

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

CASE NO: 502012CA013933XXXXMB AA

WILLIAM E. STANSBURY,

Plaintiff,

vs.

TED S. BERNSTEIN, SIMON  
BERNSTEIN, LIC HOLDINGS, INC., and  
ARBITRAGE INTERNATIONAL  
MANAGEMENT, L.L.C., f/k/a  
ARBITRAGE INTERNATIONAL  
HOLDINGS, L.L.C.,

Defendants.

**ORDER ON DEFENDANTS' MOTION  
TO DISMISS OR, IN THE  
ALTERNATIVE,  
MOTION FOR MORE DEFINITE  
STATEMENT**

THIS CAUSE having come before the Court on January 14, 2013, on Defendants' Motion to Dismiss Or, In The Alternative, Motion For More Definite Statement (the "Motion"), and Plaintiff's Response in Opposition to the Motion, and the Court having heard argument of counsel, and being otherwise fully advised, does hereby

**ORDER and ADJUDGE:**

1. Defendants' Motion to Dismiss Count I is hereby DENIED.
2. Defendants' Motion to Dismiss Count III is hereby GRANTED without prejudice.
3. Defendants' Motion to Dismiss Count V is hereby GRANTED without prejudice.
4. Defendants' Motion to Dismiss Count VI is hereby GRANTED without prejudice.
5. Defendants' Motion to Dismiss Count VII is hereby GRANTED without prejudice.

FILED  
2013 JAN 23 PM 1:00  
SHARON R. BOCK, CLERK  
PALM BEACH COUNTY, FL  
15TH JUDICIAL CIRCUIT CIVIL 5

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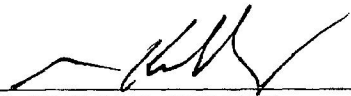
6. Plaintiff has agreed to voluntarily withdraw Count II (Accounting - Against Ted Bernstein and Simon Bernstein), Count IV (Breach of Implied Covenant of Good Faith and Fair Dealing - Against All Defendants), Count VIII (Equitable Lien - Against All Defendants), Count IX (Contract Implied in Law - Against All Defendants), Count X (Constructive Trust - Against All Defendants) and Count XI (Indemnification - Against All Defendants) without prejudice.

7. That part of the Motion to Dismiss asserting the Statute of Limitations is hereby denied.

8. The Court finds that Defendants' request for legal fees and costs under Florida Statute §§ 772.11 and 812.035(7) due to the Court's dismissal of Count VI (Civil Theft) with leave to amend is premature at this time.

9. Plaintiff shall have twenty (20) days from the date of this Order to amend his Complaint.

DONE AND ORDERED in Chambers, West Palm Beach, Palm Beach County Florida  
this 23<sup>rd</sup> day of January, 2013.

  
\_\_\_\_\_  
HON. GLENN D. KELLEY  
CIRCUIT JUDGE

*Copies to:*

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