

substantial Document fraud had already been demonstrated and Discovery abuses going on continually, Emailing on May, 20, 2015³⁶ as follows:

From: Alan Rose [mailto:ARose@mrachek-law.com]
Sent: Wednesday, May 20, 2015 2:14 PM
To: Lessne, Steven; Eliot Ivan Bernstein; Eliot Ivan Bernstein
Cc: Ted Bernstein; O'Connell, Brian M.; Foglietta, Joy A
Subject: Original signed "Oppenheimer" Trusts

Mr. Lessne and Mr. Eliot Bernstein:

I am writing to advise that we located some files in drawers in Simon's private office in his home at Lions Head, as we were trying to assess the complexity of things that must happen between now and the closing of Lions Head. My primary reason was to visually inspect the three chandeliers that have been the subject of PR emails in the past few days.

In any event, and although these files likely were examined and discounted as unimportant by the PRs after Simon's death and likely meant nothing if and when they were catalogued or viewed during the O'Connell as PR re-appraisal/re-inspection, I noticed a folder marked as the Jake Bernstein Trust. Looking more closely, there were three green folders labeled with Eliot's children's names and inside are what appear to be the original signed Irrevocable Trust Agreements for the Trusts which Oppenheimer formerly served. ***These may be relevant or important to the ongoing Oppenheimer case, so I bring them to your attention.*** There also are what appears to be some tax returns and Stanford Account Statements. Simply because I have attended some of the Oppenheimer hearings, I understand that Eliot claims at least one of the Trusts does not exist. As an officer of the court, and because these may be relevant, I have taken temporary custody of the documents. I will hold them pending joint instructions or a court order, but would prefer to deliver them to Steve Lessne as Oppenheimer's counsel. These have no economic value and have no bearing on the estate, so I doubt Brian O'Connell would want them, but I did not want to see them lost or discarded in the impending move. To facilitate your review, I have scanned the first and last page of each trust, and scanned the first page of the ancillary documents, and attach that in .pdf format.

I am sure that people have looked through these files before, and there did not appear to be anything else of significance. (I did notice a few folders with other grandchildren's names, not Eliot's kids, but left those papers in place because I understand that everyone except Eliot has fully cooperated with Oppenheimer in resolving these matters.)

³⁶May 20, 2015 Alan Rose, Esq. Letter re Finding New Documents and removing them illegally from Simon's Estate and whereby the records were in the custody of Brian O'Connell at that time and Rose took them from the Estate without authorization.
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150520%20Alan%20Rose%20Letter%20to%20Eliot%20et%20al%20Regarding%20Oppenheimer%20Trust%20documents%20and%20Tax%20Records%20found.pdf>

I also have had occasion to re-look through a small box of trust documents which I have been holding, which came from Simon's former work office. Inside file folders in a desk drawer, Simon retained duplicate originals of the trust agreements relevant to my cases. When I was looking to reexamine these documents – duplicate originals of the 2008 Trusts and the 2012 Trust (the true originals remain with Tescher & Spallina who drafted them) – I noticed a copy of the three separate irrevocable trust documents. Again, these would not have caught my eye originally because I would have never guessed that Eliot would claim the trusts were not valid. I only recently had occasion to notice these in looking for the duplicate trust originals for Simon and Shirley. The three Irrevocable Trusts appear to be signed and witnessed on page 17, but the individual pages are not initialed. Again, these were only copies, but now having looked at the originals included in the attached scan, I note (although not a handwriting expert) that the attached copies appear to be absolutely identical to the originals just found in Simon's personal office.

These copies include IRS forms under which Traci Kratish PA, as Trustee appears to have applied for and obtained a Taxpayer ID number for each trust, and obviously she provided these to Simon. Each of the Trust documents is signed by Simon Bernstein, as Settlor, and by Traci Kratish PA as the initial Trustee, and the signatures are witnessed by two people. Simon's is witnessed by Jocelyn Johnson and someone else. I am advised that Jocelyn was an employee of Simon's, as presumably was the second witness and also the initial Trustee, Traci Kratish, who was in house counsel for the companies Simon owned part of.

Although this was long before any involvement on my part, Traci Kratish appears to have been the initial trustee (there is a typo elsewhere naming Steven Greenwald). I do not know Steven Greenwald, but I have confirmed that that these trusts were not created by Tescher & Spallina. If they had been, I'm sure they would have retained the original and given Simon duplicate originals as they did for all of the trust documents for the 2008 and 2012 Trusts they prepared. I do not know if Greenwald prepared these and made a typo leaving his name on a later section, or if Kratish prepared these from a boilerplate Greenwald form and made the typo. Either way, and it does not matter to me, the fact that this was a simple and ordinary typo should be obvious to all.

Eventually, Traci Kratish left the employ as the in-house counsel for the companies. Sometime before or at the time of her leaving, she resigned and appointed someone else, and eventually these trusts accounts along with similar trusts for Simon's other seven grandchildren and much of Simon's personal wealth, were moved to Stanford. After Stanford's collapse amid word that it was a Ponzi scheme -- Simon lost upwards of \$2 million of his own funds in the Ponzi scheme -- Simon directed the transfer of the his and these trust accounts to Oppenheimer. Simon selected Oppenheimer; paid Tescher's firm to do the necessary documents to appoint Oppenheimer as successor trustee; took the documents from Tescher and had them signed by all children, including Eliot and Candice; and returned the documents to Tescher for filing. I presume that Simon paid all of these legal fees, because that is the right thing to do from an estate planning strategy and as a favor to his grandkids. I now have seen copies of the filed Petitions, and again without being a handwriting expert, it certainly looks like Eliot's and Candice's

signature on them, regardless of whether they had ever met Tescher or Spallina before their parents' deaths.

Eliot and Candice reaped the benefits of Oppenheimer's services, and in any event there is no reason to believe that Candice and Eliot did not sign these Petitions for the benefit of their children. If Eliot now suggests that his and his wife's signatures do not appear on the June 2010 Petitions appointing Oppenheimer 2010 allegation, which is highly doubtful just looking at the three sets of signatures, that would mean Eliot is accusing Simon of being a forger. Eliot already is supportive of Bill Stansbury, who accuses Simon of committing a fraud on Stansbury. I would be shocked by any accusation that Simon did not obtain from Eliot and Candice their genuine signatures on the June 2010 Petitions, and particularly shocked that Eliot, who received so much of his father's (and mother's) largesse during their lifetimes, would now malign Simon's name in such a manner.

Anyway, I'm not sure if either of you needs these any longer, but if you do, here they are.

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97. Thus, Brian O'Connell, Joielle Foglietta, Alan Rose and Steven Lessne are all Material Fact Witnesses on this Chain of Custody alone which all is critical evidence for this Court as it relates to the production of Valid and Original Trusts and documents at issue and my Cross-Counterclaims and thus Injunctive relief should now issue.

98. Lessne, nor Rose (a Counter Defendant in the Stayed Counter Complaint in the Oppenheimer case), has yet to turn these alleged new documents into the Court and where since the lawsuit was based on other documents filed this would seem to materially affect the whole case.
99. It should be noted that in the days and weeks leading up to this “magical” Discovery by Alan Rose that the O’Connell and Foglietta team had issued substantial billings for communications with Alan Rose³⁷ even though O’Connell had filed an Answer claiming Alan Rose’s client Ted Bernstein was Invalid as a Trustee although the Petition had not been heard.
100. Alan Rose and Brian O’Connell are again tied up as material fact witnesses just a few weeks later when Judge Coates briefly came into the case wherein Alan Rose now “magically” has “Originals” of the Shirley Trust and related documents that he allegedly scanned onto a CD and while his Letter indicates he was “Transferring” this CD to me in person at Court he actually used Brian O’Connell to “pass me” the CD.
101. Rose claims these are “Originals” or “Duplicate Originals” scanned onto the CD but provides No Chain of Custody of how, when, where or why these come into his possession making him a Material Fact Witness on the Chain of Custody of documents. See, Alan Rose Letter of June 4, 2015³⁸. As noted, here is where “Originals” appear to be signed in Different Color Ink from the “Original” Originals and where the *naked human eye* can detect too many identical signatures identically or virtually identically placed in the some place on the documents and too many initials placed in the same place.

³⁷Ciklin/O’Connell Billing Statements

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151210%20MASTER%20O'Connell%20Ciklin%20Fees%20Billing.pdf>

and

Rose and O’Connell billing excerpts from Ciklin bills

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151210%20Rose%20O'Connell%20Legal%20Fees%20Bills%20Excerpts%20In%20Chronological%20Order.pdf>

³⁸ June 04, 2015 Rose Letter Regarding CD of Newly Discovered Estate and Trust documents

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150604%20Rose%20Letter%20with%20CD%20of%20Simon%20Shirley%20Oppenheimer%20Trust%20Will%20Documents.pdf>

102. Yet, on or about August 11, 2015, I physically appeared and went to the O'Connell law office per arrangements with Joielle Foglietta and was directed to some Staff member I will call "Jane Doe" for now, although other records may disclose her name, whereupon I was supposed to be able to finally "view" and "inspect" all of Simon's Business Records, Documents, etc that the O'Connell firm had obtained and am shocked to be placed into a Conference Room with 4 Banker Boxes that were half-full for my father who had been a successful Insurance business person for Decades with multiple bank accounts, corporations, trust companies and tons of other personal records. One of the boxes had allegedly been dropped off by Alan Rose and only had a few miscellaneous "wall hangings" from his Business Office and the other 3 boxes are allegedly what the O'Connell firm had taken out of the St. Andrew's home.
103. Yet these were partially filled boxes and the Jane Doe staff member indicated she had retrieved "everything", "everything" from the St. Andrew's home on or around June 4, 2015 which contradicts what Joielle Foglietta had claimed in March 2015 about taking custody of the Business documents and files and further contradicts what Alan Rose "finds" in May of 2014, thus rendering all of these individuals Material Fact Witnesses on Chain of Custody and possession. Miraculously these documents appear days before Sheriff deputies are contacting Kratish regarding the prior documents and allegations of fraud in the prior documents.
104. This item further ties up Judge Colin, the Palm Beach County Sheriff's Office, Gerry LEWIN, SPALLINA and TESCHER as more intertwined in the fraud.
105. Both Judge Colin and the PBSO are aware that Eliot and his wife Candice have claimed they never signed a Petition that SPALLINA "Witnessed" in 2010 relating to the Trust which

SPALLINA apparently deposited with Colin's court in June of 2010³⁹ and that Colin is alleged to have signed.

106. The Document provided by ROSE as an "original" however, purports to be a Trust signed Sept. 7, 2006 and allegedly witnessed by one Traci Kratish.
107. However, in her statement to the PBSO⁴⁰, Traci Kratish, a lawyer and accountant, says she did not begin work with Eliot's father until Sept. 10, 2006 and was not brought in Pre-Stanford Trust and has no independent recollection of signing this Trust which is further ripe with errors such as referring to Traci Kratish as a "he" instead of "she", having a different trustee Steven Greenwald identified later in the document as the "Trustee," no reference to the law firm who allegedly prepared the Trusts, missing initials on the pages and other obvious errors.
108. Still further, LEWIN prepares and has Tax documents (copies, not Originals) saying the Trust was created on Sept. 1, 2006, not Sept. 7th and further that Stanford was the Trustee from the beginning and not Traci Kratish as alleged by SPALLINA in the June 2010 Petition claiming the Trusts went from Kratish to Stanford and then Oppenheimer with this Petition allegedly signed by Eliot and his wife which they have denied signing or seeing prior to it being produced in the matters to the the PBSO and COLIN and reported as fraud⁴¹.
109. Despite the PBSO and PANZER knowing all the fraud admitted to date and SPALLINA who was not forthcoming in his first interview, PBSO illegally steers this part of the fraud and criminal investigation away from following up with Spallina and the involved parties and

³⁹ July 08, 2010 Alleged Forged Petition for Children's Trusts Oppenheimer @ <http://iviewit.tv/Simon%20and%20Shirley%20Estate/Exhibit%20E%2020100619%20Alleged%20Eliot%20Candice%20Petition%20to%20Appoint%20Successor%20Trustee%20Joshua%20Jacob%20and%20Daniel.pdf>

⁴⁰ May 21, 2015 Traci Kratish PBSO Interview statements @ [www.iviewit.tv/Simon and Shirley Estate/Kratish Statements to PBSO.pdf](http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/Kratish%20Statements%20to%20PBSO.pdf)

⁴¹ May 20, 2015 Alan Rose Email Claiming to have found New Trust Documents @ <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150520%20Alan%20Rose%20Letter%20to%20Eliot%20et%20al%20Regarding%20Oppenheimer%20Trust%20documents%20and%20Tax%20Records%20found.pdf>

attempted to close the case in a rush with admitted felony crimes of Spallina not being prosecuted and thus committing misprision of felony and aiding and abetting the fraud by failure to report the admitted crime to prosecutors and which is currently under a second Internal Affairs review, the first review after Judge Colin interfered with the criminal investigations and had them close the case of Fraud on the Court stating he would handle those and forcing Eliot to IA to have the cases reopened due to the improper interference, which led to subsequent interviews where Spallina confessed to Felony misconduct..

110. By TESCHER SPALLINA Bates⁴² No. TS000815 Spallina falsely writes to Christopher Prindle of Wachovia/Stanford/Oppenheimer/JP Morgan on July 1, 2010 who is intimately involved in the Financial Accounts of Simon Bernstein claiming he has: “**certified Final Orders on Petitions to Appoint Successor Trustee** designating Oppenheimer Trust Company as Successor Trustee of the following trusts: 1. Daniel Bernstein Irrevocable Trust dated September 7, 2006 2. Carly Esther Friedstein Irrevocable Trust dated September 7, 2006 3. Jake Bernstein Irrevocable Trust dated September 7, 2006 4. Max Friedstein Irrevocable Trust dated September 7, 2006 5. Julie Iantoni Irrevocable Trust dated September 7, 2006 6. Joshua Z. Bernstein Irrevocable Trust dated September 7, 2006 “ all as of July 1, 2010.

⁴² Tescher & Spallina Bates Numbered Court Ordered Production

It should be noted that while the documents are bates stamped they were never tendered by Spallina and Tescher to the court and no document originals were tendered to successors despite court order to turn over “ALL” records, whereby all copies of alleged documents in the Tescher and Spallina production are therefore alleged fraudulent and part of an ongoing fraud to cover up and maintain the prior frauds they have been caught in and further continue the frauds.

***FOR ALL FURTHER REFERENCES HEREIN of SPALLINA and TESCHER Bates Stamped Documents please refer to the following link which contains the entire file of Bates stamped documents Total Pages 7,202 with gaps in the bates numbering and search for the Bates numbers listed in this filing.

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140602%20PRODUCTION%20OF%20DOCUMENTS%20SIMON%20ESTATE%20BY%20COURT%20ORDER%20TO%20BEN%20BROWN%20CURATOR%20DELIVERED%20BY%20TESCHER%20AND%20SPALLINA.pdf> (File is large and takes time to download)

111. Yet on the same date of July 1, 2010, by TS000831 SPALLINA writes to Margaret Brown at Baker Botts saying:

From: Robert Spallina [mailto:rspallina@tescherspallina.com]

Sent: Thursday, July 01, 2010 9:14 AM

To: Brown, Margaret

Subject: Bernstein

Dear Margaret - we finally received the last of the signed petitions for the minor grandchildren and will be walking through the petitions next week to get the orders designating Oppenheimer as successor Trustee to Stanford. Attached are copies of the signed petitions we are filing for your records.

112. The close relationship with SPALLINA and COLIN is shown by the casual manner SPALLINA is simply going to “walk through” over at the Court to get the Orders he has told key Financial person Christopher Prindle he already has in Certified form as of the same date.

113. The alleged Orders do appear to be “Certified” and signed by COLIN but not until July 8, 2010, a week after he tells Prindle these are done by the Court already which SPALLINA writes to Margaret Brown again about on July 8, 2010, see TESCHER SPALLINA PRODUCTION Bates No.TS000829.

114. This pattern and practice of false information even shown by the TESCHER SPALLINA production is further reason to Enjoin and Restrain the parties and the evidence in further aid of this Court’s jurisdiction.

115. Moreover, because there are NO Accountings from TESCHER SPALLINA in the year and half plus of their involvement as fiduciaries (NO accountings in Shirley for FIVE years and INCOMPLETE ACCOUNTING FOR SIMON ONLY RECENTLY TURNED OVER after almost three years after Simon’s Passing) where millions were likely moved between accounts or converted without any accounting, Records and accounts of Christopher Prindle, Stanford, JP Morgan and Oppenheimer should further be enjoined when the Court has proper jurisdiction over these parties.

116. Note that the Curator Ben Brown of the Estate of Simon Bernstein purported to have obtained actual signed Tax returns from the IRS herein for Simon's Estate and quietly died at a young age shortly thereafter upon information and belief before turning them over and according to O'Connell he never received them and immediately ordered new ones immediately after gaining Letters of Administration but still has not received them to the best of my belief and certainly has not turned them over to me as promised.
117. Yet, current PR of the Simon Bernstein Estate Brian O'Connell and Joielle Foglietta of the Ciklin Lubitz Martens & O'Connell law firm have Never obtained or provided any Signed Tax Documents or actual originals in the 18 months in the case yet repeatedly bills the Estate for calls with Alan Rose, including many redacted Billing entries⁴³ and⁴⁴.
118. The 2007-2008 LIC Tax statements where Simon Bernstein was 45 % owner shows 2 consecutive years of revenue exceeding \$30 Million per year and where Renewals on insurance should still be coming in but where TED, ROSE and the PRs claim estates and trusts virtually empty while denying discovery and production⁴⁵, with Simon taking several million dollars in income in just these years prior to his death.
119. Yet, the O'Connell and Foglietta team claim the Estate is out of money and even proceeded to demand a payment of \$750 approximately from myself to obtain copies of the bare records in 3 partially filled boxes the PRs have obtained to date that they stated copies would be ready for me to pick up when I went to their offices and were not, then later when I was forced to

⁴³ Alan B. Rose and Brian O'Connell Billing Excerpts from Ciklin Lubitz Martens & O'Connell Bills @ <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151210%20Rose%20O'Connell%20Legal%20Fees%20Bills%20Excerpts%20In%20Chronological%20Order.pdf>

⁴⁴ O'CONNELL and Ciklin Lubitz Martens & O'Connell Billing Statements @ <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151210%20MASTER%20O'Connell%20Ciklin%20Fees%20Billing.pdf>

⁴⁵ 2007-2008 Unsigned Tax Returns LIC prepared by Gerald Lewin CPA <http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/tax%20returns%202007%202008%20LIC.pdf>

repeatedly ask for them to be sent they changed their tune demanding payment for the meager records they had obtained and further *have repeatedly denied access to even visually Inspect the alleged Storage unit where all the TPP allegedly is.*

120. As will be shown later herein, Millions remain Unaccounted for in the cases further justifying an Injunction at this time.

“Orchestration” of the “One-day” “Validity” Trial by the Fiduciaries, Lawyers and Judge

Phillips

121. Despite this tortured background, the licensed attorneys O’Connell, Foglietta, Rose and Feaman allow matters to proceed along course to a “one-day” Validity Trial with Judge Phillips held Dec. 15, 2015.

122. In the weeks before this, Creditor attorney Peter Feaman expressly stated in a phone call with myself, William Stansbury and others that there was a deliberate “conspiracy” against me by the parties with money and connections or words to that effect.

123. Attorney Peter Feaman also acknowledged that Florida Courts do have traditional Pre-Trial and Trial procedures, none of which were followed.

124. No pre-trial Discovery compliance was ever determined, no Pre-trial Depositions were determined, and I was provided no Due Process opportunity to speak about the Necessary Witnesses that should be at Trial which would make the Trial go beyond one day and the importance of having the hearings to remove Ted first to determine if he would even be able to conduct validity hearings, especially where there was document fraud with the documents being validated committed by his attorneys representing him as fiduciary and where the fraud directly benefited Ted’s family, slight conflicts that should have forced Ted from holding the hearings. Ted also being considered Predeceased for ALL PURPOSES OF DISPOSITION OF THE

SHIRLEY TRUST certainly could not hold a validity hearing as it regards disposition of the trust. Yet, Phillips refused both Feaman and my request to have that hearing first.

125. Creditor Attorney Peter Feaman had previously in August of 2014 written a specific letter to Brian O'Connell indicating he had an "absolute duty" to take up the baton to remove Ted Bernstein noting the waste of assets, lack of accountings, conflicts of interest and other items, although attorney Feaman would take no action to prevent or participate in the "Validity Trial" despite the fact that the only 2 Witnesses that were called, Robert Spallina and Ted Bernstein (both involved in the Fraudulent Documents submitted to the court and others) were Both parties that Creditor William Stansbury had sued although that case was before a separate Judge.
126. Despite the Fraud shown with Colin who should be a Material fact witness and should have disqualified once he knew there was Fraud Upon His Court and he was involved in the matters, Feaman took no action to assert and re-argue if necessary Stansbury's "standing" which had been denied in the case by Colin although Stansbury was "in the case" for purposes of Paying for the Illinois litigation before Your Honor which all appears to be part of "orchestration" where Stansbury and Feaman are "in" on some issues but not in on others.
127. Feaman had "confirmed" that O'Connell as the PR was going to Participate at the one day Validity Trial as O'Connell had filed an Answer to remove Ted Bernstein at Trial as an Invalid Trustee yet "at the last minute" it was announced O'Connell and Ted Bernstein's attorney Alan Rose had some form of "consultation" deal where it was decided O'Connell would not participate in the Validity Trial despite the fact that his Office had been Billing the Estate for nearly 2 years based upon Ted as Trustee including many billings with Alan Rose on behalf of

Ted Bernstein all of which is compromised if a proper Trial showed the documents to be invalid and/or Ted Bernstein should be removed.

128. When Feaman brought O'Connell into the cases after being denied standing to remove Ted, Feaman had Eliot withdraw a hearing to remove Ted that day telling him that he spoke to O'Connell and O'Connell would file the motion Feaman filed that was denied for standing and that I would have a much better chance of success with O'Connell filing. To this date, despite being given Feaman's filing to put his name on and repeatedly stating he would file it, O'Connell has failed to file despite knowing Ted is "not a validly serving Trustee" or in other words that Ted and Alan are committing a Fraud knowing Ted cannot be Trustee but pulling yet another Fraud on the Court and Fraud on the Beneficiaries and Creditor.

129. Thus, the Estate of Simon Bernstein was Unrepresented and did not participate in the Phillips "Validity" Trial of the Simon documents and where the Governor Rick Scott's office already found defects in the notarizations of Simon's Estate and Trust documents that O'Connell was made aware of prior and where if they were not validated as Rose wanted them, O'Connell could have been knocked out and Stansbury could have become the Successor as was the case only a few weeks before Simon died when allegedly new improperly notarized documents are said to have been signed.

130. Alan Rose was motioned by my counsel Candice Schwager of Texas who was seeking to come into Florida pro hac vice⁴⁶ for a 30 day Continuance⁴⁷ and to get the Documents necessary to be able to represent my children properly and determine if any conflicts existed that prevented her

⁴⁶December 12, 2015 Candice Schwager Pro Hac Vice Letter to Court and Alan Rose, Esq.
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151212%20Candice%20Schwager%20Pro%20Hac%20Vice%20ECF%20Filing%20Stamped%20Copy.pdf>

⁴⁷20151215 Motion for Stay
[http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151215%20ESIGNED%20Phillips%20Trial%20St](http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151215%20ESIGNED%20Phillips%20Trial%20Stay%20ECF%20STAMPED%20COPY.pdf)

from representing both myself and my children but both Rose and Judge Phillips denied the continuance and denied her access to documents⁴⁸ leaving my children unrepresented at the Validity “trial” as well.

131. The notice and motion further indicated Alan Rose should be Disqualified as a Material fact witness for the reasons set out above.

132. Thus the Trial was orchestrated so no Attorneys were present to Cross-examine the only 2 Witnesses produced by Ted Bernstein and Alan Rose being Robert Spallina and Ted Bernstein himself.

133. It is noted that there were no Pre-Trial Depositions allowed of Robert Spallina or Ted Bernstein and thus acting Pro Se I did all I could do at the Trial which still revealed remarkable information and confessions of new crimes, including federal mail fraud by Spallina, who also violated his SEC consent order by misrepresenting his SEC consent deal and further misrepresented his standing with the Florida Bar as the record reflects. Spallina also admitted to using a deceased Simon acting as PR to close Shirley’s Estate and depositing further fraudulent documents with the court, while admitting he had not to that date told anyone about these crimes, while Phillips ignored all these admissions and since has done nothing to notify proper authorities of these new and damning admissions of crimes and violations of SEC consent orders, despite repeated requests by myself for him to do so.

134. It is further noted that no Inspection or Comparison of the “duplicate” and other alleged “originals” was allowed pre-trial or during trial as these Documents and evidence simply were

⁴⁸January 06, 2016 Alan Rose, Esq. Letter to Attorney for Minor Children and Eliot denying access to file or even to speak despite her being retained counsel in need of documents to evaluate cases. <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20160106%20Rose%20Denying%20to%20talk%20or%20give%20information%20to%20Attorney%20Schwager.pdf>

not produced or made available at the hearing for inspection and have never been forensically examined.

135. It is respectfully asserted to this Court that not only would proper production and Discovery be reflective of actual value and worth of assets at stake, but further relevant to Undue influence and pressures that were on Simon Bernstein at all relevant times herein. The potential for undue influence should have been clear just by the April 9, 2012 fraudulent Petition for Discharge allegedly signed by Simon on this date and Witnessed by Spallina since if this is Simon's signature he absolutely knew the Waivers referenced in the Petition had not even been received by some of the parties by this date much less Signed and returned and signing such a document falsely would have been totally out of character and practice for the decades he had been in business. This Court should now issue an Injunction.

No Concern for Original Documents, Rose, Spallina, Ted Bernstein or Judge Phillips

136. I believe the following passage from the Validity "Trial" makes clear that an Injunction should issue since no one seems to know where the Originals are, and the many Duplicate originals and Ted Bernstein claims to have only seen "copies" of the Trusts although it is noted for this US District Court there are other Trusts that are referenced in the produced Trusts where copies have been provided that not only were the other referenced Trusts never "Served" with Process for the Validity hearing but these referenced Trusts have never been produced to this day such as:

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<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151215%20Hearing%20Transcript%20Phillips%20Validity%20Hearing.pdf>

Transcript Page 121

Spallina Witness - Eliot Cross Examining

4. . . . Q. . Okay. . In the chain of custody of these

5. . documents, you stated that there were three copies made?

6 . . . A . . . Yes.
7 . . . Q . . . Do you have those three original trust copies
8 . . . here?
9 . . . A . . . I do not.
10 MR. BERNSTEIN: . . . Does anybody?
11 THE COURT: . . . Do you have any other questions of
12 . . . the witness?
13 MR. BERNSTEIN: . . . Yeah . . . I wanted to ask him
14 . . . some questions on the original documents.
15 THE COURT: . . . Okay . . . Keep going.
16 . . . BY MR. BERNSTEIN:
17 . . . Q . . . Okay . . . So the original documents aren't in the
18 . . . court?
19 . . . A . . . I don't have them.
20 . . . Q . . . Your firm is not in possession of any of the
21 . . . original documents?
22 . . . A . . . I'm not sure . . . I'm not at the firm anymore.
23 . . . Q . . . When you left the firm, were there documents
24 . . . still at the firm?
25 . . . A . . . Yes, there were.

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-1- Q . . . Were you ordered by the court to turn those
2 . . . documents over to the curator, Benjamin Brown?
3 . . . A . . . I don't recall.
4 MR. ROSE: . . . Objection . . . Can he clarify the
5 . . . question, which documents? . . . Because I believe the
6 . . . curator was for the estate, and the original will
7 . . . was already in file, and the curator would have no
8 . . . interest in the trust --
9 THE COURT: . . . Which documents? . . . When you say
10 . . . "those documents," which ones are you referring to?
11 MR. BERNSTEIN: . . . Any of the trusts and estate
12 . . . documents.
13 THE COURT: . . . Okay . . . That's been clarified.
14 You can answer, if you can.
15 THE WITNESS: . . . I believe that he was given -- I
16 . . . believe all the documents were copied by
17 . . . Mr. Pollock's office, and that he was given some
18 . . . type of zip drive with everything . . . I'm not sure,
19 . . . though . . . I couldn't --
20 . . . BY MR. BERNSTEIN:
21 . . . Q . . . Did the zip drive contain the original
22 . . . documents?
23 . . . A . . . Did not . . . I believe the original documents
24 . . . came back to our office . . . Having said that, we would
25 . . . only have -- when we made and had the client execute

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1 three documents, two originals of those documents would
2 remain with the client, and then we would keep one
3 original in our file, except -- including, most of the
4 time, the original will, which we put in our safe
5 deposit box. So we would have one original of every
6 document that they had executed, including the original
7 will, and they would keep two originals of everything,
8 except for the will, which we would give them conformed
9 copies of, because there was only one original will.
10 Q. Okay. I asked a specific question. Did your
11 firm, after the court order of Martin Colin, retain
12 documents, original documents?
13 MR. ROSE: Objection. Sorry. I should have
14 let him finish.
15 MR. BERNSTEIN: -- original documents?
16 THE WITNESS: I believe --
17 MR. ROSE: Relevance and misstates the --
18 there's no such order.
19 THE COURT: Well, the question is, Did your
20 firm retain the original documents?
21 Is that the question?
22 MR. BERNSTEIN: Yes, sir.
23 THE COURT: Overruled.
24 Answer, please.
25 THE WITNESS: I believe we had original

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1 documents.
2 BY MR. BERNSTEIN:
3 Q. After the date you were court ordered to
4 produce them to the curator?
5 MR. ROSE: Object -- that's the part I object
6 to.
7 THE COURT: Sustained.
8 MR. BERNSTEIN: Okay.
9 BY MR. BERNSTEIN:
10 Q. To your knowledge -- so, to your knowledge,
11 the documents can't all be here since they may be at
12 your firm today?
13 A. I don't practice at the firm anymore, so I'm
14 not sure where the documents are.
15 Q. Okay. And you said you made copies of all the
16 documents that you turned over to the curator? Did you
17 turn over any original documents as ordered by the
18 court?
19 MR. ROSE: Objection. Same objection.
20 There's no court order requiring an original

21. . . . document be turned over.
22.THE COURT: What order are you referring to?
23.MR. BERNSTEIN: Judge Colin ordered when they
24. . . . resigned due to the fraudulent alteration of the
25. . . . documents that they turn over –

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1.THE COURT: I just said, what order are you
2. . . . referring to?
3.MR. BERNSTEIN: It's an order Judge Colin
4. . . . ordered.
5.THE COURT: All right. Well, produce that
6. . . . order so I can see it, because Judge Colton's [sic]
7. . . . been retired for six or seven years.
8.MR. BERNSTEIN: Okay. I don't have it with
9. . . . me, but...
10.THE COURT: Well, Judge Colton's a retired
11. . . . judge. He may have served in some other capacity,
12. . . . but he doesn't enter orders, unless he's sitting as
13. . . . a replacement judge. And that's why I'll need to
14. . . . see the order you're talking about, so I'll know if
15. . . . he's doing that. Okay. Thanks. Next question.
16. BY MR. BERNSTEIN:
17. . . . Q. Okay. Has anyone, to the best of your
18. knowledge, seen the originals while you were in custody
19. of them?
20. . . . A. Yes.
21. . . . Q. Okay. Who?
22. . . . A. I believe Ken Pollock's firm was -- Ken
23. Pollock's firm was the firm that took the documents for
24. purposes of copying them.
25. . . . Q. Did anybody ask you, refer copies to inspect

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1. the documents?
2. . . . A. Other than Ken Pollock's office, I don't
3. recall.
4. . . . Q. Did I ask you?
5. . . . A. Perhaps you did.

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14. . . . Q. But it does say on the document that the
15. original will's in your safe, correct?
16. . . . A. For your mother's document, it showed that.
17. . . . Q. Oh, for my father's -- where are the originals
18. of my father's?
19. . . . A. Your father's original will was deposited in
20. the court. As was your mother's.

21. . . . Q. . How many copies of it were there that were
22. . original?
23. . . . A. . Only one original. I think Mr. Rose had
24. . stated on the record that he requested a copy from the
25. . clerk of the court of your father's original will, to

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1. . make a copy of it.
2. . . . Q. . Certified?
3. . . . A. . I'm not sure if he said it was certified or
4. . not.

TED BERNSTEIN WITNESS - ELIOT BERNSTEIN CROSS EXAM

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23. MR. BERNSTEIN: . Yeah.
24. . BY MR. BERNSTEIN:
25. . . . Q. . Have you seen the original will and trust of

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1. . your mother's?
2. . . . A. . Can you define original for me?
3. . . . Q. . The original.
4. . . . A. . The one that's filed in the court?
5. . . . Q. . Original will or the trust.
6. . . . A. . I've seen copies of the trusts.
7. . . . Q. . Have you done anything to have any of the
8. . documents authenticated since learning that your
9. . attorneys had committed fraud in altering dispositive
10. . documents that you were in custody of?
11. MR. ROSE: . Objection. . Relevance.
12. THE COURT: . Overruled.
13. THE WITNESS: . I have not.
14. . BY MR. BERNSTEIN:
15. . . . Q. . So you as the trustee have taken no steps to
16. . validate these documents; is that correct?
17. . . . A. . Correct.
18. . . . Q. . Why is that?
19. . . . A. . I'm not an expert on the validity of
20. . documents.
21. . . . Q. . Did you contract a forensic analyst?
22. . . . A. . I'm retained by counsel, and I've got counsel
23. . retained for all of this. So I'm not an expert on the
24. . validity of the documents.
25. . . . Q. . You're the fiduciary. You're the trustee.

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·1· You're the guy in charge. You're the guy who hires your
·2· counsel. You tell them what to do.
·3· So you found out that your former attorneys
·4· committed fraud. And my question is simple. Did you do
·5· anything, Ted Bernstein, to validate these documents,
·6· the originals?
·7· THE COURT: That's already been answered in
·8· . . . the negative. I wrote it down. Let's keep going.
·9· MR. BERNSTEIN: Okay.
10· BY MR. BERNSTEIN:
11· . . . Q. As you sit here today, if the documents in
12· your mother's -- in the estates aren't validated and
13· certain documents are thrown out if the judge rules them
14· not valid, will you or your family gain or lose any
15· benefit in any scenario?
16· . . . A. Can you repeat that for me, please? I'm not
17· sure I'm understanding.
18· . . . Q. If the judge invalidates some of the documents
19· here today, will you personally lose money, interest in
20· the estates and trusts as the trustee, your family, you?
21· . . . A. I will not.
22· . . . Q. Your family?
23· . . . A. My -- my children will.
24· . . . Q. So that's your family?
25· . . . A. Yes.

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·1· . . . Q. Okay. So do you find that as a fiduciary to
·2· be a conflict?
·3· MR. ROSE: Objection.
·4· THE WITNESS: No.
·5· MR. ROSE: I think it calls for a legal
·6· . . . conclusion.
·7· THE COURT: Sustained.

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21· . . . Q. Did you ever have access to the original will
22· of your father or mother that were in the Tescher &
23· Spallina vaults?
24· . . . A. I have no access, no.
25· . . . Q. Did you ever have access to the original

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·1· copies of the trusts that Mr. Spallina testified were
·2· sitting in their firm's file cabinets or vaults?
·3· . . . A. I did not.
·4· . . . Q. Now, did you find in your father's possessions
·5· the duplicate originals of the trusts of him and your

- 6· ·mother that we've talked about?
- 7· ··· A· ·I did.
- 8· ··· Q· ·And do you have any reason to believe that
- 9· ·they aren't valid, genuine and signed by your father on
- 10· ·the day that he -- your father and your mother on the
- 11· ·days that it says they signed them?
- 12· ··· A· ·None whatsoever.

Predetermined Trial, Missing Witnesses, Missing Originals and Discovery:

137. Trial Transcript makes it crystal clear the Result of the “Trial” was predetermined by Phillips as alleged in post-trial motions⁴⁹ and motions for Disqualification⁵⁰.
138. Missing Witnesses include Traci Kratish who gives contradictory statements to the Palm Beach Sheriff’s from the alleged Oppenheimer Trusts produced by Alan Rose and Steven Lessne and further contradicting filed documents by Robert Spallina in 2010 which are claimed as frauds, see above. Kratish is allegedly also a Witness to certain operative Trusts/Wills/Instruments so an adverse inference against the core parties and in favor of this Petition should be drawn by the failure to produce Traci Kratish at the alleged Validity trial.
139. Phillips made it clear, however, that he was not going to go beyond his “one day” trial thus fully prejudging the case and denies me from calling Alan Rose as a witness with 11 minutes remaining despite his direct involvement in the break of the chain of custody of dispositive documents and more and where Rose is also a served Counter Defendant in the Counter Complaint⁵¹ stayed by Colin in the Shirley Trust case and where Colin is also listed as a Material and Fact Witness and Potential Counter Defendant in the Party Heading in the case.

⁴⁹ December 31, 2015 Motion for New Trial Stay Injunction
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151231%20FINAL%20ESIGNED%20MOTION%20FOR%20NEW%20TRIAL%20STAY%20INJUNCTION%20PHILLIPS%20ECF%20STAMPED%20COPY.pdf>

⁵⁰ December 28, 2015 2nd Petition for Disqualification of Phillips
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151228%20FINAL%20SIGNED%20NOTARIZED%20Second%20Disqualification%20of%20Judge%20Phillips%20after%20Validity%20Hearing%20on%20December%202015,%202015%20ECF%20STAMPED%20COPY.pdf>

⁵¹ September 02, 2014 Stayed Counter Complaint

140. Other missing witnesses include: Kimberly Moran (arrested for 6 Fraudulent Notarizations and Admitted to 6 Forgeries of Estate documents), Lindsay Baxley aka Lindsay Giles, Diana Banks and others, who were all parties to various of the Estate and Trust documents.

141. According to Peter Feaman and William Stansbury, Donald Tescher was “seen” at the Courthouse on Trial day but never called as a Witness.

142. Spallina admits under oath at the hearing to having worked with Alan Rose in preparation for the trial.

·3· ·BY MR. BERNSTEIN:
·4· · . . . Q· ·Okay· ·How many times have you spoken with
·5· ·Alan Rose in the last three months?
·6· · . . . A· ·Twice.
·7· · . . . Q· ·Did you prepare for this hearing in any way
·8· ·with Alan Rose?
·9· · . . . A· ·I did.
10· · . . . Q· ·Okay· ·Was that the two times you spoke to
11· ·him?
12· · . . . A· ·Yes.
13· · . . . Q· ·Do you see any other of the parties that would
14· ·be necessary to validate these trust documents in the
15· ·court today?
16· · . . . ·MR. ROSE:· ·Objection· ·Cumulative.
17· · . . . ·THE COURT:· ·Sustained.

December 15, 2015 Hearing Transcript Page 149⁵²

, See Post-Trial Motions and Disqualifications of Judge Phillips; see pending 4th DCA Writ of Prohibition appealing Original Phillips Denial of Disqualification⁵³;

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140902%20Final%20Signed%20Printed%20Counter%20Complaint%20Trustee%20Construction%20Lawsuit%20ECF%20Filing%20Copy.pdf>

⁵² December 15, 2015 PHILLIPS VALIDITY HEARING TRANSCRIPT

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151215%20Hearing%20Transcript%20Phillips%20Validity%20Hearing.pdf>

⁵³

Tescher-Spallina Prosecuted by the SEC, yet Phillips, Rose, O'Connell, Foglietta, Ted

Bernstein have left critical Originals, documents and evidence in their possession, thus this

Court must now act:

143. Other new evidence and facts have emerged during the relevant time this federal action has been waiting to come back on the calendar where the Estate Planning attorneys for my now deceased parents Simon and Shirley Bernstein, being attorneys Tescher & Spallina of Boca Raton, have been charged by the SEC with violations of federal Insider Trading and breaches of fiduciary duties to other clients and now entered into formal Consent Orders with the SEC⁵⁴, and yet the involved judicial actors of the Florida Probate Courts, attorney Alan Rose, Ted Bernstein, and the PR attorneys Brian O'Connell and Joielle Foglietta for the Simon Bernstein Estate have permitted years of "ORIGINAL" documents and business records relevant to this action to remain in the possession of Tescher and Spallina despite their being Court Ordered approximately 2 years ago to turn over "ALL"⁵⁵ records upon their removal after admitting to fraudulently creating a Shirley Trust, thus creating an imminent danger that further vital Original documents and evidence relevant to this federal action will also go "permanently lost" or be destroyed further justifying the need for an immediate injunction herein.

⁵⁴ September 28, 2015 SEC Press Release Regarding SPALLINA and TESCHER INSIDER TRADING CHARGES, "SEC Charges Five With Insider Trading, Including Two Attorneys and an Accountant"

<http://www.sec.gov/news/pressrelease/2015-213.html>

AND

September 28, 2015 SEC Government Complaint filed against TESCHER and SPALLINA @

<http://www.sec.gov/litigation/complaints/2015/comp-pr2015-213.pdf>

AND

October 01, 2015 SEC Consent Orders Felony Insider Trading SPALLINA signed September 16, 2015 and TESCHER signed June 15, 2014

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/2015%20Spallina%20and%20Tesch%20her%20SEC%20Settlement%20Consent%20Orders%20Insider%20Trading.pdf>

⁵⁵ February 18, 2014 Order Demanding ALL TESCHER and SPALLINA records be turned over to the Replacement Curator Benjamin Brown

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20140218%20ORDER%20ON%20PETITION%20FOR%20DISCHARGE%20TESCHER%20SPALLINA%20Case%20502012CP004391XXXXSB%20SIMON.pdf>

144. As this Court may recall from the Summary Judgment filings herein, attorney Robert Spallina sought to have the proceeds of the alleged “lost” Life Insurance Policy paid to his office by signing a Death Benefit Claim as the Trustee of a Trust also “lost” and which he claims in testimony and other parole evidence obtained that he had nothing to with the trust or insurance policy, including stating this in his recent testimony at the Validity hearing and further he was being addressed in communications over several months by Heritage Union Life Insurance as “Trustee” of the “La Salle Trust” and yet the parties kept LaSalle out of this federal case where Financial Disclosures of Florida Probate Judge Martin Colin now publicly available due to the Palm Beach Post Investigative series show Judge Colin has had an ongoing financial business relationship with La Salle for all relevant years and yet never Disclosed this on the record despite knowing and having actual knowledge that La Salle was a Defendant in a counter-complaint⁵⁶ filed by myself in his Court as of July, 2014 in relation to an Oppenheimer Trust instigated lawsuit against Eliot’s children that Colin immediately stayed⁵⁷ despite knowing of the conflict this represented as a potential Counter Defendant and as a Material and Fact Witness to certain fraud in and on and by his court.

145. This Court must now act and use its Injunctive powers over the parties currently within its jurisdiction to restrain. obtain, produce and preserve the critical evidence, documents and records and Discovery necessary from all parties including the probate court files in aid of it’s own jurisdiction.

Ted Bernstein and Alan Rose involved with New Fraud Company to hide Ownership of Assets at 7020 Lions Head Lane, Boca Raton, FL ; Further Need for Injunctive Relief

⁵⁶ July 30, 2014 Answer and Counter Complaint Oppenheimer lawsuit v Eliot Minor Children
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140730%20FINAL%20SIGNED%20PRINTED%20Answer%20and%20Counter%20Oppenheimer.pdf>

⁵⁷ August 06, 2014 Oppenheimer Counter Complaint
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140806%20REFILED%2020140730%20PRINTED%20SIGNED%20ECF%20STAMPED%20Counter%20Complaint%20Oppenheimer%20Lawsuit-2.pdf>

146. On Feb. 18, 2016 I had a personal conversation with one Leilani Ochoada of Orlando, Florida after discovering information at the Florida Secretary of State website www.sunbiz.org regarding a false company set up as 7020 Lions Head Land Trust, Inc., shown on a Deed purportedly signed and transferred by Ted Bernstein of the property at 7020 Lions Head Lane, Boca Raton which was my parent's St. Andrews home. See, Deed signed by Ted Bernstein and Alan Rose⁵⁸.
147. The sunbiz.org website showed this 7020 Lions Head Land Trust, Inc. company had a False and Inactive (Dissolved) company listed as it's Registered Agent which according to Melanie Sellers at the Florida Division of Corporations should not have made it through the Secretary of State's Office to be filed as the Registered Agent must be a valid and active company. See Document Number P15000049545 filed 6/4/15 which is the reference number on the Lions Head Land Trust Inc. filing. See Document Number P15000049545⁵⁹
148. The Registered Agent is listed as ISL, Inc. with an address at 1540 GLENWAY DRIVE TALLAHASSEE, FL 32301 which is also the address listed as the Principal Place of Business for Lions Head Land Trust, Inc.
149. According to www.sunbiz.org the ISL, Inc. company listed as Registered Agent by Lions Head Land Trust Inc. has been INACTIVE and Dissolved since 1997 according to Secretary of State Document Number P96000079975 and this has been confirmed by staff at the Division of

⁵⁸ DEED

www.iviewit.tv/DEEDLIONSHEADLANDTRUSTINC7020LIONSHEADLANEBOCARATONFLSALE.pdf

⁵⁹ www.iviewit.tv/DocumentP15000049545Articles.pdf - Articles of Incorporation

www.iviewit.tv/DocumentP15000049545DetailsCorp.pdf - Detail of Corp

Corporations who were initiating inquiry and investigation. See, Document Number P96000079975⁶⁰

150. Upon information and belief, the actual licensed business at 1540 GLENWAY DRIVE TALLAHASSEE, FL 32301 is Incorporating Services, LTD and the person at phone number (850) 656-7956 says there is no ISL, Inc. at that address and no company like Lions Head Land Trust, Inc. has principal offices at the 1540 GLENWAY DRIVE TALLAHASSEE, FL 32301 address.
151. Upon speaking to Leilani Ochoada who is listed as the “Incorporator” of Lions Head Land Trust, Inc., using an Address on the Articles of Incorporation as 7020 Lions Head Lane Boca Raton, Fl 33496 Leilani says she will come forward with an Affidavit for federal and state court and Investigators as follows upon information and belief: 1) She has no knowledge of Lions Head Land Trust, Inc. at all ; 2) She never authorized anyone to use her name as an Incorporator; 3) Until Feb. 18th 2016 had no knowledge any entity was incorporated by filings at the Fla Secretary of State under her name and had no involvement with any land transaction involving 7020 Lions Head Lane, Boca Raton, F; 4) She initially believed it was some form of identity theft when she got the call and looked into it further; 5) She never lived at any Boca Raton, Fl address in general and never at 7020 Lions Head Land Trust Inc. and is from Orlando, Fl; 6) She found out an attorney that had an Office building where her company rented space in Orlando used her name as this Incorporator without permission and never knew about any land deal with Mitch Huhem/ Laurence Pino or anything related to this property with Laurence Pino being the attorney who apparently did this expressly stating he was trying to hide Mitch Huhem from the public record as part of this transaction; 7) She knew absolutely nothing about the Articles of Incorporation and the addresses and companies named there using her name; 8)

⁶⁰ www.iviewit.tv/DocumentP96000079975.pdf - Details of Corp

Attorney Laurence Pino never had Leilani's permission to incorporate any entity using her name as an Incorporator either by signed document or Electronically ; 9) Pino has not been able to produce any written document that she allegedly signed with his office; 10) Pino's Exec Assistant Cathy can not find Any document signed by Leilani after reviewing the files supporting Leilani's version of the events that she had no knowledge and no involvement.

152. Thus, Ted Bernstein and Attorney Alan Rose knew and had to know by the most basic due diligence reviewing the company's data of Lion Head Land Trust, Inc. as the alleged "buyer" in this Real Estate transaction which was never approved or authorized by myself that the Company was False and Fraudulent as Ted Bernstein and Alan Rose knew and had to know Leilani Ochoada had never met them before and surely did not have an address at 7020 Lions Head Lane, Boca Raton Fl 33467 and thus Ted and Alan are again in the middle of fraud this time in a direct manner to SECRET away and HIDE ASSETS and this Court must now use its Injunctive powers herein.

153. This US District Court clearly has jurisdiction over Ted Bernstein and Alan Rose has "appeared" in the federal case as Attorney for Ted Bernstein at a Deposition and thus this Court should also have proper power under the All Writs Act and Anti Injunction Act to reach Alan Rose as well until such time he is formally served with a Summons and Amended Complaint where he is among several parties I am seeking to add to this action herein and should now be enjoined until further Order of this Court from all actions on behalf of Ted Bernstein and related to the matters herein.

Sharp, Fraudulent practices and Abuse of Process, sham hearings, Alan Rose, Steven Lessnee, Judge Phillips wherein this Court should at least Temporarily Enjoin proceedings before Judge Phillips specifically including a Thursday, Feb. 25, 2016 proceeding this week at 3:15 PM EST until further Order of this Court:

In addition to the grounds set forth above where Alan Rose and Steven Lessne both should be Disqualified from representation as Material fact witnesses in the Stanford-Oppenheimer-JP Morgan Trust documents involving Gerald Lewin, Traci Kratish and others, both attorneys have engaged in Sharp and abusive practices by:

1. filing motions with minimal Notice during times I have Noticed as Unavailable for medical reasons;
2. seeking to hear at 5 Minute UMC Motion dates complex matters knowingly requiring Hearings;
3. seeking to have Ordered at such Motion dates hundreds of thousands of dollars in attorneys fees without providing ANY Billing statements;
4. Falsely presenting to the Florida Courts knowing misrepresentations of claimed Injunctions against me by SDNY Judge Shira Scheindlin and directly misrepresenting the truth and actual language;
5. pursuing Guardianship as a retaliatory tool against seeking truth and disclosure and justice.

This Court should now Enjoin and Restrain Alan Rose who is under this Court's jurisdiction as having appeared in a federal court deposition for Ted Bernstein who is under the Court's jurisdiction, or at least enjoining Ted Bernstein and the Probate Court of Judge Phillips at least temporarily.

“Side-Deals” and “Agreements” Thwarting and Impairing this Court’s Jurisdiction

It is expressly known that “some form” of side deal - agreement is in place where somehow Creditor William Stansbury has some “settlement” with Ted Bernstein yet the terms are completely unknown and should be fully disclosed and while William Stansbury has been very helpful to myself and my family in many ways the actions of his attorney Peter Feaman in not pursuing avenues of relief combined with the orchestrated actions of O’Connell and Rose demand this Court exercise it’s injunctive and inherent powers to determine how such off record agreements are manipulating the integrity of both federal and state proceedings and the court should further act upon and resolve the conflicts of interests of the attorneys and for those not under the Court’s jurisdiction I pray for leave to Amend to add parties and claims herein.

Piece-Meal Documentary Proof of “Missing Millions” and “Missing Files-Records”

154. While it is presently unknown to Eliot when COLIN first gained knowledge of the sizable holdings of Simon and Shirley Bernstein or when COLIN first had involvement in Bernstein family matters inside or outside the Courthouse, Court records and documentary evidence show COLIN becoming involved in both the Estate cases of Shirley and Simon Bernstein in at least

2010 for Shirley Bernstein and 2012 for Simon Bernstein when he took over his Estate case from FRENCH.

155. From the minimal records and Discovery obtained by Eliot via Court Ordered Production of Tescher & Spallina, PA upon their removal, Simon Bernstein had assets and holdings of over \$13 Million plus in Investments Accounts, Private Banking Accounts, checking accounts, retirement accounts etc since 2008 when Tescher & Spallina, PA, TESCHER and SPALLINA were doing Estate Family Planning for Simon and Shirley Bernstein plus over \$5 Million in real estate based upon Listings of the properties weeks prior to Simon's passing.
156. That the Tescher & Spallina PA, production documents which are Not Originals are not transferred to the replacement Curator, Benjamin Brown, Esq. until on or about June 02, 2014, nearly a year after Eliot first reported to the COLIN court that Fraud Upon the Court had taken place and approximately nine months since the September 13, 2013 hearing before COLIN where he had admissions from the lawyers and fiduciaries that Fraudulent Documents had been submitted to the Court by Tescher & Spallina PA.
157. The failure of COLIN to seize the records of all parties involved that committed Fraud Upon his court allowed the parties involved to begin to prepare further alleged fraudulent documents to attempt to cover up for the crimes exposed in Eliot's May 2013 pleading, subsequent pleadings and criminal complaints they were then being investigated in.
158. TESCHER and SPALLINA's production lacks all of the following;
- a. Historical and present Bank and other Financial Institutions statements for the multitude of Simon's Personal and Financial Accounts,
 - b. Post Mortem Personal and Corporate Mail,
 - c. Mail from time periods prior to Simon's passing,

- d. Historical and current Business Records of Simon's,
- e. Historical and current Insurance records i.e. Homeowners, Jewelry, Auto, Business, etc.,
- f. Historical and current Corporate Records for any of the many companies Simon owned,
- g. Historical Signed Tax Returns, personal and corporate, for any years,
- h. Computer Data and Drives both personal and corporate, and,
- i. Tescher and Spallina despite Court Order to turn over records to Curator retained Original Dispositive Documents and all original documents, as what was tendered to the Curator had only one original alleged Promissory Note for Eliot's children's home that was never filed with the courts.

159. What was left upon inspection by Eliot at O'Connell's office of Simon's personal and corporate records was 3 bankers boxes of files each only partially filled, for a man who ran multiple businesses, had multiple financial institution accounts and more. On information and belief, despite O'Connell having a court order to inspect Simon's offices with Eliot present, they failed to ever inventory Simon's office prior to TED's eviction and despite Eliot being allowed to be present at any inventory of the office, Eliot was never contacted to appear.

160. That O'Connell was supposed to have inventories all of Simon's home business records done by a professional appraiser and turn that appraisal over to Eliot and while the appraiser did come to Simon's house to reinventory as court ordered, he failed to provide an inventory of the records.

161. After O'Connell inventorying, Rose enters home for lighting issue and alleges to have discovered and then removed documents and trust documents included from the home, despite that he had no legal authority to remove any properties of the Estate of Simon.

162. Where the Tescher & Spallina, PA production documents referenced herein are alleged to be part of an attempt to cover up crimes and are virtually all alleged to be fraudulent and not at all

representative of the law firm files of Simon Bernstein or the files that became part of Simon and Shirley's Estates. There was only 1 original document sent, not even the original dispositive documents were tendered to the Successor, no historical banking, tax or other business records and there was virtually no mail from the time of Simon's death included in the production.

163. From Tescher & Spallina, PA Production, Bates Doc. No. TS001503-TS001506, by Letter dated June 25, 2013 from Grant Thornton, under Primary Express Account 309513, Payee Bernstein Family Investments LLP, regarding a claim against Stanford Bank International Limited ("the Company"), **a Claim was allowed for \$1,062,734.50 in the Antiguan Estate. The Letter references that there may be "more letters of notification in order to incorporate all CDs." Where the CD's my father held on information and belief were only a small fraction, one to two percent of his holdings.**
164. However, by Tescher & Spallina, PA Bates Doc. No. TS003734 the STANFORD Simon & Shirley Bernstein Valuations as of 5/28/2008 reflect a Net Worth for that Statement at \$6, 928,933.52 (Million) with \$839,362.12 in Cash Available.
165. From Tescher & Spallina, PA Production, Bates Doc. No. TS004808 by Statement dated Aug. 31, 2012 (two weeks before Simon's death) in the Wilmington Trust Investment Details for 088949-000 Simon L. Bernstein Irrev TR the Grand Total \$2,829,961.66, thus this nearly \$3 Million remains wholly Unaccounted for and according to William Stansbury this value may be doubled to Over \$6 Million when Shirley Bernstein's 49% of this account is factored in, which also remains Unaccounted for.

166. From Tescher & Spallina, PA Production already exhibited herein TED allegedly settled Simon's \$2,000,000.00 of CD's with Stanford with Grant Thornton for \$1,062,734.50. There is no complete accounting.
167. From Tescher & Spallina, PA Bates Doc. No. TS005459 Simon Bernstein BankOne checking activity Acct MI/FL/Ga Checking XXXX7231 \$67,402.08 was the available Balance in that account as of 10/15/12 just after Simon Bernstein's passing with \$109,456.67 available as of Sept. 7, 2012 just a short time before his passing for that account.
168. By **Tescher & Spallina, PA Bates Doc. No. TS005478 JP Morgan Bernstein Family Investment LLP Acct. W32635000 showed \$1,872,810.91 for a 49.5% interest in the total Market Value with Accruals with \$807,289.79 Cash included for Statement covering 8/1/12-8/31/12 just weeks before Simon Bernstein's passing.**
169. By Tescher & Spallina, PA Bates Doc. No. TS004765 JP Morgan Simon Bernstein Account No. 000000849197231 showing Total Payments & Transfers of \$97,793.74 for the period 8/10/12 to 9/12/12 up to Simon's passing.
170. By Tescher & Spallina, PA Bates Doc. No. TS004820 JP Morgan Simon Bernstein Trust Robert M. Spallina Donald L. Tescher Trustees Primary Account 000000478018083 Dec. 20, 2013 Balance \$150,177.17 with an "Internal Transfer" of \$100,000.00 on Dec. 20, 2015. It is unknown what this "Internal Transfer" was for that occurred over a year after Simon's passing.
171. By email dated Feb. 8, 2013 Victoria Roraff, Registered Client Service Associate of OPPENHEIMER of the Boca Raton, Florida office writing to SPALLINA she admits she does not have a File on all of the STANFORD Accounts but provides how some of the accounts