IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FLORIDA

CASE No.: 502011CP000653XXXXSB

IN RE: ESTATE OF SHIRLEY BERSTEIN,

Deceased.

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ELIOT IVAN BERNSTEIN, PRO SE,

Petitioner,

V S .

TESCHER & SPALLINA, P.A. , (and all parties associates and of counsel) ; ROBERT L. SPALLINA (both personal ly & professionally) ;

THEODORE STUART BERNSTEIN (as alleged

personal representative, trustee, successor trustee) (both personally and professionally); and JOHN

and JANE DOE'S (1-5000)

**OR IGINA L**

Respondents.

Transcript of Proceedings

Before the Honorable Martin H. Colin, Circuit Court Judge

DATE TAKEN: January 2, 2014 TIME:

|  |  |  |
| --- | --- | --- |
| Corrunenced at | 10:03 | a.rn. |
| Concluded at | 10:08 | a.rn. |

LOCATION:

South County Courthouse

200 West Atlantic Avenue Courtroom 8

Delray Beach, Florida 33444

REPORTED BY: Erica Field,

Stenograph Shorthand Reporter and Notary Public, State of Florida

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A P P E A R A N C E S:

Eliot Ivan Bernstein, Pro Se 2753 Northwest 34th Street Boca Raton, Florida 33434

On behalf of the Petitioner,

Mark R . Manceri, Esquire Mark R . Manceri, P.A.

2929 East Commercial Boulevard Suite 702

Fort Lauderdale , Florida 33308

On behalf of the Respondents.

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1 PROCEEDINGS

2 MR . MANCERI: Good morn ing, your Honor.

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3 We 're here on the estate of Shirley Bernstein . We

4 were here on a status conference that your JA

1. called and instructed me to set. Ithink it 's as a
2. result of a letter I sent to Court in respect for a
3. motion to transfer that we had filed in front of

8 Judge French. I sent you a letter.

1. THE COURT: Ihave the motion to transfer.
2. MR . MANCERI : Your assistant wasn 't really
3. sure what you wanted to accomplish today when she
4. instructed me to set this hearing, but as a matter
5. of fact, your Honor, there are two matters relating
6. to two estates. One is the Estate of Shirley
7. Bernstein, which is in front of you, and the Estate
8. of Simon Bernstein, which is in front of Judge 17 French . Eliot Bernstein, who was one of the
9. children of Simon and Shirley Bernstein has filed
10. numerous plead ings in both of the estates, all of
11. them are virtually duplicates of one another, and
12. under the administrative order 2 .302, we have filed
13. a motion to transfer and consolidate the two

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estates of Simon and Shirley Bernstein, who the are parents of Eliot Bernstein and my client, Ted Bernstein, as well as the grandchildren, who are

1 ultimate beneficiaries of both of these estate or

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the mother load of both of the estates, to transfer both of them to you because you have the lower case number. So we would ask that you consider -- and here is a notice of filing that I did, Judge, which shows -- these are schedules which show all of the various pleadings up through September 25th that

are comparative and duplicate between the two estates. As you may remember, your Honor, we' re going to ask

THE COURT: You' re Eliot? MR. BERNSTEIN: Yes, sir.

THE COURT: What do you say about their motion?

MR . BERNSTEIN : Well your Honor, the first thing is I think he just said he is representing my brother, Ted, when in fact, I believe Ted filed

with you an appearance with Spallina, his client that was his counsel, and Mr. Mancer i is representing, I believe, Spallina & Tescher in his notices of appearance with your Court. So I'm not exactly sure -- and one more thing, your Honor, just real quick to set the record straight, the

Court fixed the docket -- your docket, and there is a list of respondents. I 'd like to just make sure

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-- take like an attendance of who is here -- who's represented.

THE COURT: I don't want you to do that , I just want to know what your position is on their motion.

MR. BERNSTEIN: Well what is their motion is the first thing?

THE COURT: Basically, there is two estate cases of your parents, one is before me and one is before Judge French. I have the lower case number. They said there is some similar matters that are going on. They want one judge to handle it .

MR . BERNSTE IN : That motion that you're talking about was filed in Judge French' s Court so you're ruling out Judge French's motion?

THE COURT: Sure, yes. MR. BERNSTEIN : Yeah?

THE COURT: He's not here.

MR. BERNSTEIN : Okay, because that hearing was canceled. So my be lief is that we shouldn't merge the cases at this point. We've got, you know, evidence of forgery and fraud in the Court.

1. THE COURT :

I don't want the merits 0£ it. I

1. want to know why, procedural ly, we shouldn't have
2. one judge hear the whole thing. It can be me or

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1 Judge French, but --

2 MR. BERNSTEIN: Well I filed a motion --

Page 7

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4 me.

THE COURT: the lower case number is with

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MR. BERNSTEIN : I filed a motion this morning that it shouldn't be either of you two, that

perhaps you guys need to be disqual ified because you're centrally involved. The frauds occurred in your Court and on your Court. Your signature is on a bunch of the documents that were used

fraudulently to close the estate of my mother, which caused its opening, and it might have to go to two fresh judges, not that I'm saying that

anybody's involved, but we have to depose you about signatures, about things in the Court and perhaps officers of the Court.

THE COURT: Okay.

MR . BERNSTEIN : And further, your Honor -- THE COURT: Stop.

MR. BERNSTEIN: these officers --

THE COURT: Stop. I'm cutting you off. MR. BERNSTEIN: Yes, sir.

THE COURT: Motion to transfer granted. The cases are not consolidated. They can be two separate cases, they're just both before me.

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1. MR. MANCERI: That's correct, Judge. Under
2. the administrative order, that' s correct.

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1. THE COURT: Okay. What else for today?
2. MR . MANCERI: That's it, Judge.

5 THE COURT: Okay.

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| 6 | (The proceedings | concluded | at | 10:08 | a.m.) |
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1 CERTIFICATE OF REPORTER 2

3 STATE OF FLORIDA: COUNTY OF PALM BEACH

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5 I, Erica Field , Stenograph Shorthand Reporter , certify that I was authorized to and did stenographicall y

6 report the foregoing proceed ings and that the foregoing Pages 4 through 8, inclusive, are a true and complete

7 record of my stenograph notes .

1. I further certify that I am not a relative or employee of any of the parties, nor am I a relative or
2. counsel connected with the parties ' attorneys or counsel connected with the action , nor am I financially
3. interested in tie outcome of the action . **11** DATED this 7th day of January, 2014. 12

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