

# Summary of Comments on 1358198 - VOL 1

## Cross, Direct 12-15-2015 Vol 1

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Author: ETHOME      Subject: Sticky Note      Date: 1/7/2016 8:48:04 PM

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Not true, Ted introduced them to Simon.


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 Author: ETHOME      Subject: Sticky Note      Date: 1/7/2016 8:49:54 PM

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Si is not the beneficiary of the Shirley Trust

 Author: ETHOME      Subject: Sticky Note      Date: 1/7/2016 8:50:59 PM

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This is where he says the inventory of Shirley which says her Personal Property was worth 25k

 Author: ETHOME      Subject: Sticky Note      Date: 1/7/2016 8:51:42 PM

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So why would Si then file a false inventory of Shirley property and not list it all at value as there is no tax in the transfer?

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 Author: ETHOME      Subject: Sticky Note      Date: 1/7/2016 8:54:59 PM

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Spallina produced no notes in his production that shows him contacting Simon to release this most sensitive issue of Pam and Ted's exclusion to Pam's attorney. This disclosure is what set up allegedly Ted and Pam's rage on Simon. Ted may have been tipped off he was cut out by his friends Spallina and Tescher immediately after they signed?



Author: ETHOME      Subject: Sticky Note      Date: 1/7/2016 8:58:40 PM

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So when he inventoried Shirley for Simon he claims he did not know of an asset worth \$250k and then he states he later learned but never adjusted the inventory.



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Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 6:09:03 AM

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He totally was aware, this is a lie and contradicts other evidence to contrary.

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 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 6:29:04 AM

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Defendant has agreed to plead guilty to criminal conduct relating to certain matters alleged in the complaint in this action and acknowledges that his conduct violated the federal securities laws...Specifically, Defendant has agreed to plead guilty to a one count information which charges him with committing securities fraud involving insider trading...

Page 1 <http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/2015%20Spallina%20and%20Tescher%20SEC%20Settlement%20Consent%20Orders%20Insider%20Trading.pdf>



Clear admission of Mail fraud and fraud on beneficiaries.

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 Author: ETHOME    Subject: Sticky Note    Date: 1/8/2016 6:31:20 AM  
Again admits to mail fraud and fraud on beneficiaries

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Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 6:33:29 AM

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He altered the document to put Ted and Pam's children into the trust as beneficiaries and he sent it to an attorney at law, not a layperson, this is a total lie.



Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 6:33:54 AM

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Another lie, they certainly did.



Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 6:37:38 AM

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Judge interrupts my line of questioning to abuse my wife and steer the hearing away from these questions.



Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 6:36:04 AM

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Here he starts on Candice who is handing me an exhibit. He has already asked who she is at the opening but now his misogynistic ways come through as he acts like he does not know my "lovely wife" and abuses her.

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Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 6:39:39 AM

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Lie, he is absolutely aware of what happened. Just a big fat liar he is.



Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 6:40:16 AM

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Forgets to state she forged and fraudulently notarized docs for my dad after he was dead.



Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 6:41:04 AM

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BIG FAT LIE, of course the law firm submitted fraudulent documents to the court.



Author: ETHOME      Subject: Underline      Date: 1/8/2016 6:41:19 AM

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Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 6:42:24 AM

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Again Court interrupts line to steer the hearing away from these questions to Spallina.



Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 6:45:48 AM

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Major admission of new crimes that have not yet been investigated and new documents other than Moran's that were used as part of fraud to close her estate with Simon while he was dead. Can't count the number of crimes this violates.



It was January 2013

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 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 7:04:49 AM

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Spallina states Simon signed the Waiver stating he had all the Waivers from the children but Spallina states he signed the document then sent out the waivers, which would have made the sworn statement under penalty of perjury with Spallina signing as witness untrue and Spallina states this is SOP.

 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 7:05:51 AM

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Again Judge rude Phillips steers away the questions from Spallina like he is protecting him

 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 7:07:07 AM

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Basically he is stating that he has SOP of having clients sign statements that are perjured as part of his regular business operations.



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Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 7:10:56 AM

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Untrue, as he gains monetary interest as Co-PR and CO- Trustee and as counsel to himself and his partner.



Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 7:11:58 AM

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Another lie he did draft, sign as witness and gain now an admitted interest as Trustee and Counsel to Trustee



Phillips now begins abuse on Eliot for no reason

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 Author: ETHOME    Subject: Sticky Note    Date: 1/8/2016 7:15:18 AM  
Strange loss of memory

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Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 7:57:22 AM

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BIG FAT ROSEY LIE In a February 18, 2014 Order in Simon Colin ordered ALL documents and records to be turned over, see

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20140218%20ORDER%20ON%20PETITION%20FOR%20DISCHARGE%20TESCHER%20SPALLINA%20Case%20502012CP004391XXXXSB%20SIMON.pdf>




Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 7:53:54 AM

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In a February 18, 2014 Order in Simon Colin ordered ALL documents and records to be turned over, see

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20140218%20ORDER%20ON%20PETITION%20FOR%20DISCHARGE%20TESCHER%20SPALLINA%20Case%20502012CP004391XXXXSB%20SIMON.pdf>


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 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 7:55:59 AM

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Judge is confused again as Judge Colin is still on the bench at the time of hearing so he must be dreaming of some other judge, has he reviewed the case file to see it was Colin who recused and the case was then steered to him??? Maybe judge is as he says "stupid" or a very bad actor.

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 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 8:00:12 AM

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He has just heard Spallina admit to Felony crimes in the cases and he is worried about threatening Candice with contempt of court for trying to hand me her notes. At no time that he hears about the fraud in the cases and on the courts does he call Spallina up and ask questions of him at all regarding the fraud in the cases and the dispositive documents.

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 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 8:02:48 AM

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Well if he can't recall this what good is his recollection at all, as he does not want to admit Si was at that meeting with a gun to his head and his grandchildren being leveraged against him to try and force him to make changes.

 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 8:03:18 AM

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So he does know of disputes

 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 8:03:54 AM

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Just earlier in his testimony with Rose he remembered it well, now sudden brain loss

 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 8:04:39 AM

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Contradicts his prior statement that he was unaware of any stress Simon was under regarding the meeting.





Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 8:06:47 AM

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Keeps Spallina off the record by interfering and not letting me make him read to record.

 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 10:38:24 AM

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p 136 Line 2 - It is wholly relevant if Ted should even be arguing the case before the court if he is DEAD for DISPOSITION and the hearing is about DISPOSITION but judge cuts off and steers again.

 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 10:39:11 AM

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P. 137 L 23 - BIG FAT LIE FROM BIG FAT LIAR. He fraudulently altered an amendment to the Shirley Trust, attached it to the Shirley Trust and mailed it to minor children's counsel.



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Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 10:39:52 AM

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P. 138 L. 1 - A "doodling" judge who is not paying attention at times and who call himself stupid repeatedly at hearings.

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 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 10:43:03 AM  
P. 139 L. 1 - Contradicts Spallina's prior statements and soon his future statement in the hearing.

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 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 10:40:29 AM  
P. 139 L. 11 - He just stated to judge that it was true possibly but now changes again in desperate attempt to continue the lie.



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 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 10:48:26 AM

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P. 143 L. 3 - Lie, he fails to state he worked at Sony Digital

 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 11:14:04 AM

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P. 143 L. 10 - So he contradicts his prior testimony that he was in school prior to Gutter firm and now he works at Sony Digital from 1994-1996.

 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 11:17:09 AM

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P. 143 L. 15 - Why is asking him if there are other parts of his bio that are missing is argumentative, esp where he just stated he left out Sony for two years from his bio? Why would Rose object, why would Spallina simply not answer? Did he work somewhere else inbetween say a different law firm or something? So very very strange.

 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 11:18:16 AM

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P. 143 L. 16 - Why would Phillips sustain finding out if Spallina worked anywhere else that he left out of his resume after learning he left two years of Sony out?

 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 11:19:03 AM

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P. 143 L. 21 Phillips shuts down questions on Spallina's Bio???????


 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 11:19:55 AM

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P. 143 L. 25 - Spallina said two different things in his history and I am trying to clarify but again Judge rude Phillips steers away protecting his boy Spallina, the Felon who he believes is a credible witness to the validity of the documents that he admits to fraudulently altering??????????????

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 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 11:21:43 AM  
P. 144 L.20 I do not think this sustain by Phillips because it was covered is correct but check back.

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 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 11:23:02 AM  
P. 144 L. 25 - Spallina admits that assets of the trust cannot pass to Ted Pam or their lineal.

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 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 12:03:25 PM

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P. 145 L. 16 - Simon is not the beneficiary of Shirley's Trust, he is trustee. There is the Family Trust, the Marital Trust and then the Eliot Family Trust, Lisa Family Trust and Jill Family Trust as beneficiaries.

 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 12:03:29 PM

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 Author: ETHOME    Subject: Sticky Note    Date: 1/8/2016 12:16:06 PM  
P. 147 L. 2-3 - How can Phillips claim that if Spallina is talking to detectives at PBSO is not relevant?

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P. 148 L. 9 - Phillips again interrupting and steering without listening to my answer.


 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 12:25:50 PM

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P. 149 L. 9 Okay, so here I have some problems. First, Ted's counsel as alleged fiduciary in Shirley's Estate and Trust committed a fraud on minor beneficiaries counsel and beneficiaries that benefited their CLIENT Ted. Once the fraud on the court was proven, Colin should have thrown the fiduciary and his counsel out and reset the case and began a proper fraud on the court investigation but he did not. Spallina and Tescher were removed but Colin allowed Ted to stay, despite claiming in 9.13.2013 hearing that he had enough evidence to read Ted and his counsel their Miranda's twice, for two separate crimes of Fraud on the Court, the Moran filings and the Spallina closing estate with dead person documents. This keeps the fraud going and Ted brings in Rose to continue the fraud and to cover up fraud and continue to deny and suppress and then invent new documents and perverse the case endlessly for three years.

Ok but here we are at a validity where the alleged Trustee Ted is validating wills and trusts and his star witness is his former counsel who committed a fraud against Eliot's family and who also closed his mother's estate while Ted was the alleged PR using his dead father as the PR instead and again committing fraud on the court and this seems ok with Ted. His star witness has just admitted in the hearing multiple criminal acts regarding his parents estate and while he was Fiduciary who hired them, that Spallina is under a SEC consent Order (and it appears he lied when he claimed he did not plead guilty to a felony in his testimony) and Ted is treating him as his witness at his validity hearing to validate fraudulent documents that his counsel Spallina did that benefited Ted and you have to ask what the hell is going on the Rabbit Hole of Judge Phillips court here. So is Ted going to ask Spallina any questions like a good fiduciary regarding the fraud and if it is found that they are fraud TED and SPALLINA GO TO JAIL so instead TED is protecting SPALLINA and Alan is objecting for him as if Alan is Spallina's counsel and where Spallina's counsel is in the court by the way. No we find TED and ALAN preparing together for the hearing with Spallina to try and prove the fraudulent documents as valid to make prior crimes appear less fraudulent through such BS Order as Phillips issues after this fraud of a trial.

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 Author: ETHOME    Subject: Sticky Note    Date: 1/8/2016 12:27:40 PM  
P. 150 L. 16 - Phillips refuses to give Pro Se procedural advice and states it is same as legal advice

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 Author: ETHOME    Subject: Sticky Note    Date: 1/8/2016 12:30:32 PM

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P. 154 L. 4 Now Spallina changes his prior testimony.

 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 12:35:28 PM

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P.155 L. 3 - Spallina is aware of the Proskauer Trust in 2000 for the insurance but does not mention and why did he do no planning on the policy and at the same time FILE A CLAIM FORM AS THE BENEFICIARY OF THE POLICY FOR THE 1995 TRUST!!!!!!!!!!!!!!!!!!!!!!!!!!!!

 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 12:37:52 PM

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P.155 L. 23 - Spallina states earlier that he altered the amendment to Shirley's trust to make it understandable to a layman and then sent it only to Yates. who is not a layman but a lawyer as he now states, so his prior statement which was false anyway is further false.



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Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 12:55:03 PM

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P. 157 L. 24 - A receptacle for Shirley's trust, Eliot, Lisa and Jill are the beneficiaries and the Eliot Family Trust is to hold the assets.



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Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 12:56:47 PM

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P. 159 L. 7 - Spallina states he did not ask Si if he was under any pressure or stress to make these changes at the time or if he was of sound mind and body?





Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 1:05:26 PM

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P. 162 L. 20 - Spallina claims he did not get a letter that Tescher sends regarding Spallina altering a Shirley Trust document. chrome-extension://oemmndcbldboiebfnladdacbfmadadm/http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140114%20Tescher%20and%20Spallina%20Resignation%20Letter%20as%20PR%20in%20estates%20of%20Simon%20and%20Shirley.pdf



P. 165 L. 20 - Prior testimony he claims he did not ask if he was of sound mind and body.



Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 1:10:29 PM

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P. 166 L. 23 - How can Phillips claim that information regarding fraudulent trust and estate documents and conversations with sheriff regarding this are not relevant?



Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 1:11:24 PM

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P. 167 L. 3 - Again Phillips shutting down line of questioning and steering to protect Spallina from testifying about the fraudulent estate docs.



Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 1:15:02 PM

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P. 169 L. 18 - Phillips again blocks me from asking questions relevant to the validity of the documents in that I am asking if the governor's office has found deficiency in the notarization of the documents being validated which appears very relevant but Phillips must be doodling, or as he claims "stupid"



Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 1:36:44 PM

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P. 179 L. 24 - Instead of Phillips expanding hearing to allow witnesses to be explored he puts a time limit of 60 minutes with witness 1 not even being done.



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Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 4:06:51 PM

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P. 191 L. 17 - Spallina does not turn over a copy of this document to Ben Brown after a court order to turn over ALL documents, this is the one I wrote on.

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 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 4:08:33 PM

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P. 192 L. 4 Spallina admits he should have filed Simon's waiver with a new PR which according to their story would have been Ted, so why committ forgeries and fraud instead of file a motion????

 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 4:09:56 PM

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P. 192 L. 15 Not correct, the April 09, 2012 document is not a properly signed document it is a sworn statement that is false and cannot be true as Simon did not have all the waivers he states he did and did not have them until after death.





P. 198 L. 2 Is this Judge awake or just as he says "stupid"



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Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 5:00:58 PM

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P. 199 L22 Not sure what Spallina means he signed 4/9/2012 document as attorney for the Estate or does he mean as Simon's attorney as Fiduciary?

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 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 5:08:28 PM

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P. 200 L 6 - Spallina states he sent the document to Simon and then Simon signed and returned but on TS Bates **TS002166 we find Spallina Signature on document and Simon's not. So Spallina would have signed it prior to Simon, verifying his signature and statements prior to Simon even making them???**

 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 5:06:45 PM

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P. 200 L 9 - Spallina states he may have signed 4/9/2012 document on different date then Simon and that he sent it to Simon.

 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 5:09:38 PM

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P. 200 L 12 Spallina cannot recall what day he signs this document and claims his signature does not bear April 9, 2012 date.



P. 201 L 18 Judge rude again interrupts and steers.

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 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 5:13:58 PM

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P. 202 L. 9 No it was not fully administered on April 9, 2012 as he had not got waivers from beneficiaries and why would Eliot et al be signing Waivers in Shirley if they were not beneficiaries and only Simon was?????

 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 5:14:39 PM

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P. 202 L 12 Again if he were the only beneficiary why are Eliot and siblings signing beneficiary waivers?????????

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Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 5:47:52 PM

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P 210 L 13 Ted states once he found out his attorneys committed fraud under his name as Trustee he did nothing to authenticate the documents he is trying to validate, no handwriting experts, etc.




Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 5:48:40 PM

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P 210 L 22 - Ted is not retained by counsel.

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 Author: ETHOME    Subject: Sticky Note    Date: 1/8/2016 5:51:13 PM

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P 212 L 4 Ted claims here that he does not feel he has a conflict although his own family may lose %30 of inheritance if certain documents are found invalid and he is trying to validate the ones he wants valid.

 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 5:52:38 PM

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P 213 L 20 He contradicts his earlier testimony that he did nothing and he did not file a lawsuit until years later.


 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 5:54:21 PM

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P213 L 25 Ted states he fired Spallina when he found out about fraud yet he is using him as his star witness to the documents and Alan is shielding him from questions that beneficiaries have every right to know and sounds like he was mad and called the bar.



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 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 5:57:02 PM

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P 215 L9 - this was what the May 2012 meeting was about, the stress Ted and Pam were causing Simon to change documents because they were cut out. In fact, in April 2012 Ted writes Eliot that his family is dead as far as he is concerned.

 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 5:58:35 PM

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P 216 L 3 So Ted found out about fraudulent documents and did nothing to inspect the originals or obtain originals that he was operating under and when he got the production from TS he did nothing to find where the original was and why the failed to turn over ALL records as ordered by Colin

 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 5:59:43 PM

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P. 216 L 7 Why is Ted going through Simon's Personal Property which has never been in his custody and is supposed to have gone from TS to Brown to O'Connell.

 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 6:00:28 PM

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P. 216 L 12 Ted claims he had no reason to question the documents despite his counsel having admitted fraud.

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 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 6:04:47 PM

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P 219 L 15 He never saw original documents only copies so how would he know and he had reason to suspect all documents once he found his lawyers committed fraud that benefited him directly.




Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 6:08:26 PM

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P 224 L 20 Phillips is wrong here as he states Ted claimed he was a client or becoming a client of Patricia Fitzmaurice which is not true, nor did Ted state that. Ted is not a client.

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 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 6:10:17 PM  
P. 224 L 8 Ted is aware Simon and Shirley saw psychiatrists for over 30 years for mental health issues.

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 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 6:11:35 PM  
P 224 L 13 Ted claims Si was not depressed after Shirley died, he was damn near catatonic according to everyones account of Simon at the time and Ted may have made conflicting statements to PBSO

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 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 6:22:36 PM


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P 227 L 3 this may contradict II deposition statements as to when he learned. He was at the May 2012 where he learned at the meeting at minimum that he was cut out of the Estates and Trusts with his children and that Simon was considering making a change.



P 228 L 1 Now he can't remember if it was prior to his father's death when he learned.

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 Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 6:26:10 PM

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P. 231 L 14 - Rose is a Counter Defendant in the Shirley Trust case so he should be fair game, he is a not only an attorney but a witness to certain events, why should he not be called????? What is the basis?





Author: ETHOME      Subject: Sticky Note      Date: 1/8/2016 6:27:38 PM

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P 232 L 18 - Not sure what Phillips means here?