

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FLORIDA

IN RE: ESTATE OF SHIRLEY BERNSTEIN, PROBATE DIVISION

Deceased.

CASE NO: 502011CP000653XXXXSB

/ DIVISION: COLIN

**SUCCESSOR PERSONAL REPRESENTATIVE'S OBJECTIONS TO FIRST SET  
OF INTERROGATORIES AND FIRST REQUEST FOR  
PRODUCTION OF DOCUMENTS AND THINGS  
PROPOUNDED BY ELIOT BERNSTEIN**

COMES NOW, Ted Bernstein, as Successor Personal Representative of the Estate of Shirley Bernstein, by and through his undersigned attorney and hereby files this his Objections to First Set of Interrogatories and First Request for Production of Documents and Things propounded by Eliot Bernstein dated November 1, 2013 and in support thereof states, as follows:

1. On November 1, 2013, Eliot Bernstein served his First Set of Interrogatories and First Request for Production of Documents and Things (hereinafter the "discovery").
2. The Personal Representative objects to the propounded discovery, as Eliot Bernstein is not an interested person in these proceedings and has no standing to conduct the propounded discovery. See Florida Statute 731.201(23).
3. Additionally, some or all of the propounded discovery is objected to and not discoverable based on the work product doctrine, the accountant-client privilege and/or the attorney-client privilege.

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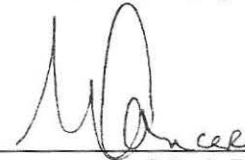
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By: 

Mark R. Manceri, Esq.  
Florida Bar No. 444560

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by  
U.S. mail to all parties on the following Service List, this 2<sup>nd</sup> day of December, 2013.



Mark R. Manceri, Esq.

SERVICE LIST

Theodore Stuart Bernstein  
Life Insurance Concepts  
950 Peninsula Corporate Circle, Suite 3010  
Boca Raton, Florida 33487

Eliot Bernstein  
2753 NW 34<sup>th</sup> Street  
Boca Raton, Florida 33434

Lisa Sue Friedstein  
2142 Churchill Lane  
Highland Park, IL 60035

Pamela Beth Simon  
950 North Michigan Avenue, Suite 2603  
Chicago, IL 60611

Jill Iantoni  
2101 Magnolia Lane  
Highland Park, IL 60035

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IN RE: ESTATE OF SHIRLEY BERNSTEIN,

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\_\_\_\_\_  
ELIOT IVAN BERNSTEIN, PRO SE

DIVISION: COLIN

Petitioner

vs.

TESCHER & SPALLINA, P.A., (and all parties  
associates and of counsel); ROBERT L. SPALLINA  
(both personally & professionally); DONALD R.  
TESCHER (both personally & professionally);  
THEODORE STUART BERNSTEIN (as alleged  
personal representative, trustee, successor trustee)  
(both personally and professionally); and JOHN  
and JANE DOE'S (1-5000),

Respondents.  
\_\_\_\_\_

MOTION TO TAX ATTORNEY'S FEES AND COSTS

COME NOW, Theodore Stuart Bernstein a/k/a Ted Bernstein, as Successor Personal Representative; Donald R. Tescher and Robert L. Spallina (hereinafter the "Movants"), by and through his undersigned counsel and hereby files this their Motion to Tax Attorney's Fees and Costs and in support thereof state, as follows:

1. On November 14, 2013, the Court entered an Order reserving ruling to tax attorney's fees and costs. A copy of said Order is attached hereto as Exhibit "A" and incorporated herein by reference.

2. The Movants hereby request that the Court tax their attorney's fees and costs

against Eliot Ivan Bernstein, individually or any beneficial interest he may have or acquire.

3. Movants are filing the instant Motion to insure timely compliance with Florida Rule of Civil Procedure 1.525.

WHEREFORE, the Movants hereby request that this Honorable Court enter an Order consistent with the relief requested herein and award of attorney's fees and costs and any other relief this Honorable Court deems just, equitable and proper.

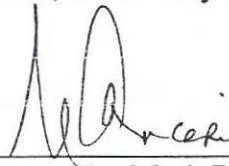
MARK R. MANCERI, P.A.  
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[mrmlaw1@gmail.com](mailto:mrmlaw1@gmail.com)

By: 

Mark R. Manceri, Esq.  
Florida Bar No. 444560

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Mark R. Manceri, Esq.

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2753 NW 34<sup>th</sup> Street  
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(both personally and professionally); and JOHN  
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\_\_\_\_\_

ORDER

THIS CAUSE came before the Court on October 28, 2013 pursuant to the Order of the Court dated September 24, 2013, and the Court having reviewed the file, having heard argument of Brandan Pratt, Esq.; Mark R. Manceri, Esq. and David Roth, Esq., and being otherwise fully advised on the premises it is hereby, ORDERED AND ADJUDGED, as follows:

1. The Estate shall remain open pending the filing of a Petition for Discharge by Ted Bernstein, as Successor Personal Representative *AND ANY DISPOSITION THEREOF PURSUANT TO PROBATE RULES & STATUTES.*
2. The Court has determined that it will take no action regarding the form of the pleadings or other documents that were submitted to the Court to close the Estate while Simon

Bernstein was serving as Personal Representative.

3. The Court reserves ruling on and retains jurisdiction to tax attorney's fees and costs and any other possible sanction upon the filing of a Motion and proper notice.

DONE AND ORDERED in Chambers, at Delray Beach, Palm Beach County, Florida, this 14 day of November, 2013.

Copies furnished to:  
Mark R. Manceri, Esq.  
Brandan J. Pratt, Esq.  
David Roth, Esq.  
All Interested Persons



HONORABLE MARTIN H. COLIN  
CIRCUIT COURT JUDGE