

Eliot Ivan Bernstein

From: Eliot Ivan Bernstein <iviewit@iviewit.tv>
Sent: Monday, January 13, 2014 8:11 AM
To: Captain Carol Gregg @ Palm Beach County Sheriff (greggc@pbso.org); Jean Francis @ Florida - State Attorney (15th Judicial Circuit) (jfrancis@sa15.org); Michael Rachel @ Florida - State Attorney (15th Judicial Circuit) (mrachel@sa15.state.fl.us); Michael Rachel (Mrachel@sa15.org)
Cc: Caroline Prochotska Rogers Esq. (caroline@cprogers.com); Michele M. Mulrooney ~ Partner @ Venable LLP (mmulrooney@Venable.com); Marc R. Garber Esq. @ Flaster Greenberg P.C. (marcrgarber@verizon.net); Marc R. Garber Esq. (marcrgarber@gmail.com); Marc R. Garber Esq. @ Flaster Greenberg P.C. (marc.garber@flastergreenberg.com); Andrew R. Dietz @ Rock It Cargo USA Estates of Simon and Shirley Bernstein CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312) & SA = K Moran 13CF010745
Subject: 20140112 FINAL SIGNED PRINTED MOTION TO STRIKE AMENDED COMPLAINT ECFCOPY.pdf

Tracking:

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Dear Captain Gregg, Jean Francis and Michael Rachel,

Attached as an Adobe PDF file ("20140112 FINAL SIGNED PRINTED MOTION TO STRIKE AMENDED COMPLAINT ECFCOPY") is a recent filing in the US District Court Northern District of Illinois in a lawsuit that now alleges that Kimberly Moran and Robert Spallina, Esq. filed fraudulent insurance claims for a two million dollar policy by impersonating two

INSTITUTIONAL TRUST COMPANIES and acting as Officers of those companies and then to further perpetrate the crime then committed fraud on US District Court when the insurance carrier DENIED their fraudulent claim. Further, that Moran and Spallina together prepared and signed the insurance claim form acting in several fraudulent capacities to attempt to convert and comingle the benefits with Tescher & Spallina's law firm Trust account. To achieve these dubious goals, Spallina impersonated two INSTITUTIONAL TRUST COMPANY'S and acted as "Trustee" of these institutions at his office address. Spallina also claimed to be the Trustee of a "Lost" trust of my father's to the insurance carrier despite having stated he had never seen the trust or possessed any copies. The claim was Denied by the carrier and red flags went up according to the insurance company production notes. When this scheme failed, my brother and another Attorney at Law, Adam Simon, Esq. picked up where Spallina left off and filed a breach of contract lawsuit with the US District Court to try and defraud the carrier and court as part of a continuing and ongoing fraud to try and secure the benefits outside the estate beneficiaries and into their own pockets.

Kimberly Moran, is the one sending via US Mail and Wire the fraudulent claim forms to the carrier and having Spallina falsely represented to the carrier as Trustees of the Institutional Trust Companies they then impersonated. Ms. Moran's involvement in yet another alleged criminal series of acts, again shows she is far more involved and her acts wholly done with intent to defraud than she claimed in her three varied stories of why and how she committed her crimes and with who and under what direction she acted. This would appear a good time to haul her back in for further questioning on her involvement in all the alleged crimes she "confessed" too prior and a good time to upgrade and add charges for perjury, conspiracy and more to get her to more fully and honestly cooperate this time.

Jean, as to your prior claim that you did not find intent when she forged, I would like to offer an example of what forgery without intent would look like versus what Moran actually did. Forgery without intent would be for example if someone took your checkbook at your house and forged all the checks in your book with your signature, via either "tracing" or forging your name and then left without doing anything with them, never trying to cash them or anything else. Yes, that person forged but there was no intent to harm or defraud just a little arts and crafts type forgery. With the six separate documents, for six separate people that Moran "traced" aka forged there was far more intent to defraud than may first meet the eye. First off, her forgery deprived me of my signature on a document that needed to be signed and notarized by me. Without that document forged much of the other criminal acts alleged would not have been possible as it was a Waiver and without me waiving my rights, which she did for me, the estate would not have been closed by my deceased father who Spallina used while deceased as part of a POST MORTEM identity theft and fraud on the court by depositing the forged and fraudulent Moran documents, along with others over a four month period and then while still deceased, attempted to change the beneficiaries of the estates and trust of my mother post mortem. The six counts of forgery and fraudulent notarizations that Moran did were cleverly crafted and took much foresight and when used together with the other documents they defrauded me of millions of dollars in my mother's estate. Despite if I signed a similar document six months prior this new document I would have never signed it at the time when she forged it for me, as after my father's death, I was already suspect of Spallina & Tescher, P.A. for their refusal to release documents legally owed to me or show me the documents that allowed them to seize dominion and control of the estates illegally and therefore would have declined to sign and demanded all the rights I never waived in a valid legally binding document. They also would have had a hard time explaining to everyone how they were going to get Simon's Waiver signed since he was dead and this too would have blown their whole scam and worse yet the forged and fraudulent Waivers for my deceased father and the others were then filed for my father while dead in October 2012, as if he were alive and acting as Personal Representative. Moran's crimes therefore defrauded me and my father of our rights to either waive or not waive the rights and interests claimed therein at that time in November when she forged the documents for us. Moran then continued the fraud by alleging transferring those documents fraudulently to the Probate Court to further defraud the probate court by filing forged and fraudulently notarized documents as part of the larger fraud to convert the assets to the improper parties, defrauding the last wishes and intent of my mother and father. Moran's name is all over the other documents that are alleged done Post Mortem for my father and filed in both Judge Colin and French's courts that further enable the ongoing and continuing frauds alleged and she plays a variety of roles in those documents and other crimes.

Being a non-lawyer, I did some research on your legal opinion that Moran did not have intent that you saw after hearing only her account of why and how she did the crime apparently. Here are some of the things I found most interesting

that should help you prosecute her and the others involved in her acts, Tescher and Spallina et al., more thoroughly for the crime of forgery and other crimes that were all enabled further by her crimes of Forgery and Fraudulent Notarizations.

1. Black's Law Dictionary and People v. Moore state the definition of Criminal Intent as "The intent to commit a crime: malice, as evidenced by a criminal act; an intent to deprive or defraud the true owner of his property."
 - a. I believe that Moran intended to commit the crime to deprive me of my right to my signature and thereby deprive me of my inheritance and that the act was willful with intent to deprive me of property. That further, she intended to commit the forgery as part of a larger fraud on the court and the true and proper beneficiaries, so not only did she intend to forge signatures but then to further intentionally fraud a court and beneficiaries. Her other alleged criminal acts also show intent and malice and her acts were therefore not one of mistakes as together with the other alleged crimes not yet investigated illustrate that Moran is involved in a continuing and ongoing pattern and practice of crimes intending to defraud me of my inheritance.
 - b. I believe Moran acted under the direction of her bosses Spallina and Tescher who also are involved in a mass of alleged criminal acts to deprive me of my inheritance and this implicates them all in Conspiracy to defraud me, further showing her acts were done intentionally and in order to defraud me of my property rights. Her forgeries alone would not have deprived me of my rights if they were not used in combination with other documents she was involved in with Tescher and Spallina of which she also took part in as Witness and other roles and therefore her stories of why and how she did it do not make sense. Three statements she made to three separate state of Florida agencies, the Governor Rick Scott's Notary Public Division in a sworn statement, to Detective Miller of the Palm Beach Sheriff Office in an official investigation and her statement made through her lawyer to Judge Colin at the October 28, 2013 Evidentiary Hearing, all conflict and this appears to be further criminal acts, including perjury and false official statements in official proceedings. Again, if her confessions were true, why do her statements conflict, all trying in different ways to claim she acted alone and had no intent but to in the first instance, help a grieving family while she was on birth control drugs, or the second instance where she did not know why other than to save time or in the third instance where she did it for fear of retribution from her bosses? Intent to cover up shows further intent in the original crime. Also her statements regarding the documents she forged conflict whereby she states to the Governor's Office that the documents were identical other than her stamping her fraudulent notarization on documents signed by me and the others, to her statement to the Sheriff's Office that she claims she "traced" aka forged the signatures of the six people and then this lie was told through Spallina at the September 13, 2013 hearing before Judge Colin where he further stated to the court that the documents were identical and the signatures were not forged, again echoing that a fraudulent notary stamp was affixed to documents signed by me, my father and siblings. Again her intent to cover up her crimes by misleading state officials further supports her intent to have committed the crimes and Spallina's attempt to further fraud the court at the hearing furthers the allegation that not only were the crimes committed in conspiracy but the cover up attempts are also done conspiratorially. All of these acts show intent to defraud me of my property rights and further to defraud me of due process and procedure through false official statements and perjury.

Please let me know if we are on the same page yet of intent or I can do further research to elaborate and articulate my points more thoroughly. I am also awaiting to hear from your superiors and get conflict of interest disclosures from both you and Mr. Rachel prior to any further actions and then get all the answers to the questions I have raised as a victim to you regarding the investigation by your offices and how it was conducted, etc. As we are nearing another Court date for Moran please take immediate actions in response to this letter and my prior two correspondences so that I am not left with no time again to be heard.

Thank You,

Eliot

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