

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

IN RE: ESTATE OF
SHIRLEY BERNSTEIN

Case No.: 502011CP000653XXXXSB
Division: IY

Deceased.

ELIOT BERNSTEIN'S FIRST SET OF INTERROGATORIES
PROPOUNDED ON THEODORE S. BERNSTEIN

COMES NOW, **ELIOT BERNSTEIN**, pursuant to Florida Rule of Civil Procedure Rule 1.340, and hereby propounds this First Set of Interrogatories on **THEODORE S. BERNSTEIN** in his capacity as Personal Representative of the estate and requests **THEODORE S. BERNSTEIN** to answer the Interrogatories under oath, in writing, on or before the thirtieth (30th) day after service of this request:

INSTRUCTIONS

1. In answering these interrogatories, you are required to furnish information not only within your own knowledge or obtainable by you, but also any information or knowledge in the possession of or obtainable by your attorneys, representatives, agents or anyone acting on your behalf or on their behalf.

2. If after exercising due diligence to secure the information, you are unable to answer the questions in full, answer as completely as possible and then explain the reason you are unable to answer more fully, and identify any person or persons able to supply the information.

3. In lieu of identifying any documents a true and correct copy thereof may be annexed to and incorporated in the answers to these Interrogatories. If any such document has already been furnished to the undersigned, only on reference to such document is necessary so as

to enable the undersigned to identify it.

4. If any requested information claimed to be privileged or immune from discovery, please list the following for each item claimed to be privileged;

- a. a brief description of the nature and contents of the matter claimed to be privileged or immune;
- b. the name, occupation and capacity of the individual from whom the privilege or immune matter emanated;
- c. the name, occupation and capacity of the individual to whom the allegedly privileged or immune matter was directed;
- d. the date the item bears; and
- f. the privilege or immunity claimed.

DEFINITIONS

As used in these interrogatories and in all subsequent written discovery, the following definitions shall apply:

1. The terms “document” and “documents” shall include, but are not limited to, all paper material of any kind, whether written, typed, printed, punched, filmed or marked in any way; recording tape or wires; film, photographs, movies or any graphic matter however produced or reproduced; all mechanical or electronic sound recordings or transcripts thereof in the actual or constructive possession, custody or control of Defendant, or his representatives of which he or his representatives have knowledge.

2. The term “person” includes a corporation, partnership, other business association or entity, a natural person, and any government or governmental body, commission, board or

agency.

3. The terms “communication” and “communications” mean the act or fact of communicating, whether by correspondence, telephone, meeting or any occasion of joint or mutual presence, as well as the transfer of any document from one person to another.

4. The terms “identify” and “identification” when used in reference to any individual person mean to state his or her full name, present or last known address, and his or her present or last known employment position and business affiliation. When used in reference to a person other than an individual person, identify or identification mean to state whether such person is a corporation, partnership or other entity and its name, present or last known address and principal place of its business. Once any person has been identified properly, it shall be sufficient thereafter when identifying that same person to state his, her or its name only.

5. The terms “identify” and “identification” when used in reference to a document or documents mean to state the date, the author (or, if different, the signer or signers), the addressee, type of document (e.g. letter, email, memorandum, telegram, statement, check, chart, sketch, etc.), and any other means of identifying with sufficient particularity to meet the requirements for its inclusion in a Request for Production pursuant to Rule 1.350, Florida Rules of Civil Procedure. If any such document is no longer in your possession, or subject to your control, state what disposition was made of it and the reason for such disposition.

6. The term “identify written communication” shall include the name and address of the person signing the writing, the name and address of the addressee, the date of the writing, and the person or persons having possession of same in addition to the information requested in Paragraph 5.

7. The term “identify oral communication” shall include the nature of said communication, the date of said communication, the name and address of the person making said communication, the name and address of the person receiving said communication and the contents of said communication.

8. As used in this interrogatory, “life functions and activities of daily living” shall mean the things human beings normally do in daily living including: seeing, talking, walking, breathing, writing, reading, hearing, preparing meals, eating, drinking, bathing, dressing, undressing, transferring from bed to chair and back, control over urinary and fecal discharge, using the toilet, grooming, homemaking, leisure, shopping for groceries and supplies, using the telephone, managing money and taking medications.

9. The terms “you” and “yours” refer to **THEODORE S. BERNSTEIN**, his or her agents, employees, representatives and attorneys.

10. The term “Decedent” shall refer to **SHIRLEY BERNSTEIN**, his or her agents, employees, representatives and attorneys

11. The term “Estate” shall refer to **ESTATE OF SHIRLEY BERNSTEIN**.

12. The term “Trust” shall refer to **TRUST OF SHIRLEY BERNSTEIN**.

13. Unless otherwise specified in the interrogatory, the time period for the requested response shall be limited to **Date May 20, 2008** through the present.

INTERROGATORIES

1. Identify all pieces of jewelry that that belonged to the Decedent at any point in time during the last two years of her death. Please include in your answer a description of the jewelry, the estimated value of the jewelry, whether the jewelry was included in the estate. If the jewelry was not included in the Decedent’s estate please explain how the jewelry was transferred prior to death. Please also include the names of any witnesses who have knowledge of the statements made in this answer.

ANSWER:

2. Did the Decedent own or rent a lock box, bank box, or safe deposit box? If so, for each box, please state the name and address of the bank or financial institution where the box was located, the box number or account number, the time period that the Decedent owned or rented the box, the contents of the box, the names of the people who had access to the box, the time period that the people had access to the box, an itemization of the items that were in the box during the last two years of the Decedent's life, and an itemization of the items that were in the box on the dated that the Decedent died.

ANSWER:

3. Did the Decedent have an insurance policy that insured her jewelry or any other personal property? If so, for each policy, please state the name and address of the insurer, the policy number, and the time period that the Decedent held the policy.

ANSWER:

4. Please describe all distributions or disbursements that were paid by or on behalf of the Estate, even if the distribution or disbursement was made by the Decedent's Trust on behalf of the Estate. Please be sure to identify all creditor's claims and any fees and costs that were paid.

ANSWER:

I AM AWARE THAT ANY MATERIALLY FALSE STATEMENT KNOWINGLY MADE WITH THE INTENT TO DEFRAUD OR MISLEAD SHALL SUBJECT ME TO THE PENALTY OF PERJURY AND MAY BE CONSIDERED A FRAUD UPON THE COURT.

THEODORE S. BERNSTEIN

STATE OF _____

COUNTY OF _____

BEFORE ME, the undersigned authority, personally appeared TED S. BERNSTEIN, who, after being first by me duly sworn, deposes and states that he is the person described in and who executed the attached or foregoing instrument, and he acknowledged before me that the facts contained therein are true and correct to the best of his knowledge and belief.

WITNESS my hand and official seal at the State and County aforesaid, this ____ day of _____, 2013.

NOTARY PUBLIC, State of Florida

My Commission Expires

____ Personally known

____ Produced Identification- Type of Identification Produced _____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was furnished this 1st, day of November, 2013 via e-mail to Mark Manceri, Esq., via-email address: mrmlaw@comcast.net and to Robert Louis Spallina, Esq., via-email address: rspallina@tescherspallina.com.

Huth & Pratt

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/s/ Brandan J. Pratt

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