

IN THE FIFTEENTH JUDICIAL CIRCUIT COURT  
IN AND FOR PALM BEACH COUNTY, FLORIDA  
PROBATE DIVISION  
CASE NO. 502012CP004391XXXXSB

IN RE:

ESTATE OF SIMON L. BERNSTEIN,

Deceased.

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

Petitioner,

vs.

TESCHER & SPALLINA, P.A., (and all parties, associates and of counsel);  
ROBERT L. SPALLINA (both personally and professionally); DONALD R. TESCHER (both personally and professionally);  
THEODORE STUART BERNSTEIN (as alleged personal representative, trustee, successor trustee) (both personally and professionally); et al.,

Respondents.  
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- - -  
PROCEEDINGS BEFORE THE  
HONORABLE MARTIN H. COLIN  
VOLUME I  
- - -

DATE: FEBRUARY 18, 2014

TIME: 1:32 P.M. - 2:38 P.M.

2

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 5 APPEARING ON BEHALF OF TESCHER & SPALLINA,  
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 18 APPEARING ON BEHALF OF TED S. BERNSTEIN:  
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 19 MRACHEK, FITZGERALD, ROSE,  
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 20 West Palm Beach, Florida 33401  
 21  
 John J. Pankauski, Esq.  
 23 PANKAUSKI LAW FIRM, PLLC  
 120 South Olive Avenue, Suite 701  
 24 West Palm Beach, Florida 33401  
 25

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1 THE COURT: All right. So good afternoon,  
 2 folks. I'm Judge Colin. This is case number  
 3 2012CP004391, Estate of Simon Bernstein.  
 4 Counsel, make your appearances, please.  
 5 MR. BLOCK: Irwin Block and Donald Tescher  
 6 for Donald Tescher.  
 7 MR. GLASKO: William Glasko on behalf of  
 8 Jill Iantoni and Lisa Freidman.  
 9 THE COURT: Spell that last name.  
 10 MR. GLASKO: G-l-a-s-k-o.  
 11 THE COURT: No, not --  
 12 MR. GLASKO: Iantoni, I-a-n-t-o-n-i. And  
 13 F-r-e-i-d-m-a-n.  
 14 MR. TESCHER: Donald Tescher on behalf of  
 15 Tescher & Spallina, P.A.  
 16 MR. FEAMAN: Good afternoon, Your Honor.  
 17 Peter Feaman on behalf of the claimant against  
 18 the Estate of Simon Bernstein, Mr. William  
 19 Stansbury. With me in the courtroom today is  
 20 Nancy Guffey of my office.  
 21 THE COURT: Okay. Welcome.  
 22 MR. PANKAUSKI: Good afternoon, Your  
 23 Honor. John Pankauski. I'm joined by attorney  
 24 Alan Rose. We represent Ted Bernstein, who is  
 25 to our right.

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1 APPEARING ON BEHALF OF CREDITOR WILLIAM  
 STANSBURY:  
 2 Peter M. Feaman, Esq.  
 3 Nancy E. Guffey, Esq.  
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 6 APPEARING ON BEHALF OF LISA SUE FRIEDSTEIN  
 AND JILL IANTONI:  
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 9 17345 South Dixie Highway  
 Palmetto Bay, Florida 33157  
 10  
 11 William M. Pearson, Esq.  
 P.O. Box 1076  
 12 Miami, Florida 33149  
 13  
 14 ALSO PRESENT:  
 15 Ted S. Bernstein  
 William Stansbury  
 16 Candice Bernstein  
 David Roth, Esq.  
 17  
 18 BE IT REMEMBERED, that the following  
 19 proceedings were taken in the above-styled cause  
 20 before Judge Martin H. Collin, at the South County  
 21 Courthouse, 200 West Atlantic Avenue, Courtroom 2,  
 22 City of Delray Beach, County of Palm Beach, State of  
 23 Florida, beginning at 1:32 p.m., on Tuesday, the  
 24 18th day of February, 2014, to wit:  
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1 THE COURT: Okay.  
 2 MR. BERNSTEIN: Good afternoon, Your  
 3 Honor. Eliot Bernstein, pro se.  
 4 THE COURT: Okay.  
 5 All right. First matter is motion to  
 6 discharge and to withdraw, correct?  
 7 MR. BLOCK: Petition for resignation and  
 8 discharge as co-PRs. And I represent  
 9 Mr. Tescher. And I think Robert is here as a  
 10 co-PR representing himself.  
 11 And, to my knowledge, there are --  
 12 THE COURT: Excuse me. Can I see a  
 13 courtesy copy, --  
 14 MR. BLOCK: -- no objections.  
 15 THE COURT: -- copy of the motion, please?  
 16 Thanks.  
 17 Okay. So starting with all the interested  
 18 persons -- you're standing, is there a reason  
 19 for that?  
 20 MR. BLOCK: I have a proposed order.  
 21 THE COURT: Okay. Hold on to that for a  
 22 second.  
 23 It's represented that there may not be any  
 24 objection to the petition for resignation and  
 25 discharge. So tell me if that's the case from

<p style="text-align: right;">6</p> <p>1 all interested persons and their counsel.  2 MR. PANKAUSKI: Good afternoon, Your  3 Honor. On behalf of Defendant Bernstein, the  4 trustee of the decedent's revocable trust, we  5 stipulate that you may accept the resignation  6 of the two co-personal representatives.  7 In their prayer for relief they ask Your  8 Honor to handle everything else at a later date  9 and we consent to that. Clearly, we can't have  10 a petition for discharge. We can stipulate --  11 or, excuse me, we can agree that you can accept  12 their resignations and later appoint another  13 personal representative.  14 THE COURT: Okay.  15 MR. FEAMAN: Peter Feaman, Your Honor, on  16 behalf of Mr. Stansbury, interested person.  17 We have no objection to the petition.  18 There is a proposed order that was submitted to  19 us this morning. We have only one objection to  20 the proposed order when Your Honor is ready to  21 consider that.  22 THE COURT: Okay. Counsel.  23 MR. GLASKO: Judge, William Glasko. There  24 is a few motions set for today. And I just  25 want to make a comment about the bigger issue,</p>	<p style="text-align: right;">8</p> <p>1 attorneys for Ted, who is the personal  2 representative of that estate.  3 If the Judge, Your Honor, let's them out,  4 I would ask that there be provisions in the  5 order such that the Court retains jurisdiction  6 over them, that they don't walk away  7 discharged, that they are still before Your  8 Honor to the extent that if it is determined  9 that there was some sort of problem with the  10 drafting of the will, with the administration  11 of the estate, or any other of these issues  12 that they're still --  13 THE COURT: Well, did you see their  14 wherefore clause?  15 MR. GLASKO: I'm sorry?  16 THE COURT: Did you see their wherefore  17 clause?  18 MR. GLASKO: Yes, sir.  19 THE COURT: It says they wanted me to  20 accept their resignation, revoke their letters,  21 and reserve on all issues relating to  22 discharge.  23 MR. GLASKO: Okay. And I don't have an  24 objection to them getting out. I haven't seen  25 the proposed order.</p>
<p style="text-align: right;">7</p> <p>1 which is that this law firm represented Simon  2 Bernstein and prepared his will. My  3 understanding is that there are issues of  4 forgery. There have been some criminal cases  5 opened as a result of some forgeries that  6 relate to estate documents.  7 My understanding is that in discovery  8 there were two trust amendments to the mother's  9 trust, which there is some question as to  10 whether or not there is a forgery in that. We  11 believe that there is an undue influence and/or  12 tortious inference case.  13 My firm was just retained last night. And  14 I've had a limited ability to review these  15 documents. But based on what I've seen and  16 what I've heard, we intend to open an action  17 for undue influence, single tortious  18 interference in this case as it relates to the  19 father's will, which was drafted by Tescher &amp;  20 Spallina.  21 My concern, Judge, is that if you let  22 these lawyers out as co-personal  23 representatives. And, again, what I've seen is  24 a second notice of hearing on mom's estate  25 where they're asking to withdraw as the</p>	<p style="text-align: right;">9</p> <p>1 THE COURT: Okay. I thought -- I heard it  2 was circulated. Maybe you didn't get it to  3 him. Have him take a look at it.  4 MR. TESCHER: He may not have.  5 MR. PANKAUSKI: I haven't seen it either,  6 Your Honor.  7 THE COURT: Okay. Take a look. This is  8 the time to do it.  9 And Eliot is pro se. Can someone give him  10 a copy, as well?  11 MR. TESCHER: I believe Mr. Bernstein did  12 get one.  13 THE COURT: Did you get a copy, Eliot?  14 MR. BERNSTEIN: I've got so many things in  15 the last few days.  16 THE COURT: Well, okay, but did you get a  17 copy of the proposed order?  18 MR. BERNSTEIN: Can I see it? I don't  19 think so.  20 THE COURT: If you have one for me that  21 would be helpful. I can look at it at the same  22 time.  23 MR. BERNSTEIN: I don't recall ever seeing  24 this.  25 THE COURT: Say it again.</p>

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1 MR. BERNSTEIN: I don't recall ever seeing  
 2 this.  
 3 THE COURT: Okay. Well, look at it.  
 4 Thank you.  
 5 MR. GLASKO: I have no objection to that,  
 6 Judge.  
 7 THE COURT: Okay. So there's no objection  
 8 from Mr. Glasko for his clients.  
 9 Mr. Feaman, you said there was one area,  
 10 you had an objection to the form of the order?  
 11 MR. FEAMAN: Yes, Your Honor, if it please  
 12 the Court.  
 13 THE COURT: Where is that?  
 14 MR. FEAMAN: Paragraph six recites, Your  
 15 Honor, that the successor personal  
 16 representative or curator is authorized to pay  
 17 blank dollars retainer.  
 18 I respectfully suggest to the Court that  
 19 that should be left up to the discretion of the  
 20 successor personal representative or the  
 21 curator, as the case may be, to make that  
 22 decision. I don't think, at this time, that we  
 23 need to be in the position to anticipate or go  
 24 that far.  
 25 THE COURT: Okay. I understand what

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1 you're saying.  
 2 MR. FEAMAN: Other than that, I have no  
 3 objection.  
 4 THE COURT: Okay. Mr. Pankauski?  
 5 MR. PANKAUSKI: No objection, Your Honor.  
 6 THE COURT: Okay. And Eliot Bernstein?  
 7 MR. BERNSTEIN: Just the objections I  
 8 raised in the filing on February 14th.  
 9 THE COURT: That's -- okay. So I don't  
 10 know what those are. Right now the only  
 11 question is do you agree with the form of the  
 12 order?  
 13 MR. BERNSTEIN: Yeah.  
 14 THE COURT: Okay.  
 15 MR. BERNSTEIN: Except the part that he's  
 16 saying about the amount.  
 17 THE COURT: Number six?  
 18 MR. BERNSTEIN: And is there bonding or  
 19 surety?  
 20 THE COURT: Well, there is no bond on a  
 21 discharge.  
 22 MR. BERNSTEIN: We're not discharging him  
 23 yet, are we?  
 24 THE COURT: Yeah, I'm sorry, no bond on a  
 25 resignation.

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1 MR. BERNSTEIN: Oh, okay.  
 2 THE COURT: They're not being discharged,  
 3 they're resigning and their letters to revoke.  
 4 MR. BERNSTEIN: Okay. Thank you.  
 5 THE COURT: Okay. So why do we need to,  
 6 in this order, fund what the successor PR or  
 7 curator is to perhaps --  
 8 MR. BLOCK: We have no objection to  
 9 striking that paragraph.  
 10 THE COURT: Okay. I'm striking it.  
 11 MR. GLASKO: Striking the entire paragraph  
 12 six?  
 13 THE COURT: Number six out, yeah.  
 14 MR. GLASKO: Thank you, sir.  
 15 THE COURT: I'm going to add, though, a  
 16 new number six which is that -- and here's the  
 17 language. I'll write it for myself and then  
 18 I'll tell you what I'm going to do.  
 19 Okay. Number six says, The Court reserves  
 20 jurisdiction to enforce this order.  
 21 Okay. I've signed it with the changes.  
 22 MR. TESCHER: Your Honor, there is one  
 23 blank --  
 24 THE COURT: Oh, so hold on. Paragraph  
 25 two, there is a blank there. What is it that

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1 the moving party is asking that I put in there  
 2 where it says within blank days, business days?  
 3 MR. BLOCK: What do you want, 60 days?  
 4 MR. TESCHER: It's the later of, I think,  
 5 the date of the order or when the successor is  
 6 appointed, if I'm not mistaken. Thirty days to  
 7 60 days would be fine.  
 8 THE COURT: Okay. Counsel.  
 9 MR. FEAMAN: That sounds too long to me,  
 10 Your Honor.  
 11 THE COURT: Well, give me the --  
 12 MR. FEAMAN: I would say five business  
 13 days he can begin the process of turning  
 14 everything over.  
 15 THE COURT: Well, this doesn't say begin  
 16 the process. This says, shall deliver. That's  
 17 all the property. That's everything. That  
 18 would be by next Monday every single thing in  
 19 the estate is to be turned over to a successor,  
 20 who I haven't even named yet.  
 21 MR. FEAMAN: And assuming that you don't  
 22 name a successor today, then I would like to  
 23 see that done within 10 business days so we can  
 24 move this along, Your Honor.  
 25 THE COURT: Okay. What do you say,

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1 Mr. Pankauski?  
 2 MR. PANKAUSKI: I think you need more like  
 3 a couple weeks, 14, 15.  
 4 MR. GLASKO: No objection to 14.  
 5 MR. BLOCK: We would like 15 days.  
 6 THE COURT: You would like what?  
 7 MR. BLOCK: Fifteen.  
 8 THE COURT: Fifteen. Okay. So I have 10,  
 9 14, 15.  
 10 Eliot, what do you want? You want  
 11 tomorrow, right?  
 12 MR. BERNSTEIN: Yesterday.  
 13 THE COURT: Okay. Sure.  
 14 MR. BERNSTEIN: Thank you.  
 15 THE COURT: Okay. I don't want you folks  
 16 to argue about what a business day is. It's  
 17 going to be March 4th. It can be sooner.  
 18 All right. I'll get you copies.  
 19 Okay. What's next?  
 20 MR. TESCHER: Your Honor, there is a  
 21 companion order, petition and order to withdraw  
 22 as counsel on the Simon Bernstein estate.  
 23 THE COURT: Any objection?  
 24 MR. GLASKO: Once again, Judge, I just  
 25 want to make sure that the reservation of

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1 prior lawyers without the specific reservation.  
 2 What I was asking for was a specific  
 3 reservation just so that it's clear to all  
 4 parties that these lawyers are still part of  
 5 this litigation, in as much as there are live  
 6 and actual circumstances being litigated right  
 7 now that relate to their conduct.  
 8 So what I don't want is just a clean  
 9 order.  
 10 THE COURT: Okay. So give me the legal  
 11 authority for what you're asking. Give me the  
 12 statute or the case that says that what you  
 13 want is appropriate in an order on a motion to  
 14 withdraw.  
 15 MR. GLASKO: I just wanted to clarify. I  
 16 don't have a statute or a case.  
 17 THE COURT: Any authoritative basis from  
 18 any source for that?  
 19 MR. GLASKO: Judge, I think the Court has  
 20 jurisdiction and discretion to clarify in the  
 21 order that the attorneys are not being let go.  
 22 THE COURT: Okay.  
 23 MR. PANKAUSKI: Excuse me, Your Honor.  
 24 THE COURT: Yes.  
 25 MR. PANKAUSKI: The firm of Tescher &

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1 jurisdiction is in the order with regard to the  
 2 attorneys and any part that they may have in  
 3 subsequent litigation.  
 4 THE COURT: I'll take a look at the order.  
 5 Show it to him.  
 6 So if you wouldn't mind, Mr. Spallina, to  
 7 circulate the order to everybody.  
 8 Well, Mr. Pankauski, you're going to be  
 9 representing Ted; is that correct?  
 10 MR. PANKAUSKI: Yes, Your Honor, along  
 11 with Mr. Rose.  
 12 THE COURT: Okay. So, I mean, they could  
 13 do this by an order or by a stipulation for  
 14 substitution, either one.  
 15 So tell me the legal basis for what you  
 16 want added to this order.  
 17 MR. GLASKO: Well, Judge, what I want --  
 18 THE COURT: Tell me what the law -- give  
 19 me the law first, because I'll just allow a  
 20 stipulation. People are just allowed to always  
 21 substitute one lawyer for another.  
 22 MR. GLASKO: If there were a stipulation  
 23 of substitution of counsel and the Court  
 24 entered the order, I think the Court, I think  
 25 the Court would have jurisdiction over the

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1 Spallina and Mr. Spallina represent Mr. Tescher  
 2 and Mr. Spallina as co-personal representatives  
 3 of the estate. They don't represent Ted  
 4 Bernstein.  
 5 I think what the order was intended to say  
 6 was that Tescher & Spallina and Robert Spallina  
 7 are authorized to withdraw as the attorneys for  
 8 the co-personal representatives.  
 9 THE COURT: Or for Ted Bernstein in his  
 10 personal representative capacity?  
 11 MR. PANKAUSKI: No, Mr. Bernstein isn't  
 12 personal representative of the Simon Bernstein  
 13 estate.  
 14 THE COURT: Okay. So what's --  
 15 MR. PANKAUSKI: Mr. Spallina individually  
 16 and Mr. Tescher individually were the  
 17 co-personal representatives.  
 18 THE COURT: Well, I'm sorry, I'm confused.  
 19 They say in their motion and order that they  
 20 represent Ted Bernstein. That's not true in  
 21 this case?  
 22 MR. PANKAUSKI: That's correct, in the  
 23 Estate of Simon Bernstein.  
 24 THE COURT: Okay. Who do you represent in  
 25 the Estate of Simon Bernstein?

<p style="text-align: right;">18</p> <p>1 MR. TESCHER: We represent ourselves.  2 THE COURT: Okay. Well, that's not what  3 the order says.  4 MR. TESCHER: You are correct, that is...  5 THE COURT: So what should the order say?  6 MR. TESCHER: Withdrawal of counsel for  7 personal representatives, Donald R. Tescher and  8 Robert Spallina.  9 THE COURT: All right. So do you have a  10 different position now that they've said that?  11 MR. GLASKO: No, Judge. I actually  12 thought we were all on the order where they  13 were asking to withdraw as attorneys in the  14 Shirley estate.  15 THE COURT: No. We're still on Simon's  16 case.  17 MR. GLASKO: So they've asked to be let go  18 as personal representatives and the second  19 order is discharged as the attorneys for  20 themselves?  21 THE COURT: Right.  22 Okay. That's granted.  23 And, Mr. Spallina, you're the attorney for  24 yourself in this case, correct?  25 MR. SPALLINA: Yes, sir.</p>	<p style="text-align: right;">20</p> <p>1 the attorney for Ted Bernstein?  2 MR. TESCHER: Yes, Your Honor.  3 THE COURT: Okay. Any objection?  4 MR. GLASKO: Again, Judge, I would ask for  5 a reservation of jurisdiction.  6 THE COURT: Okay. Do you have  7 authoritative position on that?  8 MR. GLASKO: I don't.  9 THE COURT: That request is denied,  10 because if you want to have a request like  11 that, have authority to support it.  12 MR. GLASKO: Yes, sir.  13 THE COURT: Just asking without authority  14 won't do it.  15 Okay. Granted.  16 MR. TESCHER: Your Honor, that concludes  17 the three motions that we had filed for hearing  18 at 1:30.  19 THE COURT: So I know there are more  20 motions. Do you folks want them to stay around  21 for the next series of motions?  22 MR. BLOCK: No, sir.  23 THE COURT: No, I'm asking the other  24 people who are moving parties.  25 MR. PANKAUSKI: No, Your Honor, they're</p>
<p style="text-align: right;">19</p> <p>1 THE COURT: And you're also the attorney  2 for the -- and the law firm is attorney for  3 who? For themselves, for itself?  4 MR. SPALLINA: For the co-PRs of the  5 estate.  6 THE COURT: And who is that?  7 MR. SPALLINA: Donald Tescher and Robert  8 Spallina.  9 THE COURT: Okay. And you're withdrawing  10 as attorneys for yourselves in your capacity as  11 co-PR?  12 MR. TESCHER: Yes, Your Honor.  13 THE COURT: All right. Go ahead.  14 MR. TESCHER: Your Honor, the third motion  15 that we set for today was on the Shirley  16 Bernstein estate for an order on a motion to  17 withdraw as counsel.  18 THE COURT: Okay. Any objection?  19 MR. PANKAUSKI: I'm sure I don't. I just  20 need to see the order, Your Honor.  21 THE COURT: Okay. Here you say your  22 attorney for Ted Bernstein here again.  23 MR. TESCHER: That is correct in the  24 Shirley Bernstein estate, Your Honor.  25 THE COURT: So in Shirley's estate you are</p>	<p style="text-align: right;">21</p> <p>1 not required to stay.  2 THE COURT: Okay. Thanks. We'll get you  3 copies if you wait outside.  4 MR. BLOCK: Thank you.  5 MR. BERNSTEIN: Excuse me, Your Honor.  6 Did they resign as trustees, too, as well as  7 PR? Is that in there?  8 THE COURT: No, nothing about any trust is  9 before me.  10 (Mr. Block, Mr. Tescher and Mr. Spallina  11 left the courtroom.)  12 THE COURT: Okay. So now I have a motion  13 for appointment of Ted Bernstein as curator, a  14 motion for appointment of Eliot Bernstein as  15 curator or successor PR, or, in the  16 alternative, some other motions. And I know  17 that because I have the response from  18 Mr. Feaman, but I don't have the motion itself.  19 MR. PANKAUSKI: The motion.  20 THE COURT: I need the moving -- you know  21 what, I just got some things in the mail. Let  22 me see.  23 Okay. I have Ted Bernstein's motion for  24 appointment of curator or administrator ad  25 litem. Is that the traveling pleading?</p>

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1 MR. PANKAUSKI: Yes, Your Honor.  
 2 THE COURT: Okay. And I have Mr. Feaman's  
 3 response in opposition.  
 4 Okay. Are there any other pleadings that  
 5 I am to consider?  
 6 MR. FEAMAN: No. I have an ore tenus  
 7 matter that I was apprised of this morning,  
 8 Your Honor.  
 9 THE COURT: Okay. But no one's telling me  
 10 that, though.  
 11 MR. FEAMAN: It's --  
 12 THE COURT: Oh, it's your ore tenus  
 13 motion?  
 14 MR. FEAMAN: Yes, mine.  
 15 THE COURT: Okay. Sure.  
 16 MR. FEAMAN: I'm asking permission to say  
 17 it.  
 18 THE COURT: Okay. Sure.  
 19 MR. FEAMAN: I found out from Eliot  
 20 Bernstein this morning that he -- the ore tenus  
 21 motion is an objection to Mr. Pankauski  
 22 representing Ted Bernstein in this matter.  
 23 The basis of the motion, and I'm prepared  
 24 to call Mr. Eliot Bernstein to the stand, is  
 25 that Eliot Bernstein consulted with

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1 everybody is here, why don't I at least have a  
 2 hearing on or see what's going on with the  
 3 current motions. I may defer on entering an  
 4 order until I determine what the merits are of  
 5 your motion to disqualify.  
 6 MR. FEAMAN: Yes, sir.  
 7 THE COURT: Any objection to that  
 8 procedure?  
 9 MR. PANKAUSKI: No, Your Honor.  
 10 MR. GLASKO: No, sir.  
 11 THE COURT: Okay. All right. So now on  
 12 Simon's estate, because I let go the prior PRs,  
 13 are we now in a situation where there is no PR  
 14 or curator of Simon's estate; is that true?  
 15 MR. PANKAUSKI: Yes, Your Honor.  
 16 THE COURT: Everyone agree with that?  
 17 MR. FEAMAN: Yes.  
 18 THE COURT: So does everyone agree we need  
 19 to have someone take their place, that is  
 20 Tescher and Spallina?  
 21 MR. FEAMAN: Yes, sir.  
 22 MR. GLASKO: Yes, sir.  
 23 MR. PANKAUSKI: Yes, Your Honor.  
 24 THE COURT: So let me go around the room.  
 25 Mr. Pankauski, what is your request for

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1 Mr. Pankauski to represent him and had a couple  
 2 of one-hour telephone conversations concerning  
 3 the representation of Mr. Pankauski, supplied  
 4 him documents, which were very germane to  
 5 Mr. Bernstein, Eliot Bernstein's position in  
 6 this case, which are not aligned with Mr. Ted  
 7 Bernstein.  
 8 And so I'm prepared to go forward and  
 9 present evidence today.  
 10 THE COURT: Okay. All right. But a  
 11 motion for disqualification of counsel has to  
 12 be in writing. You may have just learned about  
 13 it, but that definitely has to be reduced to  
 14 writing.  
 15 MR. FEAMAN: It does, Your Honor.  
 16 However, I don't want to be in a position to  
 17 have waived anything by allowing the attorney  
 18 to go forward and let my silence --  
 19 THE COURT: How about this, not knowing,  
 20 other than what you just told me and not  
 21 hearing from Mr. Pankauski, --  
 22 MR. FEAMAN: Yes, sir.  
 23 THE COURT: -- I'm going to let you or  
 24 whoever thinks it's appropriate file that  
 25 motion in writing. But, in the meantime, since

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1 relief in that area?  
 2 MR. PANKAUSKI: That you appoint Ted  
 3 Bernstein as curator.  
 4 THE COURT: And, Mr. Feaman, what's your  
 5 position there?  
 6 MR. FEAMAN: Our position is that we  
 7 suggest Eliot Bernstein or, in the alternative,  
 8 an attorney that I've suggested to counsel is  
 9 Brian O'Connell from the law firm of Casey,  
 10 Ciklin -- I guess it's Ciklin, Lubitz now, a  
 11 Board-certified probate wills and trust  
 12 attorney for over 20 years to be a curator.  
 13 THE COURT: I know Mr. O'Connell.  
 14 MR. FEAMAN: Okay. Until we can get this  
 15 straightened out, Your Honor.  
 16 THE COURT: What do you say?  
 17 MR. GLASKO: Judge, I would like to see an  
 18 independent curator appointed. We believe that  
 19 both Ted and Eliot are going to be fact  
 20 witnesses with regard to the issues that are  
 21 going forward in this case.  
 22 The attorneys were common to Ted and the  
 23 decedent Simon with regard to a will that was  
 24 drafted subsequent to the original will with  
 25 regard to trust modifications and so forth, so.

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1 THE COURT: So when you say an independent  
 2 curator, you mean someone other than the person  
 3 suggested by Mr. Feaman?  
 4 MR. GLASKO: Neither Ted nor Eliot, but an  
 5 independent. These people are fact witnesses  
 6 and I believe there is a conflict, particularly  
 7 with Ted.  
 8 THE COURT: All right. So how do -- I  
 9 mean, this is a pick a name out of the hat type  
 10 situation?  
 11 MR. GLASKO: I'm sorry?  
 12 THE COURT: When you say an independent,  
 13 how is that independent person going to be  
 14 derived?  
 15 MR. GLASKO: Well, I would suggest that  
 16 the Court could appoint somebody.  
 17 THE COURT: No, I don't do that anymore,  
 18 because the last time I did that and that  
 19 curator or PR or trustee actually sought fees,  
 20 the issue came up, well, I may be more  
 21 favorable to that person because I appointed  
 22 them.  
 23 MR. GLASKO: Yes, sir.  
 24 THE COURT: So I don't have any active  
 25 involvement in the selection any longer of the

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1 person in that position.  
 2 MR. GLASKO: Then I would ask the Court to  
 3 direct all counsel to agree to somebody.  
 4 THE COURT: Okay. So --  
 5 MR. GLASKO: May I make one more point,  
 6 Judge?  
 7 THE COURT: Go ahead.  
 8 MR. GLASKO: I wanted to make sure that  
 9 the Court understands, I just came into this  
 10 case, so I know you know more than I do or at  
 11 least I believe you know the case.  
 12 The original estate plan was -- there are  
 13 five children, three were going to receive.  
 14 The will --  
 15 THE COURT: You want to just tell me  
 16 something ahead of what everyone else wants to  
 17 tell me now. You want this be your opening  
 18 statement?  
 19 MR. GLASKO: No, that's fine, Judge.  
 20 THE COURT: Because I'm ready to go into  
 21 hearing your positions. No, I'm going to let  
 22 everyone be heard.  
 23 Okay. So, Mr. Pankauski, you want Ted.  
 24 Mr. Feaman wants an independent, but he says  
 25 Brian O'Connell. Mr. Glasko says independent

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1 who we kind of pick by consensus of the moving  
 2 parties or some other neutral method.  
 3 Is this a case that -- why shouldn't that  
 4 position be the one that I take on this as  
 5 opposed to having an interested person such as  
 6 Ted involved?  
 7 MR. PANKAUSKI: Your Honor, Mr. Bernstein  
 8 is uniquely qualified to serve and he's willing  
 9 to serve without compensation.  
 10 He also has personal knowledge about  
 11 litigation which the estate is involved in. He  
 12 also has personal knowledge about the assets  
 13 and liabilities of the decedent, his father.  
 14 THE COURT: So let me -- did Simon die  
 15 testate or intestate?  
 16 MR. PANKAUSKI: He died with a will,  
 17 testate.  
 18 THE COURT: And who were the designated  
 19 PRs?  
 20 MR. PANKAUSKI: The designated PRs were  
 21 Mr. Tescher and Mr. Spallina, who have now  
 22 resigned.  
 23 THE COURT: Okay. And no one else?  
 24 MR. PANKAUSKI: Correct. No successor was  
 25 named in the will.

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1 THE COURT: Is there a preference of  
 2 appointment that someone has at this stage?  
 3 MR. PANKAUSKI: Well, nobody has a  
 4 majority in interest of the rev trust  
 5 beneficiaries, no.  
 6 THE COURT: Everyone agree with that?  
 7 MR. FEAMAN: That's correct.  
 8 THE COURT: No preference, okay.  
 9 All right. So it's Ted against the world.  
 10 Okay. So I got it.  
 11 Well, no, you want Eliot or who, Mr.  
 12 Feaman?  
 13 MR. FEAMAN: Eliot or independent.  
 14 THE COURT: Or independent. Okay.  
 15 MR. BERNSTEIN: Excuse me, Your Honor.  
 16 THE COURT: And, Eliot, who do you want?  
 17 MR. BERNSTEIN: I'm happy with Peter's.  
 18 I'm happy with the independent. I'd like to be  
 19 a co-personal representative and I'll, you  
 20 know, bow out of any conflict situation that I  
 21 would see and feel obligated to.  
 22 THE COURT: Okay. All right.  
 23 So, Mr. Pankauski, you're up on your  
 24 motion.  
 25 MR. PANKAUSKI: Thank you, Your Honor.



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1 Mr. Ted Bernstein, my client, is not a  
 2 beneficiary under the estate. He also is  
 3 trustee of his father's revocable trust.  
 4 And I'm prepared to call Ted to ask him  
 5 questions so you have a record.  
 6 THE COURT: Okay. Your first witness.  
 7 MR. FEAMAN: Your Honor, if it please the  
 8 Court, I have prepared an opening statement, if  
 9 Your Honor would allow it.  
 10 THE COURT: Okay.  
 11 MR. FEAMAN: It's fairly brief.  
 12 THE COURT: Okay. Go ahead.  
 13 MR. FEAMAN: All right. Thank you, Your  
 14 Honor.  
 15 If I may approach the --  
 16 THE COURT: Sure.  
 17 MR. FEAMAN: I represent Mr. Stansbury.  
 18 And I want to set a little predicate as to who  
 19 Mr. Stansbury is. He's a creditor of the  
 20 estate, because he's a plaintiff and the estate  
 21 is one of the defendants.  
 22 However, Your Honor, Mr. Stansbury is a  
 23 lot more than that as it relates to Ted  
 24 Bernstein. Because before the passing of Simon  
 25 Bernstein, which brings us here today,

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1 Mr. Stansbury brought suit against Simon  
 2 Bernstein, but also his son Ted Bernstein, both  
 3 in their individual capacities and various  
 4 corporations that they controlled.  
 5 During the time that Mr. Stansbury, who is  
 6 in the courtroom today, did business with the  
 7 Bernsteins through life insurance companies.  
 8 Now, the claims in the underlying estate are  
 9 for breach of fiduciary duty against both  
 10 father and son, breach of contract, fraud in  
 11 the inducement.  
 12 And while it may seem on the surface that  
 13 as co-defendants their interests are aligned,  
 14 it's not, because it's a multi-count complaint,  
 15 Your Honor. And one of the iterations of the  
 16 complaint is attached to our submission.  
 17 We have a second complaint. The second  
 18 complaint, Your Honor, which is more relevant.  
 19 The second amended complaint --  
 20 THE COURT: And these are circuit civil  
 21 actions, correct?  
 22 MR. FEAMAN: Yes, Your Honor. They're in  
 23 Judge Peter Blanc's division.  
 24 And the second amended complaint, which is  
 25 actually the operative document. I apologize,

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1 Your Honor, the amended complaint was attached.  
 2 May I approach?  
 3 THE COURT: Sure.  
 4 MR. FEAMAN: Thank you. And it's marked  
 5 as Stansbury's Exhibit B, Your Honor.  
 6 I'd like to draw your attention first to  
 7 Count IV of the second amended complaint,  
 8 because Count IV is a count against Mr. Ted  
 9 Bernstein, but it's not against Simon  
 10 Bernstein.  
 11 And there are other claims throughout  
 12 this complaint which show that while they're  
 13 co-defendants, as discovery progresses, Your  
 14 Honor, it can easily come to pass that there  
 15 could be cross-claims between the co-defendants  
 16 for indemnification or contribution depending  
 17 on the degree of negligence that a jury may  
 18 assign at some point.  
 19 So we would ask that because of that, Your  
 20 Honor, there is clear conflict of interest that  
 21 would -- that arises because Mr. Ted Bernstein,  
 22 should he become appointed as the either  
 23 curator or successor personal representative,  
 24 as an individual defendant and managing the  
 25 affairs of the estate, there can easily be

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1 overlap.  
 2 The estate could be used to pay his  
 3 individual attorney's fees and it creates, I  
 4 think, a whole host of conflicts that the  
 5 children certainly, it seems to me, would be  
 6 very weary of. Children of the other siblings  
 7 of Mr. Simon Bernstein and the grandchildren.  
 8 Now, in addition to that, Your Honor,  
 9 there are emails which are attached to our  
 10 response. And we would intend to offer those  
 11 as exhibits today.  
 12 The email shows a concerted effort by Ted  
 13 Bernstein to keep assets that might otherwise  
 14 be payable to the estate to go directly to the  
 15 children of Simon Bernstein, specifically for  
 16 the purpose of avoiding Mr. Stansbury as a  
 17 creditor.  
 18 And, as Your Honor knows, one of the jobs  
 19 of the personal representative is to watch out  
 20 for all of the interested parties in the  
 21 estate, which would include Mr. Stansbury as a  
 22 creditor. And the emails show that  
 23 Mr. Stansbury is even mentioned by name.  
 24 They filed a lawsuit up in Chicago in  
 25 order to have the insurance company Heritage

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1 direct the proceeds of the life insurance  
 2 policy on Simon Bernstein's life directly to  
 3 the kids rather than to the estate.  
 4 Right there that sets up a terrible  
 5 conflict of interest based on his past conduct.  
 6 THE COURT: Who is the beneficiary of the  
 7 life insurance?  
 8 MR. FEAMAN: Well, that's what's in  
 9 dispute, Your Honor, because they claim that  
 10 there is an insurance trust that set up the  
 11 children as the beneficiaries. However, the  
 12 insurance trust is lost and nobody can find it.  
 13 So Heritage said, in the absence of a  
 14 designated beneficiary, as you know, it should  
 15 go to the estate.  
 16 So there is an impleader action going on  
 17 up in the Northern District of Illinois. And  
 18 that is in direct response of Ted Bernstein  
 19 trying to direct those -- and, by the way, it's  
 20 not an insubstantial sum, Your Honor, it's  
 21 \$1.7 million. My client's claims against the  
 22 estate are that and more.  
 23 So this is very significant that  
 24 Mr. Bernstein would try to redirect that, which  
 25 certainly he has the -- if he thinks he has the

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1 right to do, Your Honor.  
 2 I don't blame Mr. Bernstein in his  
 3 individual capacity to try to keep money out of  
 4 the estate if he's a beneficiary of the estate,  
 5 but once he crosses that line as the personal  
 6 representative --  
 7 THE COURT: You're kind of going out of  
 8 opening statement to closing argument.  
 9 MR. FEAMAN: Thank you, Your Honor. I'll  
 10 move on.  
 11 And then further, Your Honor, the law is  
 12 such that Ted Bernstein has made  
 13 misrepresentations to this Court and others in  
 14 the past in connection with the Shirley  
 15 Bernstein estate and in connection with this  
 16 estate and other governmental authorities'  
 17 evidence we would put on, which would show that  
 18 Ted Bernstein is, outside of the conflict of  
 19 interest, is not otherwise qualified based on  
 20 his basic character in how he has conducted  
 21 himself in the past, which, as Your Honor  
 22 knows, since there is no preference, Your Honor  
 23 is allowed to take in the totality of the  
 24 situation as to whether Mr. Bernstein should be  
 25 appointed as a personal representative.

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1 THE COURT: I've got it for opening  
 2 statement purposes. I understand what you're  
 3 saying. I'll let you present some evidence.  
 4 MR. FEAMAN: Thank you.  
 5 THE COURT: Do you have an opening,  
 6 counsel, that you want to give?  
 7 MR. GLASKO: No, sir.  
 8 THE COURT: All right. So let me ask  
 9 this. Mr. Pankauski, Mr. Feaman suggested  
 10 through an oral motion, which I'm not going to  
 11 act on, that there may be grounds to disqualify  
 12 you from representing Ted Bernstein and sort of  
 13 discussed it a little bit in open court.  
 14 I've already said and he's required by the  
 15 rule to put it in writing. He suggested that  
 16 there may have been some prior representation  
 17 of Eliot Bernstein.  
 18 I want to do something right now that I  
 19 think is appropriate. I'm going to recess for  
 20 a few minutes and I want you to talk to Mr.  
 21 Feaman outside so there is no record of this  
 22 discussion, because I want, if a motion is  
 23 filed, I want it to be in writing.  
 24 But I think what I want you to do,  
 25 Mr. Feaman, is tell him as much as you know

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1 about the situation. And then you, having  
 2 heard it, let me know whether you still think  
 3 it's appropriate to go forward with  
 4 representing Ted or that there's a bona fide  
 5 reason that under the conflict of interest  
 6 rules you can't.  
 7 MR. PANKAUSKI: Understood.  
 8 THE COURT: So go ahead. Let's do that  
 9 first and then we'll get back.  
 10 Just let my bailiff know when you are  
 11 ready.  
 12 (Brief recess taken.)  
 13 THE COURT: Okay. So were you able to  
 14 have that informal conversation?  
 15 MR. PANKAUSKI: Yes, Your Honor.  
 16 MR. FEAMAN: Yes, Your Honor.  
 17 THE COURT: So are you still going to go  
 18 forward with that written motion?  
 19 MR. FEAMAN: Yes.  
 20 THE COURT: Okay. And is there a bona  
 21 fide basis for the filing of the motion?  
 22 MR. PANKAUSKI: No, Your Honor. In fact,  
 23 I'm content to have you decide whether I'm  
 24 disqualified right here and right now.  
 25 THE COURT: Yeah, but I can't do that

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1 without it in writing. I just did a little  
 2 research on that, because I think I've had this  
 3 issue come up one time before that actually got  
 4 this far. And I think, one, it has to be in  
 5 writing because there is some verification  
 6 requirements.  
 7 MR. FEAMAN: Right.  
 8 THE COURT: So the form of it is  
 9 important.  
 10 I dealt with this issue in a family law  
 11 case, but it was long enough ago that I tried  
 12 to pull the order that I wrote, but it's not  
 13 imaged, so I can't get it, so I could get a  
 14 better handle on what the standards were, given  
 15 that the representation was that you had  
 16 consulted with another party, that is Eliot  
 17 Bernstein, in some form.  
 18 And that was exactly the issue in this  
 19 other case that I dealt with. If you want, I  
 20 can tell you what the other case is in a few  
 21 moments.  
 22 The only thing I'm thinking about, though,  
 23 is with a motion to disqualify, I'm not certain  
 24 now whether it's appropriate to go forward on  
 25 these motions that are left. And I think not,

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1 because that's what I also double-checked,  
 2 because when a motion to disqualify comes,  
 3 whether of counsel or of a court, if it was a  
 4 judge, you have to stop and do that without  
 5 question. It's a little bit less certain on a  
 6 lawyer, but the word is that it's a better  
 7 practice to dispose of those immediately.  
 8 I mean, it has to be writing. I don't  
 9 think they could ever get it written that  
 10 quickly that I could get it served on  
 11 everybody, so I'm going to have to hear those  
 12 first before I can hear the remaining motions.  
 13 What I will do is, if you tell me, Mr.  
 14 Feaman, how quickly you can get it, I'll set  
 15 this right away. I'll set it now. And I'll  
 16 set the motion to appoint a curator for the  
 17 same time.  
 18 We're leaving enough time so we can hear  
 19 the motion to disqualify. And then if it's  
 20 granted, it's granted. And then we're not  
 21 going to probably be able to go forward on  
 22 their motion because Ted would be pro se. And  
 23 there is no competing motions, correct?  
 24 MR. FEAMAN: Ted is also represented by  
 25 Mr. Rose here, so he is not without counsel.

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1 THE COURT: Okay. Well, Mr. --  
 2 MR. FEAMAN: But I don't know if he's --  
 3 THE COURT: Right, but he wants  
 4 Mr. Pankauski for purposes of this motion.  
 5 MR. FEAMAN: I'll file that motion  
 6 tomorrow, Your Honor. I have no interest in  
 7 trying to delay.  
 8 THE COURT: Sure, I understand that. So  
 9 let me just see how -- now we have this new  
 10 calendaring system. Let me see how this thing  
 11 works.  
 12 Okay. All right. So, I mean, what I'm  
 13 going to say now would take everyone to want to  
 14 be able to do this. If you can literally get  
 15 it done immediately, I have time tomorrow  
 16 afternoon that opened, if everyone can do it.  
 17 MR. FEAMAN: I could file it by  
 18 5:00 o'clock tomorrow, Your Honor. I can't get  
 19 it done. I've got a hearing on Thursday in  
 20 another court I have to prepare for. I have a  
 21 meeting with a client in Delray later today.  
 22 THE COURT: All right. Let me look.  
 23 Hold on. This is -- I don't have, they  
 24 don't let me have a book anymore. They took it  
 25 away from me. And now they make the computer

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1 calendar so small I can barely read it, so I'm  
 2 trying.  
 3 So how about the 27th, a week from  
 4 Thursday? I have two hours I can give you.  
 5 MR. PANKAUSKI: Your Honor, I'm leaving  
 6 for an overseas vacation next Tuesday, so I'm  
 7 out till about March 15th.  
 8 THE COURT: All right. Then we've got to  
 9 do this before. So let's see. Let me go back  
 10 to the beginning.  
 11 I know it's going to be inconvenient, Mr.  
 12 Feaman, but it really would be helpful. And I  
 13 understand it may be an abbreviated way of  
 14 doing it. Maybe your assistant can help you.  
 15 Is there any way you can get it done by the end  
 16 of the day or first thing in the morning?  
 17 I mean, everyone is here. That way I can  
 18 do it tomorrow afternoon.  
 19 MR. FEAMAN: Okay.  
 20 THE COURT: Okay. Because, I mean, I just  
 21 don't have time and now that I know that.  
 22 MR. FEAMAN: We'll try to get it done by  
 23 noon?  
 24 THE COURT: Okay. How about that?  
 25 MR. PANKAUSKI: That's fine, Your Honor.

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1       What time would you like us here tomorrow?  
2       THE COURT: Hold on, let me just go back.  
3       All right. Two-thirty tomorrow. And you  
4       have from 2:30 to 5:00 then. I'll expand the  
5       time that you had for today. So between the  
6       motion to disqualify and then the evidentiary  
7       hearing on the motion to appoint.  
8       MR. PANKAUSKI: Thank you, Your Honor.  
9       THE COURT: Okay. We'll do that all. We  
10      have two-and-a-half hours. Does that give you  
11      enough time?  
12      MR. PANKAUSKI: Yes, Your Honor.  
13      THE COURT: You think so, everyone?  
14      MR. FEAMAN: Yes, sir.  
15      MR. GLASKO: You said 1:30, Judge?  
16      THE COURT: Two-thirty.  
17      MR. GLASKO: Judge, may I have permission  
18      to appear by phone at the beginning of the  
19      hearing? I'm coming down at 1:00 o'clock.  
20      THE COURT: Sure. Yeah, if you'll just  
21      tell counsel, I'll just call you directly from  
22      my office phone until you get here. You don't  
23      even have to go on CourtCall.  
24      All right. So, Mr. Feaman, I'm going to  
25      give you my fax number. Fax me over a copy of

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1       your motion.  
2       Ready? (561)274-1418.  
3       And really it's right, because now that  
4       I'm looking, I have another case where there is  
5       a hearing, an evidentiary hearing set for next  
6       Monday, and there is a motion to disqualify  
7       counsel and I have that set for Thursday.  
8       And I remember why I did that, because I  
9       thought the better practice was to have that  
10      done before the hearing on which the matter is  
11      set.  
12      So, okay. So file that motion. And then  
13      I'll do both of them and everything else that  
14      we have to do on this tomorrow starting at  
15      2:30. Okay?  
16      All right. Thanks, everybody.  
17      MR. PANKAUSKI: Your Honor, I feel it's  
18      important that we disclose something to you.  
19      THE COURT: Okay.  
20      MR. PANKAUSKI: The reason the personal  
21      representatives resigned is because, in the  
22      course of this estate administration, evidently  
23      a fabricated document was discovered. A trust  
24      amendment was fabricated. And my sense is Your  
25      Honor wants to know about that.

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1       THE COURT: Well, I might. And I think  
2       that was brought by Eliot to my attention at  
3       some point before today; isn't that true?  
4       MR. BERNSTEIN: No. Well, part of it is,  
5       but there was an admission to authorities by  
6       Mr. Tescher of alleged, if you believe anything  
7       they say anymore, but that came out that there  
8       was another document on top of the forged one  
9       that also tried to switch beneficiaries.  
10      Which, by the way, Your Honor, Ted's  
11      centrally involved in picking all these  
12      attorneys who are bleeding this --  
13      THE COURT: Well, that's what tomorrow's  
14      hearing is. Let's not pickpocket yet.  
15      Okay. Well, so, I mean, prior hearings  
16      reveal the issue of forgery, I don't know what  
17      documents, I don't remember them, that existed.  
18      It may be more than one.  
19      MR. PANKAUSKI: But I'm learning from  
20      Mr. Rose and Mr. Bernstein, Ted, is Your Honor  
21      dealt with a back-dated notary clause.  
22      THE COURT: Okay.  
23      MR. PANKAUSKI: There is another instance  
24      of a trust amendment, an entire trust  
25      amendment, that was evidently fabricated that

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1       was disclosed to my client back in January.  
2       THE COURT: All right.  
3       MR. PANKAUSKI: And so my sense is that's  
4       one of the things that this Court wants to know  
5       about.  
6       THE COURT: Well, okay. I'll hear  
7       anything that you think on the issue of -- I  
8       mean, everyone is in agreement that now that  
9       Tescher and Spallina are off, someone has to  
10      take their place, true?  
11      MR. PANKAUSKI: Yes, Your Honor.  
12      THE COURT: I mean, we're not going to  
13      have a vacuum there. So, I mean, this part  
14      isn't too complicated. The issues are Ted,  
15      Eliot, or a curator who is not related to those  
16      two?  
17      MR. PANKAUSKI: Yes, Your Honor.  
18      THE COURT: So we can get that done  
19      tomorrow afternoon.  
20      Okay. Thanks. See you then.  
21      MR. GLASKO: Judge, --  
22      THE COURT: Yes.  
23      MR. GLASKO: -- I'm sorry, I'd like to  
24      ask. I only have the motions that were heard  
25      today. I'd just like to ask counsel -- I'll

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1 give you my card, because I'd like to ask  
2 counsel to deliver the motions for tomorrow to  
3 me tonight, if you'd be so kind.

4 MR. PANKAUSKI: Well, he's filing,  
5 Mr. Feaman is filing the motion for tomorrow.

6 MR. GLASKO: Whatever is being heard  
7 tomorrow.

8 THE COURT: Yeah, give him an extra copy  
9 of the motion -- here, take mine.

10 MR. PANKAUSKI: I've got one, Judge.

11 THE COURT: The motion for appointment you  
12 can take. I have Mr. Feaman's response. Do  
13 you have that already?

14 MR. GLASKO: I do not.

15 THE COURT: They'll give that to you.

16 Thank you very much.

17 (The hearing was adjourned.)  
18  
19  
20  
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1 CERTIFICATE OF REPORTER

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3 THE STATE OF FLORIDA, )  
4 COUNTY OF PALM BEACH. )  
5

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10 and that such transcription, Pages 1 through 46,  
11 herein is a true and accurate record of my  
12 stenographic notes.

13 I further certify that I am not a  
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24  
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IN THE FIFTEENTH JUDICIAL CIRCUIT COURT  
 IN AND FOR PALM BEACH COUNTY, FLORIDA  
 PROBATE DIVISION  
 CASE NO. 502012CP004391XXXXSB

IN RE:

ESTATE OF SIMON L. BERNSTEIN,

Deceased.

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ELIOT IVAN BERNSTEIN, PRO SE,

Petitioner,

vs.

TESCHER & SPALLINA, P.A., (and all  
 parties, associates and of counsel);  
 ROBERT L. SPALLINA (both personally  
 and professionally); DONALD R. TESCHER  
 (both personally and professionally);  
 THEODORE STUART BERNSTEIN  
 (as alleged personal representative, trustee,  
 successor trustee) (both personally and  
 professionally); et al.,

Respondents.

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 PROCEEDINGS BEFORE THE  
 HONORABLE MARTIN H. COLIN  
 VOLUME II  
 - - -

DATE: FEBRUARY 19, 2014

TIME: 2:30 P.M. - 5:03 P.M.