

**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.: 2014CP003698

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.

/

**TRUSTEE'S RESPONSE TO PETITIONER'S, JOSHUA BERNSTEIN,  
MOTION FOR DISBURSEMENT FROM THE COURT REGISTRY ETC.**

Plaintiff, Ted S. Bernstein ("Trustee"), as Trustee of the Shirley Bernstein Trust Agreement dated May 20, 2008 (the "Trust"), files his Response to 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 ("Joshua's Motion", DE 348), filed by Joshua Bernstein.

**This matter is specially-set for July 24, 2019, at 9:30 a.m.**

1. The Trustee's role in this matter was and is to administer the Trust's assets and distribute them in accordance with Simon Bernstein wishes, into 10 separate sub-trusts – one for each of Simon's grandchildren. Simon directed that each sub-trust be administered by the respective

grandchild's parent. In this case, that means Eliot Bernstein was supposed to serve as Trustee of Joshua's sub-trust, in accordance with the terms set forth by Simon Bernstein when he executed his Trust.

2. Various events have intervened to prevent that from occurring, the most significant of which is the Order by Judge Phillips determining that Eliot Bernstein was acting in a manner "adverse" and "destructive" to his children's interests, and appointing a Guardian Ad Litem to represent the interests of Eliot's children (including Joshua) in this matter. The Guardian Ad Litem, former Circuit Court and Probate Judge Diana Lewis, ably performed her services; and supported what ultimately occurred.

3. Before the Trustee sought to deposit the funds into the Court Registry, the parties engaged in a substantial effort to find a replacement trustee for Joshua. Eliot Bernstein and Joshua Bernstein were given ample time to propose and locate a suitable replacement Trustee, and were given extensions of that time, but were unable to do so. It did not appear likely that anyone would be willing to serve as Joshua's trustee.

4. As a result, and as a last resort, the Trustee moved the Court for permission to deposit Joshua's Trust proceeds into the registry of the Court, pending the later appointment of a replacement trustee. After a contested hearing, Judge Scher granted that and ordered the funds be deposited into the court registry.<sup>1</sup> The Order [DE 295] attaches the relevant provisions of Simon's Trust governing the withdraw of funds.

---

<sup>1</sup> Judge Scher's Order directs the Trustee to deposit into the court registry all distributions to Eliot's three children, Joshua, Jacob and D.B. That has occurred, and after payment of the guardian ad litem fees, roughly \$146,000 for each child has been deposited into the Court Registry, including the proceeds from the settlement of an Illinois insurance case. These funds are earmarked for the sub-trusts once a replacement trustee is located.

5. Ultimately, the best solution here is for Joshua Bernstein (and his brothers) to find a suitable Trustee who will act in accordance with the terms of the Trust and in Joshua's best interests. That person would ideally open a trust account and the Court, upon approving the appointment of such person, would direct the release of all remaining funds from the court registry.

6. Against that backdrop, Joshua has now moved to have 100% of the Trust funds removed and delivered to a New York lawyer named Lalit K. Jain. A cursory review of Mr. Jain's website (<http://www.lkjेसq.com/> and <http://www.lkjेसq.com/LKJESQ.pdf>) would lead a prudent and careful person to wonder if he is suitable to serve as the custodian of this money, or would merely do what Eliot Bernstein asked. The Court may be aware that Eliot Bernstein has filed a number of documents he refers to "Silver Bullet Memos" by LKJMOL, which is an acronym for Lalit K. Jain Memorandum of Law. These filings<sup>2</sup> do not inspire confidence in Joshua's request.

7. The Trustee has worked long and hard, and at great personal sacrifice to his business and reputation, to withstand years of aggression by Eliot Bernstein and years of highly contentious litigation, all to fulfill his parents' wishes. While the Trustee has no official position with regard to the Court allowing withdrawals from the Trust funds consistent with the terms set forth by Simon Bernstein in the Trust Agreement, the Trustee questions the wisdom of certain of Joshua's requests.

8. Beyond serving in this case, the Trustee remains the Uncle of Josh (and his brothers), and has tried to do all he could to protect these assets for his nephews. Joshua's parents have regularly affirmed to this court that they have no income or assets. As such, the Trustee remains

---

<sup>2</sup> Attached as Exhibit "A" is one example of Eliot's *Silver Bullet* Cross Motion for *Valid Decision, Order and Judgment* ("Valid DOJ") Granting *Mandatory Restitution* for *Discretionary Destitution* caused by *All Void DOJs* ("Void DOJs"), and attached as Exhibit "B" are three pages of Mr. Jain's Silver Bullet LKJESQ Memorandum of Law.

concerned about Eliot Bernstein's intentions to have these assets under the control of Mr. Jain.

9. The Trust provisions addressing the withdraw of funds are very clear and are set forth in those excerpts of the Trust Agreement that are attached to Judge Scher's Order directing the funds to be deposited into the Registry of the Court, as follows:

**Trusts for Beneficiaries.** The Trustee shall pay to [Joshua] such amounts of the net income and principal of such beneficiary's trust as is proper for the Welfare of such individuals. (Article II.C)

**Needs and Welfare Distributions.** Payments to be made for a person's "**Needs**" means payments necessary for such person's health (including lifetime residential or nursing home care), education, maintenance and support. Payments to be made for a person's "**Welfare**" means discretionary payments by the Trustee, from time to time, for such person's Needs and also for such person's advancement in life (including assistance in the purchase of a home or establishment or development of any business or professional enterprise which the Trustee believes to be reasonably sound), happiness and general well-being. However, the Trustee, based upon information reasonably available to it, shall make such payments for a person's Needs or Welfare only to the extent such person's income, and funds available from others obligated to supply funds for such purposes (including, without limitation, pursuant to child support orders and agreements), are insufficient in its opinion for such purposes, and shall take into account such person's accustomed manner of living, age, health, marital status and any other factor it considers important. Income or principal to be paid for a person's Needs or Welfare may be paid such individual or Applied by the Trustee directly for the benefit of such person. The Trustee may make a distribution or application authorized for a person's Needs or Welfare even if such distribution or application substantially depletes or exhausts such person's trust, without any duty upon the Trustee to retain it for future use or for other persons who might otherwise benefit from such trust. (Article II.E.5)

**Education.** The term "**education**" herein means vocational, primary, secondary, preparatory, theological, college and professional education, including post-graduate courses of study, at educational institutions or elsewhere, and expenses relating directly thereto, including tuition, books and supplies, room and board, and travel from and to home during school vacations. It is intended that the Trustee liberally construe and interpret references to "education," so that the beneficiaries entitled to distributions hereunder for education obtain the best possible education commensurate with their abilities and desires. (Article II.E.4)

10. The Trustee requests that the Court honor and uphold Simon Bernstein's wishes by carefully considering the terms of the Trust in reviewing and ruling upon any request by Joshua Bernstein for withdrawal of his trust funds, and likewise only appoint a successor Trustee who will fully comply with the Trust Agreement.

Wherefore, the Trustee respectfully requests this Court deny the pending motion without prejudice to Joshua Bernstein seeking withdrawals consistent with the terms of the Trust agreement.

**CERTIFICATE OF SERVICE**

I CERTIFY that a copy of the foregoing has been furnished to parties listed on attached Service List by:  Facsimile **and** U.S. Mail;  U.S. Mail;  Email Electronic Transmission;  FedEx;  Hand Delivery this 15<sup>th</sup> day of July, 2019.

MRACHEK, FITZGERALD, ROSE, KONOPKA,  
THOMAS & WEISS, P.A.  
505 South Flagler Drive, Suite 600  
West Palm Beach, FL 33401  
(561) 655-2250 Telephone /(561) 655-5537 Facsimile  
Email: [arose@mrachek-law.com](mailto:arose@mrachek-law.com)  
Secondary: [mchandler@mrachek-law.com](mailto:mchandler@mrachek-law.com)  
Attorneys for Ted S. Bernstein

By: /s/ Alan B. Rose  
Alan B. Rose (Fla. Bar No. 961825)

**SERVICE LIST** Case No.: 502014CP003698XXXXNBIH

John P. Morrissey, Esq.  
330 Clematis Street, Suite 213  
West Palm Beach, FL 33401  
(561) 833-0866 - Telephone  
(561) 833-0867 - Facsimile  
Email: [john@jmorrisseylaw.com](mailto:john@jmorrisseylaw.com)  
Counsel for Molly Simon, Alexandra Bernstein,  
Eric Bernstein, Michael Bernstein

Lisa Friedstein, individually and as trustee for her  
children, and as natural guardian for M.F. and  
C.F., Minors; and Max Friedstein  
[lisa.friedstein@gmail.com](mailto:lisa.friedstein@gmail.com)

Jill Iantoni, individually and as trustee for her  
children, and as natural guardian for J.I. a minor  
[jilliantoni@gmail.com](mailto:jilliantoni@gmail.com)

Paul D. Turner, Esq.  
Perlman, Bajandas, Yvevoli & Albright, P. L.  
200 South Andrews Ave., Suite 600  
Ft. Lauderdale, FL 33301  
(954) 566-7117 - Telephone  
(954) 566-7115 - Facsimile  
Email: [pturner@pbyalaw.com](mailto:pturner@pbyalaw.com)  
[eservicefl@pbyalaw.com](mailto:eservicefl@pbyalaw.com)

and  
Marc Soss, Esq.  
11010 Hyacinth Place  
Lakewood Ranch, FL 34202-4158  
(941) 928-0310 - Telephone  
(813) 342-7967 - Facsimile  
Email: [mjs@fl-estateplanning.com](mailto:mjs@fl-estateplanning.com)  
Counsel for Joshua Bernstein

Alan Rose, Esq.  
Mrachek Fitzgerald Rose  
Konopka Thomas & Weiss, P.A.  
505 S Flagler Drive, Suite 600  
West Palm Beach, FL 33401  
(561) 655-2250 - Telephone  
(561) 655-5537 - Facsimile  
Email: [arose@mrachek-law.com](mailto:arose@mrachek-law.com)  
[mchandler@mrachek-law.com](mailto:mchandler@mrachek-law.com)

Pamela Beth Simon  
303 E. Wacker Drive, Suite 2725  
Chicago, IL 60601  
Email: [psimon@stpcorp.com](mailto:psimon@stpcorp.com)

Brian M. O'Connell, Esq.  
Joielle A. Foglietta, Esq.  
Ashley Crispin Ackal, Esq.  
O'Connell & Crispin Ackal, PLLC  
420 Royal Palm Way, Suite 300  
Palm Beach, FL 33480  
561-355-0403 - Telephone  
561-355-5133 - Facsimile  
Email: [service@OCAlawyers.com](mailto:service@OCAlawyers.com);  
[secondaryservice@OCAlawyers.com](mailto:secondaryservice@OCAlawyers.com)

Eliot Bernstein  
2753 NW 34th Street  
Boca Raton, FL 33434  
(561) 245-8588 - Telephone  
(561) 886-7628 - Cell  
(561) 245-8644 - Facsimile  
Email: [iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

## **EXHIBIT “A”**

IN THE CIRCUIT COURT OF THE 15<sup>TH</sup> 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's  
*SilverBullet* Cross Motion for  
Valid Decision, Order and  
Judgment ("Valid DOJ") Granting  
*Mandatory Restitution* for  
*Discretionary Destitution* caused by  
*All Void DOJs* ("Void DOJs").

Under penalties of perjury, Beneficiary Eliot I Bernstein ("EIB"), *Pro Se* Attorney in Fact ("Attorney EIB"), is required by laws *correctly applied* to state and argue *the truth, the whole truth, and nothing but the truth* ("TRUTH") in this *SilverBullet* Cross Motion *same as* Licensed Attorneys at Law ("Licensed Attorneys") are *required* by laws *correctly applied* to state the TRUTH in all their legal filings, arguments, etc. *but for which* the Court, bound by laws *correctly applied to serve, or else, resurrect* Justice assassinated by Injustice ("Justicide") will *still live, die and rest in peace* with *conscience-eating self-created-toxic-guilt to be judicial assassins unless and until* the Court *cites valid constitutional authority to commit Justicide*.

#### A Opening Statements of the TRUTH by Attorney EIB as the Prey, Still.

1 The *still ongoing UN-TRUTH still stated* by Licensed Attorneys as the predators in their **186-Page Petition** for Fees and Costs of Attorney for Successor Personal Representative ("Fee Petition"), *filed with May 1, 2019 Formal Notice*, forced their prey to serve and file, within 20 days, this *SilverBullet* Cross Motion for *Valid Decision, Order and Judgment* ("Valid DOJ") granting *Mandatory Restitution* for *Discretionary Destitution* caused by *all Void DOJs* in *all legal actions because it is still required thus supported* by the *SilverBullet LKJESQ Memorandum of Law* ("LKJMOL") with *caselaws in endnotes<sup>1-10</sup>* and *Needed Guide (A1-A3)*.

2 *SilverBullet LKJMOL with Needed Guide for everyone's free use is the fail-safe solution to problems with no defense. UN-TRUTH as defense by Licensed Attorneys against the Cross Motion is no defense to keep supporting the Cross Motion by Attorney EIB.*

3 It is *un-American* thus treasonable to disagree with the *NIELL*<sup>1</sup> as *the SilverBullet*. It also *helps this Court to agree to act under the law*, knowing that *due process of law shall not end with no time limit until this Court*:

- .1 *Not only denies Licensed Lawyers' Fee Petition as violating Courts' integrity;*<sup>5</sup>
- .2 *But also grants Attorney EIB's Cross Motion granting Mandatory Restitution*<sup>2</sup> from Licensed Lawyers as the *zealous* lawyers<sup>3</sup> *forced to protect* criminal, civil and other predators<sup>4</sup> etc. as predators to their prey *still being forced* to endure *discretionary destitution* as Injustice and *begin to think alike* to serve Justice<sup>6</sup> instead of Injustice ("TruthIsPrudence");<sup>7</sup>
- .3 *Realize that the Court has to end being tax-funded coward judicial assassins still acting above the law still blessing parasitic predatorial behavior* under the "grand scheme of [evil sold as good] things",<sup>8</sup> SCOTUS Rule 10,<sup>9</sup> etc. ("JurIsPrudence"), *rightfully acquit or exonerate* babies who can do no wrongs yet *wrongfully convicted* as bastards, and *rightfully convict* fathers who can, and do, do wrongs yet *wrongfully acquitted* denying illegitimate paternities of legitimate babies from their seeds they sowed during illicit sex with women besides their own wives as bastards in *all sex-abuse cases*,<sup>10</sup> and
- .4 *Use the SilverBullet to acquit the innocents, convict the guilty, make one pay for one's own wrongs, not make the prey pay predators and their zealous lawyers and no more live, die and rest in peace with conscience-eating self-created-toxic-guilt to be judicial assassins even if LKJESQ is not forgiven for being forced to sacrifice his lifetime to help perfect the SilverBullet to help protect all jurists*, knowing the TRUTH that:
  - a Justice still has to *vacate as void* Injustice by predators still depriving their prey of their *human rights* to *legitimate* activities of daily living ("ADL") like *legitimate money-making, legitimate socializing*, etc. *but for which due process of law shall not end with no time limit regardless of how old the case is*; and
  - b Justice delayed is Justice denied, Justice denied is Injustice dignified, Injustice dignified is Justice crucified by *compromised* jurists committing Justicide with absolute judicial immunity and Justice crucified by Justicide mandates resurrection of Justice, *now*.

4 *All laws, acts and deeds consistent with the Constitution misapplied, thus repugnant to the Constitution correctly applied, are still null and void with zero legal effects.*

This 1803 *unanimous Valid DOJ* in *Marbury v Madison* by the *Great Chief Justice Marshall* of the Supreme Court of the United States ("SCOTUS")<sup>a</sup> *still is, and will be, binding on all People*, Courts, Licensed Lawyers, Forensic Experts, Medical Experts, etc. *unless and until it is overturned by the SCOTUS, if ever*, knowing that it *has not been overturned in over 200 years*.

5        Attorney EIB as the prey *again proves not only* the prey's TRUTH *but also* the predators' UN-TRUTH to *again satisfy* both his legal burdens of proof in ¶6-¶9 to help the Court without an iota of doubt to resurrect Justice assassinated by Justicide since day one, knowing that not even a dime has been distributed to Attorney EIB or his children so far.

## B BASIC STATEMENTS OF UN-TRUTH ARE THE TIP OF THE ICEBERG

6        In Case No 50 2012-CP-4391 XXXX NB, captioned IN RE: THE ESTATE OF: SIMON BERNSTEIN, deceased (date of death is September 13, 2012), Circuit Court Hon Judge Rosemarie Scher PASSES a *Valid* DOJ dated April 27, 2017 that "Eliot is a residuary beneficiary of any tangible property of the [SIMON BERNSTEIN] Estate ..." (¶1 to ¶32 at ¶17, Page7) and "...DENIES appointment of Ted Bernstein as Administrator Ad Litem" (Page 11) to effectuate the Will of Simon L Bernstein July 25, 2012 Prepared by Tescher & Spallina PA:

### Page 1 / ARTICLE I. TANGIBLE PERSONAL PROPERTY

*... I give to my children who survive me, divided among them as they agree, or if they fail to agree, divided among them by my Personal Representatives in as nearly equal shares as practical my personal effects, jewelry, collections, household furnishings and equipment, automobiles and all other non-business tangible personal property other than cash, ... and if no child of mine survives me, this property shall pass with the residue of my estate. ...*

7        Forcing Courts to keep Attorney EIB and his children *deprived of distributions and thus of their daily human rights to legitimate* ADL is 100% culpably premeditated by Licensed Lawyers as predators *since before 2015*, knowing that in Case No 502015 CP001162 XXXX NB IJ in this Court, Licensed Attorneys Mrachek, Fitzgerald, Rose, Konopka, Thomas & Weiss, PA as Attorneys for Ted S Bernstein as the Successor Trustee, by Licensed Attorney Alan B Rose Esq., served and filed the Successor Trustee's Motion for appointment of a Guardian Ad Litem to represent the interests of Attorney EIB's children based on their **BASIC STATEMENTS OF UN-TRUTH** in its ¶2 as follows:

2. By its December 16, 2015 Final Judgment relating to the trial held on December 15th, this Court **upheld the 2012 Will and Trust of Simon L. Bernstein**. As a result of upholding these documents, the Court determined that *Eliot Bernstein, individually, is not a beneficiary of either Simon's or Shirley's Trusts or Estates*. Instead, *Eliot's three sons are among the beneficiaries of both Simon's and Shirley's Trusts*, in amounts to be determined by further proceedings. *Eliot is not a beneficiary and lacks standing to continue his individual involvement in this case.*

8 ***Knowing the TRUTH since day one of probate that Attorney EIB always was, and still is, a beneficiary of the Shirley Bernstein Trust Agreement May 20, 2008 Prepared by Tescher & Spallina PA,<sup>b</sup> of the Will of Shirley Bernstein May 20, 2008 Prepared by Tescher & Spallina PA<sup>c</sup> and also of the Will of Simon L Bernstein July 25, 2012 also Prepared by Tescher & Spallina PA, BASIC STATEMENTS OF UN-TRUTH always included in the VOID DOJs by the Courts<sup>b and c</sup> will always be in the records of the cases for the Courts to take immediate judicial actions to grant this SilverBullet Cross Motion as established above, knowing that:***

- .1 ***Since at least 12.16.2015 if not also before that date, Attorney EIB was *unconstitutionally deprived of all his rights as a beneficiary* to represent himself and his children as beneficiaries, knowing that the Guardian Ad Litem ("GAL") for his children was *unconstitutionally appointed* causing even more *Void DOJs* by Courts with no legal effect since day one; and***
- .2 ***Valid DOJ now by laws correctly applied to be legally enforced to vacate *Void DOJs* by laws misapplied still being illegally enforced by Outlaws with zero immunity from paying for even more damages still being caused to their prey *mandates* granting this *SilverBullet* Cross Motion as established above.***

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: May 21, 2019

Respectfully Submitted by,

/s/Eliot Ivan Bernstein  
PRO SE

Eliot Ivan Bernstein  
2753 NW 34th St  
Boca Raton, FL 33434  
561-245-8588  
IViewIt@GMail.Com

Encs A1-A3 with Original to Court and Service Lists  
TOTAL 40 + 3 = 43 Pages

#### 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 21<sup>st</sup> day of May, 2019.

/s/Eliot Ivan Bernstein  
PRO SE  
Eliot Ivan Bernstein  
2753 NW 34th St  
Boca Raton, FL 33434  
561-245-8588  
IViewIt@GMail.Com

Original to Hon Court (43 Pages)

Copies to all included in the Service List (43 Pages)

---

a



- The *Marbury* decision was unanimous. Do split decisions (for example, 5-4 votes) indicate that a decision might be overturned in the future?

<https://tinyurl.com/y9c87qcn>

THE TRUTH to <i>Resurrect</i> Justice	THE UN-TRUTH for <i>Justicide</i> Committed
<p><b>Shirley Bernstein Trust Agreement</b>        May 20, 2008 Prepared by Tescher &amp; Spallina PA:</p> <p><b>Page 3</b></p> <p><b>'ARTICLE II. AFTER MY DEATH. ...</b></p> <p><b>E 2. Disposition of Balance.</b> Any parts of the Marital Trust and the Family Trust my spouse does not or cannot effectively appoint (including any additions upon my spouse's death), or all of the Family Trust if my spouse did not survive me, <b>shall be divided among and held in separate Trusts for my lineal descendants then living, per stirpes.</b> ... and administered as provided in Subparagraph II.E. below. <b>Each of my lineal descendants</b> for whom a separate Trust is held hereunder shall hereinafter be referred to as a "<b>beneficiary</b>," with their separate trusts to be administered as provided in Subparagraph II.E. below...</p> <p><b>Page 7</b></p> <p><b>E. Definitions. In this Agreement,</b></p> <p>1. <b>Children, Lineal Descendants.</b> The terms "child," "children" and "lineal descendant" mean ... Notwithstanding the foregoing, as I have adequately provided for them during my lifetime, for purposes of the dispositions made under this Trust, my children, TED S. BERNSTEIN ("TED") and PAMELA B. SIMON ("PAM"), and their respective lineal descendants shall be deemed to have predeceased the survivor of my spouse and me, provided, however, if my children, <b>ELIOT BERNSTEIN</b>, JILL IANTONI and LISA S. FRIEDSTEIN, and their lineal descendants all predecease the survivor of my spouse and me, then TED and PAM, and their respective lineal descendants shall not be deemed to have predeceased me and shall be eligible beneficiaries for purposes of the dispositions made hereunder. ...</p>	<p>"Eliot Bernstein <i>lacks individual standing to participate in this proceeding, as he is not a beneficiary</i> of either the Shirley Bernstein Trust or the Shirley Bernstein Estate" (¶1 to ¶5 at ¶3):</p> <p>This is <i>Justicide Committed</i> by <b>Circuit Court Judge Hon John L Phillips</b> in Order dated <b>Feb 01, 2016</b> in Case No 502014CP003698XXXXNBJ, Probate Division, <b>captioned TED BERNSTEIN as Trustee of the Shirley Bernstein Trust Agreement dated May 20, 2008, as amended, Plaintiff v Alexandra Bernstein ...ELIOT BERNSTEIN, individually, as Trustee f/b/o Molly Simon under the Simon L Bernstein Trust Dtd 9/13/12,...</b> Defendants.</p>

c

THE TRUTH to <i>Resurrect</i> Justice	THE UN-TRUTH for <i>Justicide</i> Committed
<p><b>Will of Shirley Bernstein May 20, 2008</b> Prepared by Tescher &amp; Spallina PA: <b>Page 1</b></p> <p><b>"I, SHIRLEY BERNSTEIN, ...</b> My children are TED S BERNSTEIN ("TED"), PAMELA B SIMON, <b>ELIOT BERNSTEIN</b>, JILL IANTONI and LISA S FRIEDSTEIN...</p> <p><b>ARTICLE I. TANGIBLE PERSONAL PROPERTY</b> I give such items of my tangible personal property to such persons as I may designate in a separate written memorandum prepared for this purpose. I give to SIMON, if SIMON survives me, my personal effects, jewelry, collections, household furnishings and equipment, automobiles and all other non-business tangible personal property other than cash, not effectively disposed of by such memorandum, and if SIMON does not survive me, I give this property to my children who survive me, divided among them as they agree, or if they fail to agree, divided among them by my Personal Representatives in <u>as nearly equal shares as practical</u>, and if neither SIMON nor any child of mine survives me, this property shall pass with the residue of my estate.</p>	<p>"Eliot Bernstein <i>lacks individual standing to participate in this proceeding, as he is not a beneficiary</i> of either the Shirley Bernstein Trust or the Shirley Bernstein Estate" (¶1 to ¶5 at ¶3):</p> <p>This is <i>Justicide Committed</i> by <b>Circuit Court Judge Hon John L Phillips</b> in Order dated <b>Feb 01, 2016</b> in Case No <b>502014CP003698XXXXNBIJ</b>, Probate Division, <b>captioned TED BERNSTEIN as Trustee of the Shirley Bernstein Trust Agreement dated May 20, 2008, as amended, Plaintiff v Alexandra Bernstein ..ELIOT BERNSTEIN, individually, as Trustee f/b/o Molly Simon under the Simon L Bernstein Trust Dtd 9/13/12</b>,..., Defendants.</p>

## SERVICE LISTS

### Service List Pleading

Name	Email Address
Alan B Rose	<a href="mailto:arose@mrachek-law.com">arose@mrachek-law.com</a>
	<a href="mailto:mchandler@mrachek-law.com">mchandler@mrachek-law.com</a>
	<a href="mailto:abourget@mrachek-law.com">abourget@mrachek-law.com</a>
Alan Benjamin Rose	<a href="mailto:arose@mrachek-law.com">arose@mrachek-law.com</a>

## **EXHIBIT “B”**

AUM	LKJESQ <i>Summa Cum Laude</i> 1967: All Courts Know Since 1828 that Mandatory Restitution Follows Acting <u>Above the Law</u> .™		35
“Good Law Day” began 10.31.2013. 07.04.2018	LAW OFFICES OF <u>LALIT K JAIN</u> 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 Self-Correcting NYS Queens County Criminal Court.			

**SilverBullet LKJESQ Memorandum of Law (“LKJMOL”) Marked A1-A2 for Everyone’s Free Use.**

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. restitute 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?

**Everyone thinks different.** Yet, it is *un-American* thus treasonable to disagree with the **NIELL**<sup>1</sup> as the *fail-safe solution to problems with no defense* (“*SilverBullet*”). It *helps all jurists to agree to act under the law*, knowing that *due process of law shall not end with no time limit until all jurists always*:

- 1 **Order Mandatory Restitution**<sup>2</sup> from *zealous* lawyers,<sup>3</sup> rapists, policemen *forced to protect* rapists<sup>4</sup> etc. as predators to their prey *still being forced* to endure *discretionary destitution* as Injustice violating Courts’ integrity<sup>5</sup> and *begin to think alike* to serve Justice<sup>6</sup> instead of Injustice (“*TruthIsPrudence*”);<sup>7</sup>
- 2 **Realize that they have to end being tax-funded coward judicial assassins still acting above the law still blessing criminal behavior like rapes, etc.** under the “grand scheme of [evil sold as good] things”,<sup>8</sup> SCOTUS Rule 10,<sup>9</sup> etc. (“*JurIsPrudence*”), *rightfully acquit or exonerate* babies who can do no wrongs yet *wrongfully convicted* as bastards, and *rightfully convict* fathers who can, and do, do wrongs yet *wrongfully acquitted* denying illegitimate paternities of legitimate babies from their seeds they sowed during illicit sex with women besides their own wives as bastards in *all sex-abuse cases*,<sup>10</sup> and
- 3 **Use the SilverBullet to *acquit* the innocents, *convict* the guilty, *make* one pay for one’s own wrongs, *not make* the prey pay predators and their *zealous* lawyers and *no more live, die and rest in peace* with *conscience-eating self-created-toxic-guilt to be judicial assassins even if LKJESQ is not forgiven for being forced to sacrifice his lifetime to help perfect the SilverBullet to help protect all jurists.***

<sup>1</sup> “[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.

<sup>2</sup> “...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 *restitute* 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.

<sup>3</sup> “...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.”

**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 A2

*Levins*  
03/21/2019

**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.**

**4** "...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.

**5** Under "...universal sentiments of justice, the principle [is] that no [one, not even a jurist] shall profit from [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.

**6** *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 *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*.

"...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.**

**7** *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*.

**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 [evil scams], 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 2<sup>nd</sup> Dept, 1993, 193 AD2d 649, 598 NYS2d 969.

**9** "...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*" *promoting immunized tax-funded judicial assassins* under SCOTUS (Supreme Court of the United States) Rule 10. *They make women sex-slaves and men sex-masters enjoying inhuman rights to rape humans in retaliation against women* as *unbiased creators of both sexes protecting 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.

**10** 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*.

"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 Self-Correcting NYS Queens County Criminal Court.

*SilverBullet LKJESQ Memorandum of Law ("LKJMOL") Everyone's Free Use Needs Guide Marked A3.*

**What wrongs do babies do to be wrongfully convicted by lawmakers, jurists and juries as bastards?**

**Nothing.** All lawmakers, jurists, juries and judicial, sexual, lexical, legal, spiritual, moral, ethical ... political predators agree that **NEILL** is the fail-safe solution to problems with no defense ("SilverBullet"). It requires them all to rightfully exonerate babies, End Royalty and Sovereignty Enshrined ("ERASE"), correct the law to rightfully acquit the innocents, convict the guilty and protect policemen from predators but not predators from policemen, penalize predators for their old unhealthy normal thinking under the evil common law tradition to enjoy criminal rapes defined, not banned, but permitted and thus enshrined as Illegitimate Politics ("IP") rooted in Illegitimate Sex ("IS") and insure that they shall no more live, die and rest in peace with their own conscience-eating self-created-toxic-guilt of not correcting the law.

*Together in all cases and on a case by case basis with the same absolute judicial immunity no matter how different all cases always will be, Evil JurIsPrudence* doing what is wrong has to upgrade into Good TruthIsPrudence to begin and keep doing what is right: reward law-compliant human duties to do right and penalize law-defiant human rights to do wrong that include, but are not limited to, kill anyone, especially police officers admittedly misused both as scapegoats and also as predators by all jurists.

*Learn and live in truth knowing Justice always insures nature.™*

This is the truth, the whole truth and nothing but the truth ("TRUTH"), so help us everyone's One Priceless Creator, still sold for a price as God, help all judicial, sexual, lexical, legal, spiritual, moral, ethical ... political predators torturing their prey end their conscience-eating parasitic predation to feed themselves and their families.

**NEILL** is destined to help all lawmakers, jurists and juries as enshrined government officers in evil government offices to take a break, end their old unhealthy normal thinking and begin their new healthy normal thinking below.

- 1 *No baby* is born to make numbers add up wrong, *all babies* are born with self-correcting brains to make numbers add up right and learn that *men who cannot, and women who can, get pregnant are neither equal nor opposite but harmonious giving every woman the right, but not the duty, to be a mother*, that the man who sexually seeds a woman making her a mother *is* the father of his baby from his seeds, and that *both sexes have the same rights* to live, die and rest in peace as everyone's One Priceless Creator's self-enforced Justice since time began.
- 2 *Judicial assassins* of Justice since time began are still judicially immunized to still sell lies as the TRUTH in *jurists' police-enforced Injustice* in *all Courts* in *all nations* with no discriminations since time began.
- 3 *Using* the God-made scientific DNA-matches to prove paternities makes the numbers add up right *is* healthy minds' Official Solution reconfirmed on Oct 31, 2013 to save People taxes in trillions ("TruthIsPrudence"). *It has to end* healthy minds' Official Problem masterminded ages ago by evil sages and evil kings misusing man-made unscientific marriages to prove paternities making the numbers add up wrong costing People taxes in trillions ("JurIsPrudence"). TruthIsPrudence ending JurIsPrudence has to end forcing law, medical and all other evil schools to miseducate that women, who decide to become mothers, have to marry men to protect themselves from becoming prostitutes, their legitimate babies from becoming illegitimate, and their self-identity.
- 4 *This SilverBullet LKJMOL has to support* all legal filings in *all cases* in *all Courts whenever anyone is a victim of any judicial assassin(s)*. It is 100% free for 100% free use to help *all jurists and juries* in *all Courts* to begin to make the predators restitute their prey as *TruthIsPrudence*, end ordering the prey to honor, even pay money to, their predators as *JurIsPrudence* and end all pro-predator-systems. *All lawmakers and/or jurists as judicial assassins still have the absolute judicial duty to all their victims to resurrect Justice to end due process of law with no time limit on their own motion, even more so on motion by the victims, whichever is first, preferably before, or else after, death and be truthful thus influential communicators of the TRUTH*.

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.**

5/21/2019