  Ciklin Lubitz Martens &amp; O'Connell  515 N. Flagler Dr., 20th Floor  West Palm Beach, FL 33401  561-832-5900-Telephone</p>	<p>Counter Defendant  John J. Pankauski, Esq.  Pankauski Law Firm PLLC  120 South Olive Avenue  7th Floor  West Palm Beach, FL 33401</p>

<p>561-833-4209 - Facsimile  Email: <a href="mailto:boconnell@ciklinlubitz.com">boconnell@ciklinlubitz.com</a>;  <a href="mailto:ifoglietta@ciklinlubitz.com">ifoglietta@ciklinlubitz.com</a>;  <a href="mailto:service@ciklinlubitz.com">service@ciklinlubitz.com</a>;  <a href="mailto:slobdell@ciklinliibitz.com">slobdell@ciklinliibitz.com</a></p>	<p><a href="mailto:courtfilings@pankauskilawfirm.com">courtfilings@pankauskilawfirm.com</a>  <a href="mailto:john@pankauskilawfirm.com">john@pankauskilawfirm.com</a></p>
<p>Counter Defendant  Mark R. Manceri, Esq., and  Mark R. Manceri, P.A.,  2929 East Commercial Boulevard  Suite 702  Fort Lauderdale, FL 33308  <a href="mailto:mrmlaw@comcast.net">mrmlaw@comcast.net</a></p>	<p>Counter Defendant  Donald Tescher, Esq.,  Tescher &amp; Spallina, P.A.  Wells Fargo Plaza  925 South Federal Hwy Suite 500  Boca Raton, Florida 33432  <a href="mailto:dtescher@tescherspallina.com">dtescher@tescherspallina.com</a></p>
<p>Theodore Stuart Bernstein  880 Berkeley  Boca Raton, FL 33487  <a href="mailto:tberNSTEIN@lifeinsuranceconcepts.com">tberNSTEIN@lifeinsuranceconcepts.com</a></p>	<p>Counter Defendant  TESCHER &amp; SPALLINA, P.A..  Wells Fargo Plaza  925 South Federal Hwy Suite 500  Boca Raton, Florida 33432  <a href="mailto:dtescher@tescherspallina.com">dtescher@tescherspallina.com</a></p>
<p>Theodore Stuart Bernstein  Life Insurance Concepts, Inc.  950 Peninsula Corporate Circle  Suite 3010  Boca Raton, FL 33487  <a href="mailto:tberNSTEIN@lifeinsuranceconcepts.com">tberNSTEIN@lifeinsuranceconcepts.com</a></p>	<p>Counter Defendant  Alan B. Rose, Esq.  PAGE, MRACHEK, FITZGERALD,  ROSE, KONOPKA, THOMAS &amp;  WEISS, P.A.  505 South Flagler Drive, Suite 600  West Palm Beach, Florida 33401  561-355-6991  <a href="mailto:arose@pm-law.com">arose@pm-law.com</a>  <a href="mailto:arose@mrachek-law.com">arose@mrachek-law.com</a></p>
<p>Pamela Beth Simon  950 N. Michigan Avenue  Apartment 2603  Chicago, IL 60611</p>	<p>Counter Defendant  L. Louis Mrachek, Esq.  PAGE, MRACHEK, FITZGERALD,  ROSE, KONOPKA, THOMAS &amp;</p>

psimon@stpcorp.com	WEISS, P.A. 505 South Flagler Drive, Suite 600 West Palm Beach, Florida 33401 561-355-6991 lmracheck@mracheck-law.com
Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com	Counter Defendant Pankauski Law Firm PLLC 120 South Olive Avenue 7th Floor West Palm Beach, FL 33401
Lisa Sue Friedstein 2142 Churchill Lane Highland Park, IL 60035 lisa.friedstein@gmail.com lisa@friedsteins.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
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	Hunt Worth, Esq. President Oppenheimer Trust Company of Delaware 405 Silverside Road Wilmington, DE 19809 302-792-3500 hunt.worth@opco.com
James Dimon	Neil Wolfson

<p>Chairman of the Board and Chief Executive Officer JP Morgan Chase &amp; CO. 270 Park Ave. New York, NY 10017-2070 Jamie.dimon@jpmchase.com</p>	<p>President &amp; Chief Executive Officer Wilmington Trust Company 1100 North Market Street Wilmington, DE 19890-0001 nwolfson@wilmingtontrust.com</p>
<p>William McCabe Oppenheimer &amp; Co., Inc. 85 Broad St Fl 25 New York, NY 10004 William.McCabe@opco.com</p>	<p>STP Enterprises, Inc. 303 East Wacker Drive Suite 210 Chicago IL 60601-5210 psimon@stpcorp.com</p>
<p>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@floridatax.com</p>	<p>Ralph S. Janvey Krage &amp; Janvey, L.L.P. Federal Court Appointed Receiver Stanford Financial Group 2100 Ross Ave, Dallas, TX 75201 rjanvey@kjllp.com</p>
<p>Kimberly Moran Tescher &amp; Spallina, P.A. Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 kmoran@tescherspallina.com</p>	<p>Lindsay Baxley aka Lindsay Giles Life Insurance Concepts 950 Peninsula Corporate Circle Suite 3010 Boca Raton, FL 33487 lindsay@lifeinsuranceconcepts.com</p>
<p>Gerald R. Lewin CBIZ MHM, LLC 1675 N Military Trail Fifth Floor Boca Raton, FL 33486</p>	<p>CBIZ MHM, LLC General Counsel 6480 Rockside Woods Blvd. South Suite 330 Cleveland, OH 44131 ATTN: General Counsel generalcounsel@cbiz.com</p>

	(216)447-9000
<p>Albert Gortz, Esq.      Proskauer Rose LLP      One Boca Place      2255 Glades Road      Suite 421 Atrium      Boca Raton, FL 33431-7360      agortz@proskauer.com</p>	<p>Heritage Union Life Insurance Company      A member of WiltonRe Group of Companies      187 Danbury Road      Wilton, CT 06897      cstrroup@wiltonre.com</p>
<p>Estate of Simon Bernstein      Brian M O'Connell Pa      515 N Flagler Drive      West Palm Beach, FL 33401      boconnell@ciklinlubitz.com</p>	<p>Counter Defendant      Steven Lessne, Esq.      Gray Robinson, PA      225 NE Mizner Blvd #500      Boca Raton, FL 33432      steven.lessne@gray-robinson.com</p>
<p>Byrd F. "Biff" Marshall, Jr.      President &amp; Managing Director      Gray Robinson, PA      225 NE Mizner Blvd #500      Boca Raton, FL 33432      biff_marshall@gray-robinson.com</p>	<p>Steven A. Lessne, Esq.      Gunster, Yoakley &amp; Stewart, P.A.      777 South Flagler Drive, Suite 500      East      West Palm Beach, FL 33401      Telephone: (561) 650-0545      Facsimile: (561) 655-5677      E-Mail Designations:      slessne@gunster.com      jhoppel@gunster.com      eservice@gunster.com</p>
<p>T&amp;S Registered Agents, LLC      Wells Fargo Plaza      925 South Federal Hwy Suite 500      Boca Raton, Florida 33432      dtescher@tescherspallina.com</p>	<p>David Lanciotti      Executive VP and General Counsel      LaSalle National Trust NA      CHICAGO TITLE LAND TRUST COMPANY, as Successor      10 South LaSalle Street      Suite 2750</p>

	Chicago, IL 60603 David.Lanciotti@ctt.com
Joseph M. Lecce Chairman Proskauer Rose LLP Eleven Times Square New York, NY 10036 jleccese@proskauer.com	Brian Moynihan Chairman of the Board and Chief Executive Officer 100 N Tryon St #170, Charlotte, NC 28202 Phone:(980) 335-3561
ADR & MEDIATIONS SERVICES, LLC Diana Lewis 2765 Tecumseh Drive West Palm Beach, FL 33409 (561) 758-3017 Telephone Email: dzlewis@aol.com (Fla. Bar No. 351350)	

## **APPENDIX**

### **Appendix Exhibits Filed Separately**

App#	Document	Reference/Bates #'s
1		
2		
3		

4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		

--	--	--