

1 yes. In fact, this motion as you can see in that  
2 capacity as well.

3 THE COURT: So has he ever answered this  
4 complaint?

5 MR. SWEETAPPLE: Never answered. We always kept  
6 saying - collateral events - some collateral events.

7 (inaudible, talking over each other)

8 THE COURT: So that's been the last third amended  
9 complaint filing was in June of last year? Alright  
10 Mr. Bernstein?

11 MR. BERNSTEIN: Correct. Yes, Your Honor.

12 THE COURT: You are representing yourself? Ms.  
13 Bernstein, you're representing yourself ma'am, is  
14 that right?

15 MR. BERNSTEIN: She's never been served either.  
16 That service wouldn't - the one he sent you isn't  
17 served upon me. It's served upon some unknown person  
18 that doesn't match the description of anyone at our  
19 home.

20 MR. SABOL: Your Honor. If I could respond. Mr.   
21 Bernstein is obviously aware of the action. He's  
22 filed multiple responses, but he is not a party of  
23 interest. He is nothing more than a tenant in the  
24 property. There's a number of parties that have  
25 interest through the estate. This Mr. Bernstein is

1 MR. BERNSTEIN: Where?

2 THE COURT: In this court.

3 MR. BERNSTEIN: Well, I've never been served to  
4 file an answer in response. People have been emailing  
5 me things but that's not service. I'm used to  
6 service, a dude shows up at the door, hands me the  
7 package I take it, I get 20 days or whatever the  
8 number is, I file my answer in response. So, I've  
9 been waiting for that. He has no documents serving me  
10 anything other than that one which appears bogus  
11 because they gave it to some unknown party down the  
12 street. Now, so we never got that.

13 THE COURT: Okay. I'd like to hear from your  
14 wife. Do you want to, um any additional arguments?

15 MS. BERNSTEIN: Yes, I'd like to have an answer  
16 file an answer when I get served. I've never received  
17 anything.

18 THE COURT: Okay so you both are maintaining the  
19 position that you have never been served in this  
20 lawsuit. Is that right?

21 MR. BERNSTEIN: Correct.

22 THE COURT: Okay then my focus and it's obvious  
23 to me that you've never answered the lawsuit?

24 MR. BERNSTEIN: Correct.

25 THE COURT: Alright. So, if he proves to me and

1 shows me the document showing that you've been  
2 served, I'm entering a default.

3 MR. BERNSTEIN: Okay.

4 THE COURT: Okay, let's go. Mr. Sweetapple  
5 that's the only thing you need to respond to, sir.  
6 All the other Philips accusations and all this other  
7 stuff.

8 MR. SWEETAPPLE: They have, they have Your  
9 Honor, they have appeared for themselves and as  
10 guardians of any minor children and the return shows  
11 that Mr. Bernstein was served so we also as an  
12 abundance of caution served unknown tenants which is  
13 all they really are. They have no ownership, there's   
14 been no settlement, there's been no payment they're  
15 just squatting in this property. And he did make the  
16 one point that we are also addressing, Your Honor,  
17 that's valid and that is that I did go back and look  
18 at the situation with Mr. Tesher. The Bernstein  
19 Family Realty was dissolved and it shows a corporate  
20 registered agent so to the extent that Mr. Tesher may  
21 not have had authority to accept, we are going to go  
22 ahead and re-serve the registered agent of record and  
23 then obviously move for default based on the fact  
24 that they're not paying their fees and they're not  
25 even in existence.