

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

Hon John S Kastrenakes (“*JSK*”)  
In Chambers  
Courtroom 9D

CASE NO.: 50-2018-CA-00231 7-XXXX-MB

WALTER E. SAHM and  
PATRICIA SAHM

Plaintiffs,

v.

BERNSTEIN FAMILY REALTY, LLC,  
BRIAN O’CONNELL, AS SUCCESSOR PERSONAL REPRESENTATIVE OF THE ESTATE  
OF SIMON L. BERNSTEIN;  
ALEXANDRA BERNSTEIN,  
ERIC BERNSTEIN,  
MICHAEL BERNSTEIN,  
MOLLY SIMON,  
PAMELA B. SIMON,  
JILL IANTONI,  
MAX FRIEDSTEIN,  
LISA FRIEDSTEIN, INDIVIDUALLY AND TRUSTEES OF THE SIMON L. BERNSTEIN  
REVOCABLE TRUST AGREEMENT DATED MAY 20, 2008, AS AMENDED AND  
RESTATED;  
ELIOT BERNSTEIN, AND CANDICE BERNSTEIN, INDIVIDUALLY AND AS NATURAL  
GUARDIANS OF MINOR CHILDREN JO., JA. AND D. BERNSTEIN; AND  
ALL UNKNOWN TENANTS.

Defendants.

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**Constitutionally Mandated *Emergency* Motion by Attorneys-in-Fact Eliot Bernstein and Candice Bernstein etc. for an *Emergency* Court Orders of Protection (“COPs”) Against Legal Threats “...to come after you ...” from Licensed Attorneys-at-Law Who Do Evil but Retaliate when made to See, Hear and Talk about *their Own* Evil and their Aftermath**

With all due respect to the Hon Court of Hon John S Kastrenakes (“*JSK*”) under penalties of perjury, *laws correctly applied* require Defendants ELIOT BERNSTEIN, AND CANDICE BERNSTEIN, INDIVIDUALLY AND AS NATURAL GUARDIANS OF MINOR CHILDREN JO., JA. AND D. BERNSTEIN (“*Legal Tenants*” or “*Attorneys-in-Fact*”) to state all the facts of the case *right* to help all involved also get all the facts of the case *right but for which* the Court shall act *above* the law to make legally unenforceable thus avoidable void decisions, orders and/or judgments (“*Void DOJs*”) with their enforcers *unimmunized* Outlaws, not act *under* the law to make legally enforceable thus unavoidable valid *DOJs* (“*Valid DOJs*”) with immunized enforcers.

1       The records of this case, and all related cases, involving the Bernsteins and all their licensed attorneys-at-law, keeps revealing ***Ted Bernstein as the mastermind*** behind his own grand scheme of things (including ***legal threats*** to Attorneys-in-Fact scared of Attorneys-at-Law) aided and abetted ***during both: due process of life causing injuries stealing all moneys in realtime*** and ***also due process of law thereafter causing even more injuries by misusing*** licensed attorneys for ***zealous representations by reenactment thereof in delayed time*** that truthful presentations thereof reveal and reconfirm ***in realtime*** before, during and after due process of life.

2       The 03.03.2020 ***legal threats*** in ***email*** by ***Attorney Tescher*** (“***Zealous Attorney***”) to ***Legal Tenants*** and to ***Zealous Attorney Rose*** (“***Conspirators***”) ***is not marked “Privileged and Confidential with Zealous Attorneys;”*** yet, was ***intentionally concealed*** by ***Conspirators*** from Hon ***JSK*** and from ***all other Zealous Attorneys, knowing that it includes Zealous Attorney’s legal threats that create publicly known judicial scare in the truthful minds of the injured Legal Tenants*** and ***has to “pay the price” for misusing courts of law as courts of lie.***

“***Eliot: Please get your facts right.*** In your recent filing you state that I am a disbarred lawyer and a convicted felon. Both of there [s/b these] accusations are ***absolutely false***. The Florida Supreme Court SUSPENDED me for 3 years. The insider trading matter was concluded with a civil fine and NO CRIMINAL CHARGES. ¶ If you continue to make these ***clearly false and harmful statements about me, I will come after you to protect my reputation [knowing that:***

- .1 I, ***not you***, forced the Florida Supreme Court etc. to judicially ruin my reputation;
- .2 I, ***not you***, ***risk disbarment, suspension, etc.*** when I choose to, ***since I am not required by law to, zealously represent*** dirty clients to ***misuse*** courts of law as courts of lie to make dirty clients win and ***assume justice*** is being done, knowing that ***miscarriage of justice*** is being done;
- .3 I, ***not you***, get the facts of wrongdoings by dirty clients ***wrong*** to zealously represent them;
- .4 I, ***not you***, get paid big bucks in big dirty legal fees from my dirty clients for my risk-taking, knowing that by hook or by crook I, not you, have to achieve my dirty clients’ and my desired goals that have to be, and are always, dirty law-breaking goals to protect my dirty clients;
- .5 I, ***not you***, don’t have to but choose to sell practice of law as practice of lie forcing courts of law that are courts of truth to become courts of lie (“***Cults***”) ***violating laws against becoming Cults*** that act above the law thus without jurisdiction, authority or immunity in law (“***Taboo***”) to make my dirty clients and me win with our, and Courts of lie’s, ***unanimous belief*** in justice by laws misapplied for judicial trafficking violating the Constitution of the USA for judicial corruption with immunity known to people in all jurisdictions in all States in the USA].”<sup>a</sup>

3       ***Alan Rose*** is also Ted’s ***Zealous Attorney*** still torturing ***Legal Tenants*** as judicially proved by the 07.18.2014 Court Order that Hon Martin H Colin (“***Hon MHC***”) was ***misused*** to sign In Re: Estate of Simon L Bernstein, Case No. 502012CP004391XXXXSB CP – Probate (E67-E71). In it, that ***Hon MHC*** was ***misused by Alan Rose*** was forced to ***misjudge*** as follows:

“...Any language suggesting that Ted wanted his counsel to be aggressive and forceful [***thus not truthful***] is not evidence of Ted committing or planning to commit what Ted knew was a crime or fraud [by ***Zealous Attorneys who take risks to not be truthful*** as

proved above, knowing that dirty clients know evidence of their wrongdoings is against them and hence keep reminding their **Zealous Attorneys to never be truthful and never fail to protect them from paying for their wrongdoings**. ... Having read the email [**with no self-serving legal legend of Privileged and Confidential with Zealous Attorneys**], it is clearly not the case that Ted was threatening Eliot physically, like beating him up [but **Ted was clearly suffering from one too many self-guilts of wrongdoings to repeatedly force Rose to win this Court Order to keep their conspiracy of attorney-client privilege to misuse courts of law as courts of lie concealed from their prey and We the People**].”

4 **Zealous Attorneys** and their dirty client’s obvious legal conspiracies concealed from the Courts **created the inevitable judicial need for the constitutional mandated emergency motion for Emergency Court Orders of Protection (“COPs”)** against **all licensed lawyers** capable of emailing even worse legal threats to helpless attorneys-in-fact, knowing the obvious:

- .1 That “SUSPENDED...for 3 years [**means DISBARRED for 3 years only with no need to use the Court for re-admission to again begin selling legal services as Zealous Attorneys**].”
- .2 That even “a civil fine” imposed and paid **is misusing a plea deal** made by **another Zealous Attorney to force** Federal Authorities. Officials, and/or Jurists to neither prosecute nor convict Attorney Tescher for CRIMINAL CHARGES and **does not mean NO CRIMINAL CHARGES for insider trading** by his law firm of his partner attorney Spallina and himself.
- .3 That the two bad behaviors **together mean self-proving legal intentions** to continue to sell as before legal services as **Zealous Attorneys repeatedly taking risks and keep making dirty legal fees from dirty client until caught and suspended for a while, disbarred for life, etc.**
- .4 That, **during those years of zealous representations**, and, thereafter, to again sell legal services as **Zealous Attorneys**

4 Once a predator always a predator who thanks Courts that sell obvious **miscarriage of justice** by laws misapplied as **justice** by laws correctly applied with absolute judicial immunity, **reveal the incestuous thus noble profession** of lie as law created by jurists and zealous attorneys to make the predators only pay civil fines to Governments, suffer no criminal convictions for jail time, pay no civil restitution to the prey forced to live destituted even after proving the above, and keep promoting predation as an immunized profit-making criminal enterprise as here.

5 **In so doing**, both **iconic Zealous Attorneys with protective miscarriage of justice** will keep repeating their prior bad behaviors and **keep dwarfing iconic zealous warriors with protective helmets** in the **iconic image below** unless and until all **Zealous Attorneys including the Conspirators** are **disbarred for life** for their bad behaviors, especially repeated bad behaviors, in this and all related cases:



“CALLING OUT AN ABUSER DOES NOT RUIN THEIR REPUTATION IT CORRECTS IT”

“The Essence of Human Pride Lies In The Willingness To Use Any Means Possible To Reach A Desired Goal”

6 As truthful attorneys-in-fact is still helping the courts of law become courts of truth, not be courts of lie, *so Zealous Attorneys* knowingly and purposely still keeps failing to get the facts right since day one to protect their dirty common client *Ted Bernstein* since *Legal Tenants* have duly proved same in their 03.03.2020 e-filing that *forced the legal threat in retaliation*.

7 In addition to *Legal Tenants*’ request in their 03.03.2020 e-filing, *Legal Tenants* now are constitutionally mandated to request an Emergency COP against legal threats by all *Zealous Attorneys* for the safety and security of *Legal Tenants* inside and outside Halls of Justice plus such other and further reliefs and redresses as mandatory restitution for ongoing destitution caused by the legal threats that are banned before, during and after due process of law.

WHEREFORE may it please Hon Court to please take judicial notice of the foregoing facts of the case and pass its legally valid and enforceable Orders required by laws *correctly applied* to end ongoing miscarriage of justice aka Justicide by judges and begin ongoing carriage of justice.

Dated: Mar 04, 2020

Respectfully Submitted by,  
/s/Eliot Ivan Bernstein  
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## 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 Mar 04, 2020.

**/s/Eliot Ivan Bernstein**

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Case

**Oppenheimer v BFR and Children Trusts**

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|    |                                                |                                                                                                                       |                                                                                                                                                                                                                                   |
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| 32 | Unrepresented                                  |                                                                                                                       | Lindsay Baxley aka Lindsay Giles<br>(Personally & Professionally)                                                                                                                                                                 |
| 33 | Unrepresented                                  |                                                                                                                       | Kimberly Francis Moran (Personally & Professionally)                                                                                                                                                                              |
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<sup>a</sup> **From:** Don Tescher <dtescher@tescherlaw.com>

**Date:** March 3, 2020 at 9:11:57 AM EST

**To:** "iviewit@gmail.com" <iviewit@gmail.com>, Alan Rose <ARose@mrachek-law.com>

**Subject: Residence Foreclosure**

Eliot: Please get your facts right. In your recent filing you state that I am a disbarred lawyer and a convicted felon. Both of there *[s/b their]* accusations are absolutely false. The Florida Supreme Court SUSPENDED me for 3 years. The insider trading matter was concluded with a civil fine and NO CRIMINAL CHARGES.

If you continue to make these clearly false and harmful statements about me, I will come after you to protect my reputation.

Sent from my iPhone

**Donald R. Tescher** / Telephone: (508) 743-5335/ Facsimile: (508) 743-5335

Cell: (561) 901-7972 / Dtescher@tescherlaw.com

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

CASE NO. 502012CP004391XXXXSB  
CP - Probate

IN RE:

ESTATE OF SIMON L. BERNSTEIN,

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**ORDER ON TED S. BERNSTEIN'S, AS SUCCESSOR TRUSTEE OF THE  
SIMON L. BERNSTEIN TRUST, MOTION TO COMPEL  
ELIOT BERNSTEIN TO COMPLY WITH RULE 1.285**

THIS CAUSE having come before the Court for evidentiary on July 11, 2014, upon Ted S. Bernstein's, as Successor Trustee of the Simon L. Bernstein Trust, Motion To Compel Eliot Bernstein to Comply with Rule 1.285 ("The Motion"), and after being fully advised in the premises, it is hereby,

ORDERED AND ADJUDGED that

1. Ted S. Bernstein ("Ted") sent an email to Eliot Bernstein ("Eliot") and later claimed that the email was an inadvertent disclosure of privileged materials, invoking the procedures under Florida Rule of Civil Procedure 1.285. Eliot contested the assertion of the privilege, and this Court held an evidentiary hearing on July 11, 2014. Based upon the evidence presented at the evidentiary hearing, the Court makes the following findings of fact and conclusions of law.

2. Ted wrote an email (Eliot's Exhibit 1 for ID only) and actually sent the email to Eliot. The email was sent by Ted to Eliot at 10:12 pm on May 22, 2014.

3. Ted advised his counsel at 10:57 p.m. that the email was sent to Eliot by mistake. Ted's counsel then advised Eliot by email at 11:07 p.m. on May 22, 2014, stating:

You received an email from Ted intended solely for me, and accidentally sent to you by mistake.

The email was sent around 10:12 pm tonight

Please delete the email immediately without reading it and confirm that deletion by email. The communication was attorney-client protected and you are not entitled to read or possess the email due to the accidental transmission.

Thank you in advance, and if you fail to comply with this request we will be forced to take corrective action with the Court.

4. The Court finds that by Ted's counsel so notifying Eliot, Ted invoked the procedures of Rule 1.285. Therefore, under subpart (b), Eliot as the party receiving notice of an assertion of privilege under subdivision (a) shall promptly return, sequester, or destroy the materials specified in the notice, as well as any copies of the material. The party receiving the notice shall also promptly notify any other party, person, or entity to whom it has disclosed the materials of the fact that the notice has been served and of the effect of this rule. That party shall also take reasonable steps to retrieve the materials disclosed.

5. Eliot also challenged the assertion of privilege, claiming that the email was not privileged under section 90.502(4)(a) and (c). That assertion necessitated the evidentiary hearing.

6. The Court finds that Ted did not intend that email to go Eliot, but instead, meant it to go to his lawyer. Indeed, having read the email the Court finds that it is pretty easy to see that the letter was intended to go to Ted's lawyer because (i) in the beginning of the email it says the lawyer's first name, and (ii) the discussion in the letter is clearly directed to that which is part of the subject of the letter, which is this case. Thus, the Court makes a finding of fact that this letter was intended to go to Ted's counsel.

7. The Court also rejects Eliot's argument that the email was not privileged because of Florida Statute 90.502(4)(c), but that subsection does not apply. Likewise, the Court finds that the

crime-fraud exception in 90.504(4)(a) also does not apply. Any language suggesting that Ted wanted his counsel to be aggressive and forceful is not evidence of Ted committing or planning to commit what Ted knew was a crime or fraud. The Court rejects Eliot's assertion that Ted was threatening Eliot with some force or bodily harm, or the like. Having read the email, it is clearly not the case that Ted was threatening Eliot physically, like beating him up.

8. Having determined that the lawyer-client privilege does apply and this email was not requesting perpetration of a crime of assault or battery against Eliot, the next question then becomes whether there remains grounds to challenge the assertion of privilege. The court find that there is not.

9. In light of this Court's finding, the Court orders the following as a remedy:

A. Eliot delete all copies of the email in Eliot's possession or control, including any electronic copies.

B. Eliot shall give prompt notice to every recipient – everybody to whom Eliot sent a copy of the email – of this ruling by sending each such person a copy of this Order and direct that they shall also delete and not transmit. Eliot shall file a proof of compliance with this Court, including a copy of his transmittal letter to each recipient.

C. Eliot shall not, from the time of the Court's oral ruling, forward the email to anybody. If Eliot violates this Order, the Court <sup>MAT (MTC)</sup> ~~will~~ hold him in contempt of court and consider appropriate remedy for such violation.



10. If Eliot appeals this Order, he must obey and follow this Order pending the appeal.

DONE AND ORDERED in Chambers, in Palm Beach County, Florida, this 18 day of July,

2014.



---

Martin H. Colin  
CIRCUIT COURT JUDGE

cc: All parties on the attached service list

## SERVICE LIST

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