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June 28, 2019

VIA U.S. MAIL

The Honorable Dina Keever-Agrama
 North County Courthouse
 3188 PGA Boulevard, Room 2728
 Palm Beach Gardens, FL 33410

Re: *Ted S. Bernstein, as Trustee of the Shirley Bernstein Trust v. Alexandra Bernstein, et al.*, Case No.:502014CP003698XXXXNB-IJ ("Shirley Trust Action")

In Re: Estate of Simon Bernstein, Case No.: 2012CP004391 ("Simon Estate").

Dear Judge Keever:

I represent Ted S. Bernstein, as Trustee, in connection with the above two cases pending in this division, involving the Bernstein family.

By way of brief background, Shirley Bernstein died in 2010 and her husband Simon Bernstein died in 2012. They had five children (who were named beneficiaries only as to some tangible personal property and jewelry), and ten grandchildren. The estate planning documents, Simon Bernstein's Trust, created ten sub-Trusts, one for each grandchild. Ted, their eldest son, is Trustee of Simon's and Shirley's Trusts, and has been attempting for nearly seven years to carry out their wishes, complete the trust and estate administration, and distribute assets to the beneficiaries. Ted's efforts have been opposed in the trial court, at the Fourth DCA and at the Supreme Court by his younger brother Eliot Bernstein.

There is a hearing currently scheduled for 90 minutes on July 24, 2019 at 9:30 a.m., in the Shirley Trust Action [D.E. 353 in Case No.:502014CP003698XXXXNB-IJ]. When Eliot refused to serve as sub-Trustee for his son Joshua, Judge Scher entered an Order dated December 6, 2017 [D.E. 295], ruling the assets for Joshua's sub-trust be deposited into the Court Registry until a substitute trustee is appointed. In the meantime, that Order allows Joshua to seek withdrawals consistent with the terms of the trust agreement (attached to the Order) upon motion and hearing. That is what is set for July 24th, and that matter has been scheduled for months and all of the parties involved are available.

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In connection with the related case, involving the Simon Bernstein Estate (Case No.: 2012CP004391), we have filed the attached *Motion to Strike Eliot Bernstein's Filings and To Bar Eliot From Objecting to Estate Administration* ["Bar Motion", D.E. 859] That Bar Motion seeks to bar Eliot from participating further in that matter as he is no longer a beneficiary, now that the Personal Representative has distributed to Eliot his total inheritance of jewelry and property (*see* § 731.201(23), Fla. Stat.). (There is a similar bar order entered in the Shirley Trust Action [D.E. 161, ¶7, attached as Exhibit B to the Bar Motion] barring Eliot from participating and an order by the Fourth DCA precluding any further *pro se* appeals by Eliot [attached as Exhibit C].) The ruling on this Bar Motion will materially impact how quickly the parties can resolve the remaining issues in the case.



Given the length of time reserved on July 24th; the known availability of the parties; and the desire to reduce the use of the Court's time and the Estate's/Trust's remaining assets, we respectfully request the Court schedule the pending Bar Motion for the same 90 minute hearing. Under Judge Scher's prior Order Setting Hearing, we cannot add on a hearing without Court Order.

The attached Bar Motion is straightforward and should not require lengthy argument, and Mr. Eliot Bernstein has filed a detailed response, a copy of which is enclosed for Your Honor's review. We would appreciate Your Honor's consideration of adding this motion for hearing with the currently pending matter set for July 24th. I have enclosed a proposed Order to that effect.

We appreciate Your Honor's time and attention in this matter.

Respectfully submitted,

Alan B. Rose

ABR/mca

Enclosures

cc: All parties on attached service list

SERVICE LIST Case Nos.: 502012CP004391XXXXNBIH & 502014CP003698XXXXNBIJ

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

FAMILY DIVISION "FH"

CASE NO: 50 2014-CP-003698 XXXX NB

**TED BERNSTEIN, as Trustee of the Shirley
Bernstein Trust Agreement dated May 20, 2008
As amended,
Plaintiff,**

vs.

**ALEXANDRA BERNSTEIN; ERIC BERNSTEIN;
MICHAEL BERNSTEIN; MOLLY SIMON; PAMELA B. SIMON,
Individually and as Trustee f/b/o Molly
Simon under the Simon L. Bernstein Trust dtd. 9-13-12;
Eliot Bernstein, individually, as Trustee f/b/o D.B.,
Ja.B. and Jo. B. under Simon L. Bernstein Trust,Dtd.
09-13-12, and on behalf of his minor child J.L. MAX FRIEDSTEIN;
LISA FRIEDSTEIN, Individually, as Trustee f/b/o Max
Friedstein and C.F., under the Simon L. Bernstein Trust
Dtd. 9/13/12, and on behalf of her minor child, C.F.,**

Defendants.

ORDER SPECIALLY SETTING HEARING

THIS MATTER is specially set for hearing before **JUDGE ROSEMARIE SCHER** in Courtroom 4 at the North Palm Beach County Courthouse, 3188 PGA Blvd., Palm Beach Gardens, Florida, as follows:

DATE OF HEARING: Wednesday, July 24, 2019

TIME OF HEARING: 9:30 a.m.

TIME RESERVED: 1 ½ Hour

DOCKET NUMBER: DE # 348 & 349

MOTION TO BE HEARD: *Petitioner's Motion for Disbursement from the Court Registry to the Beneficiary and Beneficiary's Petition for Disbursement from the Court Registry to the Beneficiary*

****No amended pleadings shall be filed without leave of court.***

THIS MATTER HAS BEEN SPECIALLY SET BY COURT ORDER AND CANNOT BE

CANCELED OR RESET EXCEPT BY FURTHER ORDER OF THE COURT.

If the issue is resolved less than twenty-four (24) hours prior to the hearing (excluding weekends), the moving party shall appear before the Court at the scheduled time of hearing with their proposed AGREED order or it must be submitted electronically to this division's email. However, if the AGREED order is submitted electronically, it is the movant's burden to contact the Court to assure it has been received and the hearing is cancelled by the Court.

IT IS THE INTENT OF THIS COURT TO DISPOSE OF THE SUBJECT MATTER OF THE SPECIALLY SET MOTION(S) ON THE DATE AND TIME APPEARING IN THIS ORDER. Accordingly, all counsel or self-represented parties must either: (1) be present personally or by telephone at the hearing (telephone appearances are set up through Court Call at least five (5) business days prior - 888-882-6878); [however, a witness may testify only in strict compliance with Fla. R. Jud. Admin. 2.530 and Family Rule of Procedure 12.451]; (2) submit an Agreed Order disposing of the motion prior to hearing as set forth above.

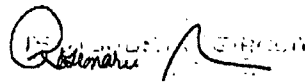
NO OTHER MATTERS SHALL BE ADDED ABSENT COURT ORDER.

All memoranda and/or case authority must be submitted to the Court and opposing counsel at least five (5) business days before the hearing and the transmittal document must designate the date and time of the hearing for which they are submitted. Memorandum shall not exceed ten pages and shall be memorandums of law not argument.

All cases and legal authorities submitted to the court must be tabbed, with pertinent sections highlighted. Limit to two cases per issue.

All exhibits must be clearly marked before the hearing is set to begin. Exhibits shall be marked by a numbered sticker on each exhibit clearly identifying the case number, date the exhibit is offered, and party who is offering the exhibit, e.g., *Petitioner* or *Respondent*. An Exhibit list shall be provided to the Court at the start of the hearing and must be numbered chronologically.

DONE AND ORDERED at Palm Beach Gardens, Palm Beach County, Florida, on this 11th day of February, 2019.



ROSEMARIE SCHER, Circuit Judge

Copies Furnished:
See Attached

SERVICE LIST Case No.: 502014CP003698XXXXNBIH

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*ADA language attached on last page

“If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Tammy Anton, Americans with Disabilities Act Coordinator, Palm Beach County Courthouse, 205 North Dixie Highway West Palm Beach, Florida 33401; telephone number (561) 355-4380 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.”

“Si usted es una persona minusválida que necesita algún acomodamiento para poder participar en este procedimiento, usted tiene derecho, sin tener gastos propios, a que se le provea cierta ayuda. Tenga la amabilidad de ponerse en contacto con Tammy Anton, 205 N. Dixie Highway, West Palm Beach, Florida 33401; teléfono número (561) 355-4380, por lo menos 7 días antes de la cita fijada para su comparecencia en los tribunales, o inmediatamente después de recibir esta notificación si el tiempo antes de la comparecencia que se ha programado es menos de 7 días; si usted tiene discapacidad del oído o de la voz, llame al 711.”

“Si ou se yon moun ki enfim ki bezwen akomodasyon pou w ka patisipe nan pwosedè sa, ou kalifye san ou pa gen okenn lajan pou w peye, gen pwovizyon pou jwen kèk èd. Tanpri kontakte, kòddonatè pwogram Lwa pou ameriken ki Enfim yo nan Tribinal Konte Palm Beach la ki nan 205 North Dixie Highway, West Palm Beach, Florida 33401; telefòn li se (561) 355-4380 nan 7 jou anvan dat ou gen randevou pou parèt nan tribinal la, oubyen imedyatman apre ou fin resevwa konvokasyon an si lè ou gen pou w parèt nan tribinal la mwens ke 7 jou; si ou gen pwoblèm pou w tande oubyen pale, rele 711.”

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

File Number: 502012 CP
004391 XXXX NB
Division: Probate "IH"

IN RE: ESTATE OF
SIMON L BERNSTEIN,
Deceased.

Beneficiary Eliot I Bernstein ("EIB") Files *Silver Bullet Supplemental Support with no Defense to EIB's SilverBullet Cross Motion for Valid DOJ Granting Mandatory Restitution for Discretionary Destitution caused by All Void DOJs.*

With *all due respect* to the Court under *penalties of perjury*, EIB's *Silver Bullet Supplemental Support with no Defense to EIB's SilverBullet Cross Motion for Valid DOJ Granting Mandatory Restitution for Discretionary Destitution caused by All Void DOJs* is supported and required by Stop the Oppressive Prejudice ("STOP") and *Silver Bullet LKJMOL with no defense to silver bullet authorities in endnotes*¹⁻¹⁰ (A1-A6).

1 The Motion to strike EIB's filings and to bar EIB from objecting to the Simon L Bernstein ("SLB") Estate administration is made by a licensed attorney and an Officer of the Court Rose acting as a *zealous advocate*⁵ of Ted S Bernstein ("TSB") *as sole residuary beneficiary and Trustee of the SIB Estate tells this Court how to use, abuse and/or misuse its absolute judicial discretion with absolute judicial immunity* as follows:

- .1 To "strike the Eliot Motion, filed May 21, 2019, bar Eliot from any further pleadings in the [SLB] Estate and any other relief this Court deems appropriate [even knowing that it is just the opposite thus inappropriate]" (pages 1 to 6 at page 6);
- .2 To *neither care nor dare to even read, much less comprehend, the truth, the whole truth, and nothing but the truth about the self-proving still ongoing judicial scam revealed in EIB's legal filings* (the "TRUTH"), knowing that "the jury is instructed [in *all Courts as a matter of policy and procedure* ("POLITICS"))] to *ignore* common sense, logic, Justice, and the 'big picture', and *consider only* the minutiae [trivia] and *technical loopholes* [laws misapplied] presented to you [the jury and thus the judges too] by these people who are paid to conceal the truth [being *zealous* advocates forced by their lawbreaker clients to force the jury and the judges too to make *misjudgments*]", knowing that "[Mis]judgments are, as it were, the sayings of the law, and are received as truth [even if not the truth]" (A2);
- .3 To *agree with, and take the prejudiced side of*, the *zealous advocate* to make *misjudgments* like "Eliot is on an never-ending crusade against his incorrect belief of injustice and corruption

among judges, lawyers, fiduciaries, and others, including the Florida Supreme Court and the Florida Bar” (p1), “Eliot has stated that his agenda includes ridding the court system of corruption among judges, lawyers and fiduciaries, regardless of the cost to the beneficiaries **[who include, but are not limited to Eliot and his children]**” (p1), “Eliot again exemplified his agenda in the May 21, 2019 filing ‘*SilverBullet Cross Motion for Valid [DOJ] Granting Mandatory Restitution for Discretionary Destitution Caused by All Void DOJ's* (the “Eliot Motion”); (pp1-2), “...Eliot lacks standing to object to the Fee Petition...[since he] is no longer considered an ‘interested person’ in the [SLB] Estate” (p2), “[a]fter a [fair] trial on December 15, 2015, this Court determined that Eliot is a **very limited devisee [aka a beneficiary]** ... Eliot **has already received all of the property devised to him, leaving him with no further interest in the Estate**” (p2), “... Simon’s Will provided that Eliot, as a child of Simon, was entitled **[as a very limited devisee] to ‘Simon’s personal effects, jewelry, collections, household furnishings and equipment, automobiles and all other non-business tangible personal property other than cash...**which were to be divided among Simon’s children as they agree, and if they could not agree, the [PR] was to divide [same] in as nearly equal shares as practical...The residue...was to go into the [SLB] Amended and Restated Trust Agreement dated July 25, 2012 (the “Simon Trust”)” (p3), “...this Court appointed a Guardian ad Litem [(“GAL”) solely to protect the interests of the children...[because] it is apparent Eliot Bernstein is not an adequate representative of the best interests of his children **[to betray their children just as GALs are betraying babies as their legal clients to be misjudged as bastards in the best interest of the children as evidence of them conspiring with the zealous advocates of babies’ illegitimate fathers denying their undeniable paternities of their legitimate babies made from their own seeds they sowed in women besides their own wives during illicit sex, even rapes, duly blessed by compromised jurists and juries as instructed by jurists]**” (STOP, paras 1 to 5 at para 4), “[i]n fact, his actions are adverse and destructive to the childrens’ interests **[unlike the actions of the GALs]**” (p3), “... Eliot is...not capable of looking after his own children’s interests **[as if he has a mental problem that zealous advocates do not have]**, Eliot has been nothing but a thorn in the side of the **[prejudiced]** administration of the [Simon] Estate and all other related proceedings **[by zealous advocates]**...has delayed the closing of the Estate...has costed the Estate and his **[own]** family a significant amount of money in attorneys’ fees **[still being charged by zealous advocates]** and other costs **[still being caused by such zealous advocates]**” (p4), “Eliot has received the full distribution that this **[prejudiced]** Court determined he is entitled to after a full day of **[a prejudiced]** trial” (p4), “...as a result of the GAL Order, Eliot cannot represent his children because ‘his actions are adverse and destructive to the childrens’ interests [unlike GAL’s actions that are beneficial and constructive agreeing to have babies who can do no wrongs to be misjudged as bastards instead of their illegitimate fathers doing wrongs to be correctly judged as bastards instead]” (p4), “Eliot abuses the court system by continuing to file objections and pleadings interfering with the **[prejudiced]** administration of the Estate **[by zealous advocates since only duly licensed lawyers acting as zealous advocates are given that right to abuse the court system protected and rewarded by the Courts]**” (p5), etc.

- .4 To *refuse to be helped as a judge*^a to make *evidence-based Justice prevail over excuse-based Justicide but for which jurists will never ever have peace of mind but will always live, die and rest in peace with conscience-eating self-created-toxic-guilt of judicial assassins unless and until they cite valid constitutional authorities for jurists to commit Justicide;*

- .5 To *please forget and forgive* India and NY Attorney Lalit K Jain, Esq, as an Officer of the Court, who sacrificed de-voted and dedicated his lifetime to *author with official authority* the STOP and the Silver Bullet *LKJMOL* with no defense to *silver bullet authorities* in *endnotes*¹⁻¹⁰ (A1-A6) *but for which* the Court shall continue to be forced to never ever take judicial notice of the self-proving evidences of still ongoing stealing (“SOS”) by Ted S Bernstein (“TSB”), Trustee of Simon L Bernstein Trust (“Simon Trust”) which is the Sole Residuary Beneficiary of the Simon Estate, and who is still Aided and Abetted by Alan B Rose (“Rose”) of Mrachek, Fitzgerald, Rose, Konopka, Thomas & Weiss PA (“*Zealous Advocates*”) to still force the Court to still issue yet another Void DOJ to still keep the SOS concealed instead of revealed by a Valid DOJ.
- .6 To please *still use excuses* as the Rule of Outlaw like marriages to deny paternities but not maternities, *still not use evidence* as the Rule of Law like DNA-matches to prove paternities and maternities, and *thus still not make* acting under the law for Justice *prevail over* acting above the law for Injustice;
- .7 To please *still always make* Injustice assassinate Justice (“**Justicide**”) with absolute judicial immunity making it *self-serving* to immunize injurers, even make injureds pay their injurers;
- .8 To please *still refuse to make* restitution under the Rule of Law *end* destitution under the Rule of Outlaw;
- .9 To please *still refuse to remember* that Pro Se Attorney-in-Fact EIB (“**Attorney EIB**”) is required by laws *correctly applied* to *state and practice the truth, the whole truth, and nothing but the truth* (“**TRUTH**”) *in all legal filings just as* Licensed Attorneys-at-Law (“**Licensed Attorneys**”) are *required* by laws *correctly applied* to do the same in all legal filings; and
- .10 To please *still not forget and forgive* but, instead, still penalize and sanction the *destituted* father EIB for doing his paternal duties for the Valid DOJ in this case to go viral to help other Judges in other jurisdictions do their judicial duties to help all fathers do their paternal duties that Justicide still keeps helping them to keep violating.

WHEREFORE may it please Hon Court to please take judicial notice of the foregoing facts of life and pass its legally valid and enforceable *Valid DOJ* required by laws *correctly applied* granting this *SilverBullet* Cross Motion to resurrect Justice to end still ongoing Justicide *but for which* due process of law will not end with no time limit, period, case closed?

Dated: June 25, 2019

Respectfully Submitted by,

/s/Eliot Ivan Bernstein
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 Eliot Ivan Bernstein
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Encs STOP plus A1-A6 with Original to Court
and Copies to Service Lists

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 and/or Court ECF; this 25th day of June, 2019.

/s/Eliot Ivan Bernstein

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^a ... “*Judges personify the justice system* upon which the public relies to resolve all manner of [paternity, non-paternity and other] controversy, civil and criminal. A society [aka People, Nation, Country, State, County, City, Village, etc.] that *empowers Judges* to decide the fate [*the development of all events beyond a person's control, regarded as determined by a supernatural power*] of human beings.” *Matter of Mazzei v State Commission on Judicial Conduct*, 1993, Ct App, 81 NY2d 568.

Stop the Oppressive Prejudice (“STOP”)

STOP requires *all* jurists to please take judicial notice of the *self-proving oppressive prejudice* in the constitutional law order and government (“**CLOG**”) system of Justice itself. The **CLOG** is *against* those who claim restitution after being hurt since it instead is *for* those who cause the hurt. As *prejudiced misuse* of sacred marriage to prove paternity that it cannot, thus does not, prove *causes* the **CLOG**, so *unprejudiced* use of scientific DNA match to prove paternity and maternity that it can, and does, *upgrades* the **CLOG** into the silver bullet system (“**SBS**”) of Justice *with no defense*. The **SBS** is **100% unprejudiced** to prove that judicial minds and legal minds *to-get-her desecrate* the Sacred Court with *their incomplete truth*.

IN GOD WE TRUST

[*FOR* certainty of paternity and maternity

IN DEVIL WE BELIEVE

AGAINST certainty of paternity *BUT NOT AGAINST* certainty of maternity]

One jurist’s self-correcting-brain in self-healing-body did help STOP his Injustice:

“[p20] ... Court: ... I [the Judge] do find the defendant *guilty*...unless you [Jain] want to be heard... [p21] MR JAIN: Yes ... [p22]. Court...Parties *step up real quick*. (*Whereupon a bench discussion was held*) ... Court: After *re-examining the statute more closely*...as I *reread it, many, many more times [to not be a judicial assassin]*, my initial reading of it was *incorrect [to be a judicial assassin]*. ... [p23]... I *have to change* my verdict to *not guilty*. Case dismissed. ... ¶ Court Officer: *You’re free to go*.” Docket No. 2012QN040877.

People v Onuorah in NYS Queens County Criminal Court’s 23-page 10.31.2013 Transcript.

Every jurist’s self-correcting-brain in self-healing-body has to reread the injureds’ legal filings, many, many, more times to not be a judicial assassin as done above. All jurists have to help STOP injurers’ zealous lawyers, paid to conceal the truth, from concealing the truth, to make them judicial assassins.

STOP requires *all* jurists to please forget and forgive **India and New York Attorney Lalit K Jain Esq** for *his silver bullet* memorandum of law (“**LKJMOL**”) marked **A1 to A6** downloadable/printable from www.TruthIsPrudence.Com. The **CLOG** forced **LKJESQ** to sacrifice, devote and dedicate his lifetime for **STOP as everyone’s dream come true**. **STOP** protects everyone from Justicide being committed in *all* Sacred Courts **assuming** Justice is being done while Injustice is **assassinating** Justice that **protects all**.

- 1 **All babies doing no wrong from being misjudged as bastards** with no evidence to support same;
- 2 **All mothers doing no wrong from being misjudged as whores** with no evidence to support same since *the law gives no choice, but instead, requires* women to give back every man who seeds them that man’s own genetic baby from his own seeds *as evidence of his sex with her that made her pregnant*;
- 3 **All fathers doing wrongs from being misjudged as holy men** with no evidence to support same since *self-proving oppressive prejudice* in the **CLOG** **does let** men deny undeniable paternities **but does not let** women deny undeniable maternities as the two undeniable sides of the same one sex between them;
- 4 **All court appointed law guardians aka Guardians Ad Litem (“GALs”) doing wrongs from being misjudged as loyal to the Courts appointing them** with no evidence to support same since they are betraying babies as their legal clients to be *misjudged as bastards in the best interests of the children*, knowing that *doing so is in the worst interests of babies, mothers, fathers and GALs to-get-her in all guardianship cases in all courts in all States as Freedom in America; and, last but not the least*,
- 5 **Jurists themselves from being forced by the CLOG to keep making absolute judicial immunity self-serving** for being judicial assassins to commit Justicide since no one has *“the authority to abuse the Court system”* (DE 322, page 1): neither zealous lawyers who are paid to conceal the truth forcing jurists to make judgments with no truth get received as truth nor pro se litigants, not paid to conceal the truth, are thus punished to reveal the truth that *belies* jurists and zealous lawyers but *never ever belies truthful lawyers as pro se litigants’ personal attorneys*. ###

AUM	LKJESQ Summa Cum Laude 1967: All Courts Know Since 1828 that Mandatory Restitution Follows Acting <u>Above the Law</u> .™	
"Good Law Day" began 10.31.2013. 07.04.2018	LAW OFFICES OF LALIT K JAIN ESQ Practice of Law in NY State, US Tax and District Courts, US Supreme Court, and all Courts in India.™	Fon: 718-255-6576 Cell: 718-316-5921 Fax: 347-637-5498
"After re-examining the statute more closely and... as I reread it, many, many more times, my initial reading [and application] of it was incorrect... I have to change my verdict to not guilty [as constitutionally mandated]." The Oct 31, 2013 <u>Sgt</u> correcting NYS Queens County Criminal Court.		

SilverBullet LKJESQ Memorandum of Law ("LKJMOL") Marked A1 to A6 is for the SilverBulletSystem ("SBS") of Justice by Laws Correctly Applied in Truthful Courts Saving Trillions with no Defense by Laws Misapplied as Injustice in Truthless Courts Costing Trillions Blessing Immunized Rights to do Wrongs.



<https://youtu.be/Ns7F0EHh3wo>

On Oct 31, 2013, a newly invented everlasting legal lightbulb ("NIELL") removes darkness from everyone's life. Justice by laws *correctly applied* makes outlaws, hoaxers, scammers, rapists, etc. retribute their victims of Justicide by laws *misapplied*. It will begin to end due process of law in every Court, period, case closed. And you don't even need to be a lawyer to use this lightbulb, do you?

What's the point of the youtube with the NIELL going viral to keep removing darkness?

The point is that *the initial Court is required to make Justice prevail over Injustice without delay but for which ending due process of law is unconstitutional*. Appeals are *rarely granted* by appellate Courts, even by the highest appellate Supreme Court of the United States ("SCOTUS"), to *reverse and correct erroneous factual findings* ("Misjudgments") or the *misapplication of a properly stated rule of law* ("Law Misapplied").

This downloadable/printable/6-pager (A1 to A6) officially authored by the Law Offices of Lalit K Jain, Esq making the Memorandum of Law ("LKJMOL") Official reveals the three truths, so help US GOD: [1] Confessions that the truth is concealed to commit Justicide as judicially instructed (A2); [2] Mandatory Orders for mandatory restitution to the prey from the predators is 100% American (A3); and [3] The immortal silver bullet system ("SBS") of Justice with no defense has to keep ending the toxic grand scheme of things as the toxic legacy (A4, A5 and A6).

Claimer instead of Disclaimers: *May it please the Courts to please forgive LKJESQ for his first free gift to all Courts to serve Justice instead of Justicide? Learn and live in truth Knowing Justice always insures nature.™*

LKJESQ@LKJESQ.Com / 61-22 Booth Street Rego Park NY 11374-1034.

A1 of A6

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LKJESQ

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One who heals unhealthy minds is a healer. KuttingEdge KkommonSense Inc or KEKSI is a healer. Isn't it?

As innocence is presumed until proven guilty, as the law admits no proof against that which it presumes to find the guilty innocent, even convict innocents, making it a nullity and as the Dec 2, 1996 denial of LKJESQ's Petition by the SCOTUS (<https://tinyurl.com/y2roroxy>), all three together reprove that truthful Courts are the solution to the problems that truthless Courts shall otherwise keep creating, so <https://tinyurl.com/y24ozsja>, A Collection of Legal Maxims in Law and Equity with English Translations by Seymour S. Peloubet, Harvard Law Library, Received April 26, 1880, Pages 147-148, gives us legal maxims that in and of themselves are proof of premeditated judicial and legal conspiracy.

- 1 " ...1198. Lex certa... [Latin phrase omitted] (LOFFT, 117) -- Let the law be certain; let the punishment be certain, and adequate to the crime, and previously decided by the law..." and
- 2 "... 1200. Lex contra... [Latin phrase omitted] (LOFFT, 573) -- The law admits no proof against that which it presumes..." as duly documented historic self-incriminating judicial confessions.

No. 96-57

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1995

ANDREW C. SCHIFFER,
Petitioner,

vs.

TARRYTOWN BOAT CLUB, INC.,
and its BOARD OF DIRECTORS individually,
JOHN MILLAR, KEVIN McDERMOTT,
ROBERT ROSSI, EDWARD THOMAS,
DONALD BRAINARD, THOMAS KENEALY,
ANTHONY ISMAILOFF, and JOHN PUFF,
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI
TO NEW YORK STATE COURT OF APPEALS

PETITION FOR A WRIT OF CERTIORARI

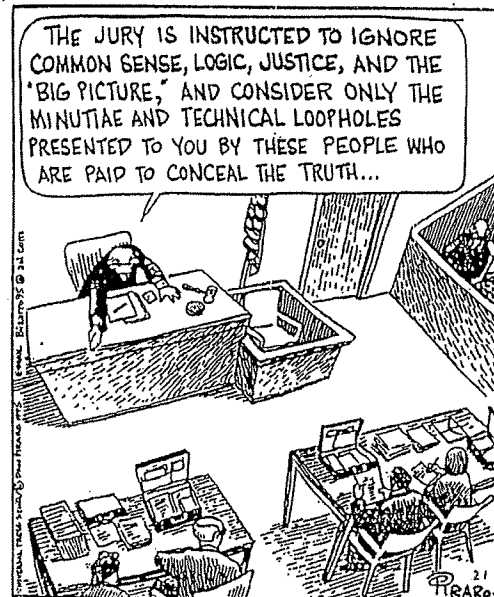
LALIT K. JAIN
Counsel of Record for Petitioner
61-22 Booth Street
Rego Park, N. Y. 11374-1034
718 476-9757

TWO UNSETTLING QUESTIONS

Judgments are, as it were, the sayings of the law,
and are received as truth [even if not the truth].^a

Personally ashamed but constitutionally constrained by
oath to support our Constitutions WE THE PEOPLE still
honor, Counsel presents very basic questions raised by the
judicial truth as received and judicial satire as published.

BIZARRO



June 25, 1996

^a *Judicia sunt tanquam juris dicta, et pro veritate accipiuntur.*
Bl. Dict., (6th ed.), p. 850. [Emphasis added].

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LKJESQ

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One who *heals unhealthy minds* is a healer. ~~K~~uttingEdge ~~K~~ommonSense Inc or ~~K~~E~~K~~SI is a healer. *Isn't it?*

The SCOTUS *rarely grants* a Rule 10 petition¹ that asserts Injustice² by *the initial and the appellate Courts*³ *inferior* to the SCOTUS and *all victims of evil JurIsPrudence in the evil common law tradition.*⁴ *Even the world's worst, sold as the best, richest and thus star zealous lawyers as lex-offenders*⁵ who *assume* Justice is being done while Justice is being assassinated *also comprehend* the NIELL⁶ as the SBS of Justice with no defense⁷ aka good TruthIsPrudence. *The grand scheme of things*⁸ *makes good humans insignificant and evil humans with their evil institutions significant to even justify rapes*⁹ *as proof of sex-abuse and lex-abuse together. This is why SCOTUS Rule 10 always requires that not even one initial Court*¹⁰ *ever* let Injustice prevail over Justice that is rarely reversed even by the SCOTUS.

As babies can do no wrongs, so correctly judging and penalizing all men who can, and do, do wrongs seeding women besides their own wives as the self-proving issues, problems, bastards and the origin of identity thefts to exonerate all babies misjudged and penalized as such helps truthless Courts upgrade into truthful Courts. It also end forcing jurists to live, die and rest in peace with *his or her own personal conscience-eating self-created toxic guilt of my way (costing sextillions misjudging making numbers add up wrong as the old bottom line) or the highway (saving sextillions correctly judging making numbers add up right as the new bottom line) instead. As it is too good to be true, so it will become true, thanks to the SBS of Justice that has begun to go viral in all nations without discrimination.*

All jurists in all judicial and non-judicial aka administrative Courts are always required to act without fear or favor, be 100% unbiased, reasonable and fair, never compromise the 100% independence and integrity of the adjudication process, and never end due process of law without time limit unless and until proof of Justice by laws correctly applied prevailing over Injustice by laws misapplied is in the record of every criminal, civil, tort and other case, that too, without delay.

Everyone thinks different. Yet everyone, even all jurists, still have to agree that the above is still the TRUTH, so help us Creator, no matter what different trade names, like God, etc., called by different competing believers to make dirty moneys in immunized government, non-government, corporate, non-corporate and other businesses selling lies as the truth, isn't it?

As it is 100% American to agree, so it is 100% UN-American to disagree, with the truth, *isn't it? If not, then, why not? If yes, then, why disagree?*

With all due respect to all Courts, as the Offices of Lalit K Jain Esq. were forced to Officially publish their LKJMOL (A1 to A6) *for everyone's free use* to make *truthful Courts* (“*GodSent Solution*”) prevail over *truthless Courts* (“*DevilSent Problem*”) *to end due process of law with no time limit in all cases*, so *when attached to their legal filings*, the NIELL requires that *all Courts* please do the following:

- A Please take judicial notice of the truth that as Injustice was the mother of laws *misapplied* as an *illegitimate invention*, so the *legitimate need* for Justice is the mother of laws *correctly applied* as the *legitimate invention* by the *truthful Inventor Attorney Lalit K Jain Esq. aka LKJESQ*;
- B *Please read, comprehend and use the A1 to A6 and all legal filings as inseperable filings to make truthful Courts prevail over truthless Courts;*
- C *Please make* Justice prevail over Injustice in *all cases* as good TruthIsPrudence *to never make jurists become tax-funded judicial assassins* under the SCOTUS Rule 10 *violating Courts' own integrity*;
- D *Please never honor predators forcing their prey to tolerate, compromise with, and endure lifetime destitution still being caused by them with no right to do so as evil JurIsPrudence that forces all jurists* to still live, die and rest in peace with *his or her own conscience-eating self-created toxic guilt* to make Justice acquit the guilty, even convict the innocents, and feel proud in doing evil; and
- E *Please always order Mandatory Restitution* to their prey from predators like *zealous lawyers*, etc.

The SBS of Justice with no defense:

- 1 *Requires that all Courts reconfirm Justice by laws correctly applied by both male and female jurists thinking alike making the man whose seed impregnates a woman also say yes to his paternity same as she says yes to her maternity of their genetic baby as both sexes' both foresight and hindsight aka 20/20 vision that the two sides of the same one sex between him and her always guarantees 100% certainty of every paternity and maternity and vacating as void all misjudgments that never made that man also say yes to his undeniable paternity but for which truthless Courts have not upgraded into truthful Courts unless Courts prove otherwise.*
- 2 *Requires that all Courts convict all the guilty acquitting none, acquit all the innocents convicting none, make all injurers restitute their injureds multiple times the dollar value of the injuries for deterrence as freedom of laws correctly applied and penalize conspiring sexual, lexical and judicial politics that will never make any mother proud of her children making a parasitic living from being evil government officers, especially the world's most powerful President of the United States ("POTUS"), in evil government offices ("EGOs"), curb the world's most dangerous centrally-located secret weapon in everyman's possession reconfirmed by a truthful Court and then begin to protect women and babies from all men as the predators:
"...though the accused have not used any external weapon, they have used more powerful weapon in their possession i.e. penis with which each one of them have caused the most grievous injuries not only to the body of [their raped victim] but also to her mind which will last forever."
The State of Maharashtra, Complainant v Vijay Mohan Jadhav...et al. Accused, Judge Dr Mrs Shalini S Phansalkar-Joshi In the Court of Principal Sessions Judge Gr Bombay at Bombay, Sessions Case No 846 of 2013, ¶336 on Page 202 in 232 Page Decision dated Apr 04, 2014,. Please verify at <http://tinyurl.com/plghcp2>.*
- 3 *Requires all jurists to reveal the truth that politics and bastards are twins born from women not married to and yet impregnated by men as both male and female jurists of the SCOTUS misapply the Constitution of the United States ("COTUS") to bless sexual, lexical, judicial and political predation for illicit sex...rape as freedom of speech protected by policemen's courtesy, professionalism and respect ("CPR").*
- 4 *Requires that all Courts always make correct judgments prevail over misjudgments in memories of all Founding Fathers, politicians, jurists and forensic experts as victims of the Common Law tradition of truthless Courts still sold as truthful Courts ("Judicial Scams"), knowing that they are truthless Courts.*
- 5 *Requires TruthIsPrudence to prevail over JurIsPrudence, reward lawcompliant human duties to do right, penalize lawdefiant human rights to do wrong that include, but are not limited to, rape, even kill, anyone, especially police officers admittedly misused both as scapegoats and also as predators by all jurists, never let any jurist misuse himself or herself as a victim to become a victimizer as a judicial assassin, and thus make all jurists act without fear or favor, be 100% unbiased, reasonable and fair in all Courts, never compromise the 100% independence and integrity of the judiciary, and never end due process of law without time limit until they penalize all business scammers double-crossing their countries and We the People yet blessed by Judicial Scams since no one made a law to appeal for Injustice when proof of Justice is in the record, knowing that SCOTUS rarely grants a Rule 10 petition that asserts Injustice by all appellate and initial Courts below.*
- 6 *Requires all jurists to protect all legally valid and enforceable constitutional acts consistent with the COTUS correctly applied, make all authorities penalize legally unenforceable unconstitutional acts inconsistent with or repugnant to the COTUS correctly applied, and help all compromised jurists, politicians and governments living in darkness become uncompromised aka enlightened and remove the darkness instead.*
- 7 *Requires all jurists to penalize zealous representations sold in the grand scheme of things, never frame or convict babies but always convict fathers as the bastards for impregnating women besides their own wives unless even one jurist proves paternities and maternities are not the two sides of the same story of the same sex between him and her and that sex is not the cause, effect and proof of making their baby the scientific evidence of sex making him its father, her its mother, and together its family with his, not her, last name.*
- 8 *Requires all jurists to validate the mandatory use of scientific DNA-matches as the evidence to prove facts that they do requiring all government regulators to be truthful thus constitutional to correctly regulate all lives as*

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constitutional, *vacate as void* the mandatory misuse of unscientific marriages as evidence to prove facts that they do not making all government regulators misregulate all lives as unconstitutional thus delusional.

- 9 *Requires all jurists to regain* their 100% credibility thus never lie but always exonerate all babies as innocents and make their fathers the bastards for doing wrongs impregnating women besides their own wives and denying undeniable paternities, *use* scientific DNA-matches adding up numbers right to prove paternities that they do as the legal standard of truthful Courts to never lie, *not misuse* unscientific marriages adding up numbers wrong to prove paternities that they don't as the legal standard of truthless Courts that still lie that babies-in-fact who can do no wrong before, during or after birth are bastards-in-law, and *never hold the prey telling the truth in Contempt of Courts* since they shall keep claiming restitution for destitution still caused by injuries proved by evidence in both sex and non-sex cases alike, no ifs, and or buts, period, case closed.
- 10 *Requires all jurists to please forgive LKJESQ for being forced to sacrifice his lifetime of his moneymaking and non-moneymaking activities of daily living ("ADL") since atleast Jul 5, 1990 to help all Courts as above upon learning that documented evidence and laws correctly applied required the initial Court to correctly judge that Jassal was not telling the truth when he denied its authenticity, not misjudge, based on demeanor, "that Jain was not telling the truth when he denied its authenticity" (See Initial Decision, p14, Jain Blog), not reversed and corrected yet by an appellate Court (See Appellate Decision, Jain Blog). This is proof that truthless Courts prevailed over truthful Courts, that due process of law will not end with no time limit until reversed and corrected with mandatory restitution from Jassal enjoying his secured ADL to LKJESQ enduring compromised ADL, and that LKJESQ (legitimate baby not doing wrongs) ends living as a bastard with Jassal (illegitimate father doing wrongs) begin living as a bastard under the SBS of Justice.*

- ¹ "...A petition for a writ...is rarely granted when the asserted error consists of erroneous factual findings or the misapplication of a properly stated rule of law." SCOTUS promotes immunized judicial conspiracy by tax-funded judicial assassins under its Rule 10 to keep making women sex-slaves and men sex-masters enjoying unhuman rights to rape women in retaliation against women. Women are unbiased creators of both sexes to protect everyone's Creator's 100% paternal security of babies still wrongfully convicted as the bastards to forget and forgive evil fathers who do wrongs, seed women besides their own wives and deny their paternities.

"The Constitution [correctly applied] does not make conspiracy a civil right."

Dennis v. US, 1951, US Sup. Ct., Jackson, Robert H., 341 US 494, 572.

"A [judicial and non-judicial aka administrative] conspiracy is a partnership in criminal process."

US v. Kissel, 1910, US Sup. Ct. Holmes, Oliver Wendell, 218 US 601, 608.

- ² *Injustice mandates misuse* of unscientific marriages that are 0% evidence as 100% evidence of paternities making coward jurists wrongfully convict babies as bastards creating evil governments since day one since Justice mandates correct use of scientific DNA-matches that are at least 99% evidence as 100% evidence of paternities making jurists rightfully convict fathers as bastards to create good governments since day one.

"...government even in its best state is but a necessary evil; in its worst state an intolerable one; ..."

Feb 14, 1776 *Common Sense* by Founding Father Thomas Paine.

- ³ "...where a court has jurisdiction, it has a right to decide every question which occurs in the cause...But if it act [above the law thus without jurisdiction or authority in law to be a judicial assassin], its [void] judgments and orders are [Justicide making Injustice assassinate Justice] regarded as nullities...all persons...executing [nullities] are considered in law as trespassers [in law ("Outlaws")] with no executive immunity].

Elliott v Lessee of Piersol, 1828, 26 US (1 Pet.) 328, 340-341.

"A void act ... may be attacked in any forum, state or federal, where its validity may be drawn in issue."
Pennoyer v Neff, 1878, 95 US 714, 732-733, *World-Wide Volkswagen Corp. v. Woodson*, 444 US 286.

"When rule providing for relief from void judgments is applicable, relief is not a discretionary matter, but is mandatory [to make torturers retribute torturees, return all properties held in constructive and/or deemed trusts and even pay punitive damages too ("Mandatory Restitution")].

Orner v Shalala, Colo. 1994, 30 F3d 1307.

- ⁴ **Jurisprudence** is *law-defiant State Created Danger* from *wrongfully convicting babies who can do no wrong* as bastards since *Truthisprudence* is *law-compliant State Confirmed Security* from *rightfully convicting fathers* who can, and do, do wrongs making out-of-wedlock babies and *cremate hypocrisy as evil*. *Everyone agrees*.
- ⁵ "...when an opposing [*law-compliant*] party is *well represented* [*pro se attorney-in-fact with no need to lie*], a lawyer *can* [*but does not have to*] *be a zealous advocate* [*with need to lie*] on behalf of a [*law-defiant*] client [*making tax-funded coward jurists judicial assassins* of Justice] and...*assume* that justice is being done."
ABA Model Rules of Professional Conduct: Preamble, A Lawyer's Responsibilities, ¶1 to ¶13 at ¶8, to make Courts, lawyers and forensic experts *sell lies as truth* using marriages, not DNA-matches, to prove paternity.
- ⁶ Under "...universal sentiments of justice, the principle [is] that no [**one, not even a jurist**] shall profit from [**or be honored for one's**] own inequity or take advantage of [one's] own wrong [citing *Riggs*]." **Cardozo, J.**, *The Nature of the Judicial Process*, p. 41; see, also, *Imperator Realty Co. v Tull*, 1920, Ct App, **Cardozo, J.**, 228 NY 447, 457. "... what law, human or divine, will allow [one] to...enjoy the fruits of [one's] crime [as a **valid judgment**]...."
Riggs et al. v Palmer et al., 1889, Ct App, 115 NY 506, 512.
- ⁷ In *all different cases, laws, jurisdictions, etc. no matter how different they are*, **NIELL is jurists' mandate to make the oldest profession of lie** sold as **profession of law lift the oldest Royal Baby Bastard Curse** ("BBC") on Courts' integrity, **end making females prostitutes to satisfy** man's criminal right to rape women as civil rights, **rightfully convict as bastards** fathers who do wrongs denying their undeniable illegitimate paternities of babies from women, besides their own wives, they sowed their seeds in instead of their babies who do no wrongs, **prosecute and convict men** for rapes, adulteries etc. as evidence of maturity, and **correct the incorrect course of history (say his-story) of scams: evil still sold as good. Created ages ago by evil sages in sex-abuse cases is the Baby Is Bastard Legally Enshrined** ("BIBLE") **cremated, ages later, on Oct 31, 2013, thanks to NIELL**.
- ⁸ "...But if you think that it is terribly important that the case came out wrong, you miss the point of the common law [**for judicial assassins to justify time of life stolen without restitution by the strong to the weak**]. In the grand scheme of things, whether the [*law-compliant thus*] right party won is really secondary [since it is 100% primary that judicial assassins as coward jurists make law-defiant thus wrong parties win]..."
SCOTUS Justice Scalia, 1997, *A Matter of Interpretation, Federal Courts and the Law*, p6.
"...The record shows...that an initial and serious mistake...was made by **Jassal** in using only an imperfect topographical map [(p.8)]. The rider [**indemnifying Jassal**] is either authentic or an outrageous fraud upon the Court. The Court [**as 100% immunized judicial assassin**], having observed the **demeanor** [, **not the evidence**] as they testified, is of the opinion, and so holds that this [**legally unenforceable**] rider is genuine and that **Jain was not telling the truth when he denied its authenticity** [**required to be denied by law-compliant Jain to reveal all law-defiant liars in the Court** (p.14)]." 07.05.1990 Decision in Index No. 21675/85 in *Jassal v Jain, et al.*, NYS Sup Ct, Westchester County; *affirmed* App Div 2nd Dept, 1993, 193 AD2d 649, 598 NYS2d 969.
- ⁹ "...if two policemen see a rape and watch it just for their own amusement, no violation of the Constitution [in the grand scheme of **predation** as the **tax-funded State Created Danger** from human rights to do wrongs assassinating the **tax-funded State Confirmed Security** from human duties to do right]...(laughter)."
May It Please the Court...Transcripts of...Landmark Cases before the SCOTUS ...1993, p39-60 at p46-47. This Nov 2, 1988 **torture by Hon CJ Rehnquist** at <http://tinyurl.com/pnu9lrj> from 39:00 to 41:00 minutes made the **DeShaney** case **one more EVIL landmark case** reported as 1989, 489 US 189. Justice **has to** reverse and correct this physical-abuse case same as all sexual-abuse cases to **end due process of law with no time limit**.
- ¹⁰ "[p20] ...**Court**: ... I [**the Judge**] do find the defendant **guilty**...unless you [**Jain**] want to be heard... [p21] MR JAIN: Yes ... [p22]. **Court**...Parties *step up real quick*. (**Whereupon a bench discussion was held**) ... **Court**: After re-examining the statute more closely...as I reread it, many, many more times [**to not be a judicial assassin**], my initial reading of it was incorrect [**to be a judicial assassin**]. ... [p23]... I **have to change** my verdict to **not guilty**. Case dismissed. ... ¶ **Court Officer**: You're free to go." Docket No. 2012QN040877.
People v Onuorah in NYS Queens County Criminal Court's 23-page 10.31.2013 Transcript.

Learn and live in truth knowing Justice always insures nature.

KEKSI aka KuttingEdge KommonSense Inc says.™

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

CASE NO. 502012CP004391XXXXNBIH
CP - Probate

IN RE:

ESTATE OF SIMON L. BERNSTEIN,

_____ /

**MOTION TO STRIKE ELIOT BERNSTEIN'S FILINGS AND TO BAR ELIOT
BERNSTEIN FROM OBJECTING TO ESTATE ADMINISTRATION**

Trustee, Ted. S. Bernstein ("Trustee") as sole residuary beneficiary of the Estate, files his Motion to Strike Eliot Bernstein's Filings and to Bar Eliot Bernstein from Objecting to Estate Administration.

Introduction and Factual Background

The Estate of Simon L. Bernstein (the "Estate") has been opened and litigated since 2012. It has taken over seven years to administer the Estate solely because Eliot Bernstein ("Eliot"), who is Decedent's son, has no interest in seeing his parents' trust and estates administered in an economic and efficient process to maximize the distribution to the beneficiaries.

Instead of allowing his own children to receive an inheritance from their grandfather, Eliot is on an never-ending crusade against his incorrect belief of injustice and corruption among judges, lawyers, fiduciaries, and others, including the Florida Supreme Court and the Florida Bar. Eliot has stated that his agenda includes ridding the court system of corruption among judges, lawyers and fiduciaries, regardless of the cost to the beneficiaries. Eliot again exemplified his agenda in the May 21, 2019 filing entitled "*SilverBullet Cross Motion for Valid Decision, Order and Judgment*

Granting Mandatory Restitution for Discretionary Destitution Caused by All Void DOJs" (the "Eliot Motion").

While it is difficult to decipher what Eliot seeks in the Eliot Motion,¹ it appears it was filed to object to Successor Personal Representative's Petition for Fees and Costs of Attorney for Successor Personal Representative (the "Fee Petition"). However, Eliot lacks standing to object to the Fee Petition. He is no longer considered an "interested person" in the Estate. After a trial on December 15, 2015, this Court determined that Eliot is a very limited specific devisee. Furthermore, Eliot has already received all of the property devised to him, leaving him with no further interest in the Estate.

The day after the December 15 trial, this Court entered final judgment ruling that the Will of Simon L. Bernstein dated July 25, 2012 ("Simon's Will") was "genuine and authentic, and [is] valid and enforceable according to [its] terms." A copy of the December 16, 2015 Final Judgment is attached as Exhibit "A."

Simon's Will provided that Eliot, as a child of Simon, was entitled to Simon's "personal effects, jewelry, collections, household furnishings and equipment, automobiles and all other non-business tangible personal property other than cash." These personal effects were to be divided among Simon's children as they agree, and if they could not agree, the Personal Representative was to divide Simon's personal property in as nearly equal shares as practicable. The residue of Simon's

¹ The "WHEREFORE" clause states "may it please Hon Court to please take judicial notice of the foregoing facts of life and pass its legally valid and enforceable Valid DOJ required by laws correctly applied granting this SilverBullet Cross Motion to resurrect Justice and to end still ongoing Justicide but for which due process of law will not end with no time limit, period, case closed?"

Estate was to go into the Simon L. Bernstein Amended and Restated Trust Agreement dated July 25, 2012 (the "Simon Trust").

The December 16, 2015 Final Judgment also determined that the Simon Trust was "genuine and authentic, and [is] valid and enforceable according to [its] terms." The Simon Trust stated that, "for all purposes of this trust and the dispositions made hereunder, my children, ... ELIOT BERNSTEIN ... shall be deemed to have predeceased me as I have adequately provided for them during my lifetime." As a result, the beneficiaries of the Simon Trust were Simon's grandchildren. This included Eliot's children. The December 16, 2015 Final Judgment made clear that Eliot was only entitled to Simon's tangible personal property and was not a beneficiary under the Simon Trust.

Furthermore, the Simon Trust provided that Eliot was to be the trustee of the family trust created for Eliot's children. However, this Court appointed a Guardian ad Litem solely to protect the interests of Eliot's children as a result of Eliot's conduct in the Shirley Bernstein² Trust proceedings (the "Guardian ad Litem Order")³. A copy of the Guardian ad Litem Order is attached as Exhibit "B." The Guardian ad Litem Order stated:

... Based upon the evidence presented and this Court's observations at the trial in December 2015 and at the evidentiary hearing on February 25, 2016, and based upon the Court's review of various motions filed by Eliot Bernstein since the trial, it is apparent Eliot Bernstein is not an adequate representative of the best interests of his children. **In fact, his actions are adverse and destructive to the children's interests.**

² Shirley Bernstein is the deceased wife of Simon Bernstein, and mother of Eliot.

³ *Ted Bernstein v. Alexandra Bernstein, et. al*, Case No. 502014CP003698, Palm Beach County, Florida D.E. 161.

Despite this Court making clear that Eliot is a very limited specific devisee and not capable of looking after his own children's interests, Eliot has been nothing but a thorn in the side of the administration of the Estate and all other related legal proceedings. He has delayed the closing of the Estate. He has costed the Estate and his family a significant amount of money in attorneys' fees and other costs.

Eliot has received the full distribution that this Court determined he is entitled to after a full day trial. Therefore, Eliot is no longer an Interested Person, as defined by Section 731.201, Fla. Stat. Eliot lacks standing to object to the Fee Petition. Furthermore, this Court should exclude and strike any future objections to the administration of the Estate, or require that the pleading is signed by a Florida licensed attorney. As explained below, this Court has excluded Eliot in other related matters. The Fourth District also requires any pleading from Eliot to be signed by a member of the Florida Bar.

Argument

To object to the Fee Petition, Eliot must have standing, either because he is a beneficiary or because he is representing his children's interest. To have standing, Eliot must be an "Interested Person." Section 731.201 (23), Fla. Stat. defines an Interested Person as:

any person who may be reasonably be expected to be affected by the outcome of the particular proceeding involved. **The term does not include a beneficiary who has received complete distribution.**

Eliot is not affected by the Fee Petition or any further pleadings. Eliot has received everything this Court determined he was entitled to from the Estate. He is entitled to nothing more. Additionally, as a result of the Guardian ad Litem Order, Eliot cannot represent his children because "his actions are adverse and destructive to the children's interests."

Every time Eliot files a pleading, it wastes the Estate's resources, the Court's time, and delays the beneficiaries from receiving their distribution. Eliot abuses the court system by continuing to file objections and pleadings interfering with the administration of the Estate. Therefore, Trustee requests that this Court order enter an order striking each of Eliot's future pleadings or require any pleadings filed by Eliot be signed by a licensed Florida attorney.

This Court has the authority to restrain Eliot, a *pro se* litigant, and let the administration continue uninterrupted by him. "When a pro se litigant files frivolous ... pleadings in a lawsuit, the court has the authority to restrain such a litigant from abusing the legal system and prevent him from abusing, annoying, or harassing those against whom such suits or pleadings have been filed." *Balch v. HSBC Bank, USA, N.A.*, 128 So. 3d 179, 181 (Fla. 5th DCA 2013). There is no doubt that Eliot's conduct over the past seven years has abused the legal system and harassed Trustee and the rest of his family. The Eliot Motion is nonsensical and seeks to interfere with the efficient administration of the Estate. Eliot does not want to see the resolution of the Estate and distributions to his children. His actions should be stopped.

This Court has previously used this authority to bar Eliot from participating in the litigation surrounding his mother's trust. Paragraph 7 of the Guardian ad Litem Order (Ex. B) stated:

To the extent not already covered by this Court's Order dated February 1, 2016, Eliot Bernstein is barred from any further participation in this action, whether individually or as purported parent and natural guardian. Any and all pending motions, claims or other filings by Eliot Bernstein on behalf of his children are hereby stricken from the record, without prejudice to the rights of the Guardian Ad Litem to take whatever actions are deemed appropriate.

Additionally, on August 23, 2017, after entertaining many of Eliot's previous *pro se*, lengthy and frivolous appeals, the Fourth District Court of Appeals sanctioned Eliot (the "Sanction Order").

A copy of the Sanction Order is attached as Exhibit "C." The Sanction Order states: "The Clerk of this Court [the Fourth DCA] is directed to no longer accept any paper filed by Eliot Ivan Bernstein *unless the document has been reviewed and signed by a member in good standing of the Florida Bar who certifies that a good faith basis exists for each claim presented.*"

To protect the Estate's and the Trust's (as sole residuary beneficiary) remaining assets and to avoid wasting this Court's time, Trustee requests that this Court adopt what this Court did in the Guardian ad Litem Order, and bar Eliot from further participating in the Estate proceedings. Alternatively, this Court adopt the Fourth's ruling in the Sanction Order mandating that any of Eliot's claims be signed by a member in good standing of the Florida Bar certifying that a good faith basis exists for Eliot's pleadings.

WHEREFORE, Trustee requests that this Court strike the Eliot Motion, filed May 21, 2019, bar Eliot from any further pleadings in the Estate, and any other relief this Court deems appropriate.

CERTIFICATE OF SERVICE

I CERTIFY that on this 14th day of June, 2019, I electronically filed the foregoing document with the Clerk of the Court via the Florida Courts eFiling Portal, which will serve the same via email transmission on all counsel on the attached Service List.

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Counsel for Joshua Bernstein

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

TED BERNSTEIN, as Trustee
of the Shirley Bernstein Trust Agreement
dated May 20, 2008, as amended,

Probate Division
Case No.: 502014CP003698XXXXNBIJ

Plaintiff,

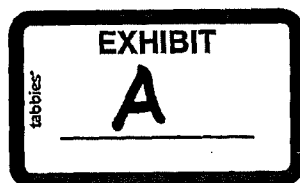
v.

ALEXANDRA BERNSTEIN; ERIC BERNSTEIN;
MICHAEL BERNSTEIN; MOLLY SIMON;
PAMELA B. SIMON, Individually and as Trustee
f/b/o Molly Simon under the Simon L. Bernstein
Trust Dtd 9/13/12; ELIOT BERNSTEIN, individually,
as Trustee f/b/o D.B., Ja. B. and Jo. B. under the
Simon L. Bernstein Trust Dtd 9/13/12, and on
behalf of his minor children D.B., Ja. B. and Jo. B.;
JILL IANTONI, Individually, as Trustee f/b/o J.I.
under the Simon L. Bernstein Trust Dtd 9/13/12, and
on behalf of her Minor child J.I.; MAX FRIEDSTEIN;
LISA FRIEDSTEIN, Individually, as Trustee f/b/o
Max Friedstein and C.F., under the Simon L.
Bernstein Trust Dtd 9/13/12, and on behalf of her
minor child, C.F.,

Defendants.

FINAL JUDGMENT ON COUNT II OF THE AMENDED COMPLAINT

This cause came before the Court for trial on December 15, 2015, pursuant to the Court's
ORDER SETTING TRIAL on AMENDED COMPLAINT (DE 26) COUNT II dated September 24,
2015. The Court, having received evidence in the form of documents and testimony of witnesses,



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having heard argument of counsel and *pro se* parties who wished to argue, and being otherwise fully advised of the premises, hereby enters a Final Judgment as to Count II of the Amended Complaint:

1. This is an action for declaratory judgment to determine the validity, authenticity and enforceability of certain wills and trusts executed by Simon Bernstein and Shirley Bernstein, as follows:

- A. Shirley Bernstein Trust Agreement dated May 20, 2008 ("Shirley Trust", attached to the Amended Complaint as Exhibit A~~3~~, *EX. P1 AT TRIAL*) JB
- B. First Amendment to Shirley Bernstein Trust Agreement dated November 18, 2008 ("Shirley First Amendment", attached to the Amended Complaint as Exhibit B~~3~~, *EX. P3 AT TRIAL*) JB
- C. Will of Simon L. Bernstein dated July 25, 2012 ("Simon Will", attached to the Amended Complaint as Exhibit C~~3~~, *EX. P4 AT TRIAL*) JB
- D. Simon L. Bernstein Amended and Restated Trust Agreement dated July 25, 2012 ("Simon Trust", attached to the Amended Complaint as Exhibit D~~3~~ *EX. P5 AT TRIAL*), *and* JB
- E. Will of Shirley Bernstein dated May 20, 2008 ("Shirley Will", attached to the Amended Complaint as Exhibit E~~3~~, *EX. P1 AT TRIAL*) JB

(collectively, the "Testamentary Documents").

2. Based upon the evidence presented during the trial, the Court finds that the Testamentary Documents, as offered in evidence by Plaintiff, are genuine and authentic, and are valid and enforceable according to their terms.

3. The Court finds that Simon's Testamentary Documents were signed by Simon and Shirley's Testamentary Documents were signed by Shirley, in the presence of two attesting witnesses who signed in the presence of the testator and in the presence of each other. § 732.502, Fla. Stat.; § 736.0403(2)(b), Fla. Stat.

4. The Court finds the Testamentary Documents meet the requirements for self-proof, as specified in §732.503, Fla. Stat. Alternatively, the Testamentary Documents were properly admitted based upon the testimony of at least one of the attesting witnesses, which occurred. §733.201, Fla. Stat.

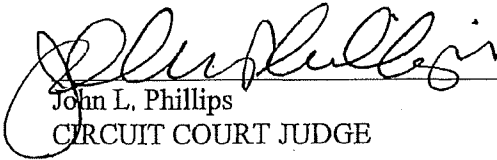
5. Based on the evidence presented, the Court finds that Plaintiff, Ted S. Bernstein, Trustee, was not involved in the preparation or creation of the Testamentary Documents. ~~Indeed,~~ Ted S. Bernstein had never seen the documents before his father's death. ~~Moreover,~~ Ted S. Bernstein played no role in any questioned activities of the law firm Tescher & Spallina, PA, who represented Simon and Shirley while they were alive. There is no evidence to support the assertions that Ted Bernstein forged or fabricated any of the Testamentary Documents, or aided and abetted others in forging or fabricating documents. ~~Thus,~~ Ted Bernstein played no role in the preparation of any improper documents; the presentation of any improper documents to the Court; or any other improper act, contrary to the allegations of Eliot Bernstein, made in the pleadings in this case or in various blogs and websites in which Eliot Bernstein has attacked the actions of Ted Bernstein.

6. Based on the evidence presented, the Court finds that an unauthorized version of the First Amendment to Shirley Bernstein Trust Agreement was prepared sometime after Simon died. This document (Pl. Ex. 6) was not signed by Shirley Bernstein and, therefore, is not an operative document.

7. This ruling is intended to be a Final Judgment under Rule 9.170 of the Florida Rules of Appellate Procedure, determining the validity of Testamentary Documents, denying any objection to the probate of Shirley's and Simon's Wills or the validity of the Trust Agreements, and determining which persons are entitled to receive distributions from these trusts and estates.

8. Based upon the rulings made by the Court in this trial of Count II, the Court reserves jurisdiction to determine the remaining issues in this action.

DONE AND ORDERED in Chambers, in Palm Beach County, Florida, this 16 day of December, 2015.


John L. Phillips
CIRCUIT COURT JUDGE

cc: All parties on the attached service list

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

TED BERNSTEIN, as Trustee
of the Shirley Bernstein Trust Agreement
dated May 20, 2008, as amended,

Probate Division
Case No.: 502014CP003698XXXXNB

Plaintiff,

v.

ALEXANDRA BERNSTEIN; ERIC BERNSTEIN;
MICHAEL BERNSTEIN; MOLLY SIMON;
PAMELA B. SIMON, Individually and as Trustee
f/b/o Molly Simon under the Simon L. Bernstein
Trust Dtd 9/13/12; ELIOT BERNSTEIN,
individually, as Trustee f/b/o D.B., Ja. B. and Jo. B.
under the Simon L. Bernstein Trust Dtd 9/13/12, and
on behalf of his minor children D.B., Ja. B. and Jo.
B.; JILL IANTONI, Individually, as Trustee f/b/o J.I.
under the Simon L. Bernstein Trust Dtd 9/13/12, and
on behalf of her Minor child J.I.; MAX
FRIEDSTEIN; LISA FRIEDSTEIN, Individually, as
Trustee f/b/o Max Friedstein and C.F., under the
Simon L. Bernstein Trust Dtd 9/13/12, and on behalf
of her minor child, C.F.,

Defendants.

**ORDER ON SUCCESSOR TRUSTEE'S MOTION TO
APPOINT A GUARDIAN AD LITEM; FOR A GAG ORDER TO PROTECT THE
GUARDIAN AND OTHERS; AND TO STRIKE ELIOT BERNSTEIN'S FILINGS**

THIS CAUSE came before the Court for evidentiary hearing on February 25, 2016, on
Successor Trustee's Motion for Appointment of a Guardian Ad Litem to Represent the Interests of
Eliot Bernstein's Children etc. (the "Motion"). The Court, having considered the record, heard
argument of counsel and being otherwise fully advised in the premises, hereby

ORDERS AND ADJUDGES:



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1. This Court determined after a trial held on December 15, 2015 that the beneficiaries of The Shirley Bernstein Trust Agreement dated 5/20/2008 (the "Trust") are Simon Bernstein's "then living grandchildren." Under that ruling, Simon's children – including Eliot Bernstein – are not beneficiaries of the Trust. This Court entered a written order dated February 1, 2016, determining Eliot Bernstein lacks standing to participate in this proceeding and striking his individual filings.

2. Eliot Bernstein's three children are among the class of Trust beneficiaries. Eliot seeks to use his role as parent and natural guardian of three trust beneficiaries to give him standing to continue his involvement in this case. The primary issue now raised is whether Eliot Bernstein should be permitted to continue representing the interests of his minor children, as their parent and natural guardian, in this Trust Proceeding.

3. ~~Despite his status as natural guardian, Eliot will not be permitted to do so, and~~ ^{The} Court will appoint a Guardian ad Litem, because there is a conflict of interest between the parent and the children, and because Eliot Bernstein has proven to be an inadequate representative of the best interests of his children. JP

4. First, as to the conflict, Eliot's position throughout the case and at trial was that he was a beneficiary of the Trust. He continued advancing that position after trial by prosecuting an appeal of the December 16, 2015 Final Judgment. Eliot's individual interests are in conflict with the interests of his children. Under Florida law, a court should appoint a guardian ad litem when a parent's interest conflicts with the interest of her or her minor child. *Mistretta v. Mistretta*, 566 So. 2d 836, 837-38 (Fla. 1st DCA 1990) (best interests of a minor are *not* fully protected when adverse to the interests of the parent); *Florida Nat. Bank & Trust Co. at Miami v. Blake*, 155 So. 2d 798 (Fla. 3d DCA 1963) (court should have appointed a guardian ad litem for minor child when it was

apparent that the interests of the minor conflicted with the interests of the mother and father); *Gilbertson v. Boggs*, 743 So. 2d 123 (Fla. 4th DCA 1999) (guardian ad litem should have been appointed ^{when} ~~then~~ the parents' interests were adverse to the minor child).

5. Second, Fla. Stat. 731.303(4) provides: "If the court determines that representation of the interest would otherwise be inadequate, the court may, at any time, appoint a guardian ad litem to represent the interests of ... a minor ..." Based upon the evidence presented and the Court's observations at the trial in December 2015 and at the evidentiary hearing on February 25, 2016, and

based upon the Court's review of various motions filed by Eliot Bernstein since the trial, it is ^{apparent} ~~apparent~~ Eliot Bernstein is not an adequate representative of the best interests of his children. ^{In fact, his actions are adverse & destructive to the children's interest}

6. Eliot Bernstein states that his agenda includes ridding the court system of corruption among judges, lawyers and fiduciaries, regardless of the cost ^{to} the beneficiaries. He appears to have no interest in the swift and efficient administration of the Shirley Bernstein Trust. He has taken actions to hinder and delay the administration of the Trust, and caused waste of Trust assets to respond to his assertions.

7. To the extent not already covered by this Court's Order dated February 1, 2016, Eliot Bernstein is barred from any further participation in this action, whether individually or as purported parent and natural guardian. Any and all pending motions, claims, or other filings by Eliot Bernstein,

¹ In addition, under section 744.3025, the court *may* appoint a guardian ad litem to represent a minor's interest before approving a settlement of the minor's portion of any cause of action in which the gross settlement of the claim exceeds \$15,000 if the court believes a guardian ad litem is necessary to protect the minor's interest, and "shall appoint a guardian ad litem to represent the minor's interest before approving a settlement of the minor's claim in a case in which the gross settlement involving a minor equals or exceeds \$50,000." Here, it is likely that there will be a settlement at some point in which each of minors receives a substantial distribution, and it is likely Eliot will oppose any such settlement.

on behalf of his children, ^{are} ~~is~~ hereby stricken from the record, without prejudice to the rights of the Guardian Ad Litem to take whatever actions are deemed appropriate.

8. The parties shall attempt to mutually agree on a guardian ad litem. The Court will appoint whomever the parties agree upon within the next three business days. Eliot Bernstein may

participate in such discussions. To the extent the parties, including Eliot Bernstein, are unable to agree on a guardian ad litem, upon notice from the Trustee's counsel the Court shall randomly

*each of the parties shall submit a list of three names of potential Guardian Ad Litem's, each of whom has agreed to accept the appointment if selected. Those lists shall be filed with the Clerk with courtesy copy to the undersigned, no later than 10 days from this date.**

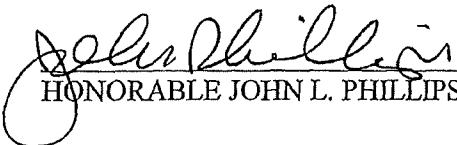
9. The Guardian Ad Litem will have full power and autonomy to represent the interests of the children of Eliot Bernstein, subject to the jurisdiction and review of this Court. The Guardian Ad Litem will be entitled to petition the Court for an award of attorneys' fees to be paid out of the gross proceeds of any recovery, distributions or inheritance to be received by Ja.B., Jo.B. and/or D.B.

10. To protect the integrity and independence of the guardian, Eliot Bernstein and all persons acting in concert with him: (a) shall ^{not} ~~make no effort to~~ contact, email or otherwise communicate with the Guardian Ad Litem except at the request of the Guardian Ad Litem; (b) shall ~~make no statement of any kind about the guardian, nor post information about the guardian on the internet in any fashion; and (c) shall not in any way threaten or harass the guardian.~~ This Court alone shall supervise the guardian, and ~~all information concerning this guardianship shall be treated as private and confidential.~~ Any violation of this order may subject the violator to severe sanctions for contempt of court. The Court will use the full measure of its coercive powers to ensure compliance with this Order.

proposed
* Parties shall furnish an Order appointing GATL with the lists. The Court will act without further hearing on the appointment, if possible.

11. The Court reserves jurisdiction to enforce all terms of this Order, and to oversee the service of the guardian ad litem appointed.

DONE and ORDERED in Chambers, North County Courthouse on 3-1-16, 2016.


HONORABLE JOHN L. PHILLIPS

cc: Attached service list

SERVICE LIST Case No.: 502014CP003698XXXXNBIJ

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and Eliot and Candice Bernstein,
as Parents and Natural Guardians of
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Jill Iantoni, individually and as trustee for her
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jilliantoni@gmail.com

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

August 23, 2017

CASE NO.: 4D17-1932

L.T. No.: 502014CP003698XXXXNB

ELIOT IVAN BERNSTEIN

v. TED BERNSTEIN, AS TRUSTEE, ET AL.

Appellant / Petitioner(s)

Appellee / Respondent(s)

BY ORDER OF THE COURT:

ORDERED that on July 19, 2017, this court ordered appellant to show cause why sanctions should not be imposed. Having considered appellant's August 8 and August 18, 2017 partial responses and motions for extension of time to respond, we deny the request for extension of time in the August 18, 2017 motion (we granted a short extension requested in the August 8, 2017 motion) and determine that sanctions are appropriate. For the reasons set forth in the July 19, 2017 order to show cause, we now impose sanctions pursuant to *Johnson v. Bank of New York Mellon Trust Co.*, 136 So. 3d 507, 508 (Fla. 2014); *Lomax v. Taylor*, 149 So. 3d 1135, 1137 (Fla. 2014); *Riethmiller v. Riethmiller*, 133 So. 3d 926 (Fla. 2013). The Clerk of this Court is directed to no longer accept any paper filed by Eliot Ivan Bernstein unless the document has been reviewed and signed by a member in good standing of the Florida Bar who certifies that a good faith basis exists for each claim presented.

Served:

cc: Lorin Louis Mrachek
Gary R. Shendell
John P. Morrissey
Alan Benjamin Rose
Joielle A. Foglietta
Ralph S. Janvey
Albert Gortz
Eliot Ivan Bernstein
Theodore Stuart Bernstein
James Dimon
Neil Wolfson
Cbiz Mhm, Llc
Brian Moynihan
Clerk Palm Beach

Brian M. O'Connell
Steven A. Lessne
Kenneth S. Pollock
Peter Marshall Feaman
Dennis McNamara
Joseph M. Leccese
Byrd "biff" F. Marshall, Jr.
Lisa Friedstein
Pamela Beth Simon
William McCabe
Stp Enterprises, Inc.
Heritage Union Life Ins.
Life Insurance Concepts

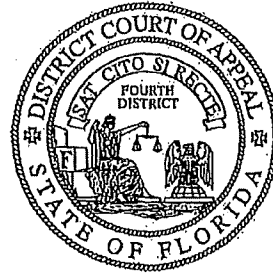
Mark R. Manceri
Charles D. Rubin
John Pankauski
Donald R. Tescher
Kimberly Moran
Hunt Worth
Robert Spallina
Jill Iantoni
Dennis G. Bedley
Gerald Lewin
Lindsay Baxley
David Lanciotti
T&s Registered Agents, Llc

ka



Lonnn Weissblum

LONN WEISSBLUM, Clerk
Fourth District Court of Appeal



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

IN RE:

CASE NO. 502012CP004391XXXXNBIH

ESTATE OF SIMON L. BERNSTEIN,

_____/

ORDER SPECIALLY SETTING HEARING
(__ Minutes Reserved)

THIS CAUSE came before the Court and is hereby set for hearing on *Ted S. Bernstein, as Successor Trustee of the Simon L. Bernstein Amended and Restated Trust Agreement dated 7/25/12 ("Trustee"), Motion to Strike Eliot Bernstein's Filings and to Bar Eliot Bernstein from Objecting to Estate Administration*, on **July 24, 2019, at 1:30 p.m.**, at the North County Courthouse, 3188 PGA Boulevard, Room 4, Palm Beach Gardens, FL 33410. **THIS HEARING HAS BEEN SET BY COURT ORDER AND CANNOT BE CANCELLED EXCEPT BY FURTHER ORDER OF THE COURT.**

DONE AND ORDERED in Chambers, North County Courthouse on _____,
2019.

HONORABLE DINA KEEVER-AGRAMA

SERVICE LIST - CASE NO. 502012CP004391XXXXNBIH

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Counsel for Joshua Bernstein

"If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Tammy Anton Americans with Disabilities Act Coordinator, Palm Beach County Courthouse, 205 North Dixie Highway, West Palm Beach, Florida 33401; telephone number (561) 355-4380 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.'

SPANISH

Si usted es una persona minusvalida que necesita algun acomodamiento para poder participar en este procedimiento, usted tiene derecho, sin tener gastos propios, a que se le provea cierta ayuda. Tenga la amabilidad de ponerse en contacto con Tammy Anton, 205 N. Dixie Highway, West Palm Beach, Florida, 33401; teléfono numero (561) 355-4380, por lo menos 7 dias antes de la cita fijada para su comparecencia en los tribunales, o inmediatamente despues de recibir esta notificacion si el tiempo antes de la comparecencia que se ha programado es menos de 7 dias; si usted tiene discapacitacion del oido o de la voz, llame al 711.

CREOLE

Si ou sè yon moun ki enfim, ki bészwen akomodasyon pou w ka patisipe nan powosedi sa, ou kalifye san ou pa gen okenn lajan pou w peye, gen pwovizyon pou jwen kek ed. Tanpri kontakte Tammy Anton, koodonate pwogram Lwa pou ameriken ki Enfim yo nan Tribinal Konte Palm Beach la ki nan, 205 North Dixie Highway, West Palm Beach, Florida 33401; telefonn li se (561) 355-4380 nan 7 jou anvan dat ou gen randevou pou paret nan tribinal la, oubyen imedyatman apre ou fin resevwa konvokasyon an si le ou gen pou w paret nan tribinal la mwens ke 7 jou; si ou gen pwoblem pou w tande oubyen pale, rele 711.