

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

PROBATE DIVISION
CASE NO. 5021012CP004391XXXXSB

IN RE: ESTATE OF SIMON L. BERNSTEIN
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CURATOR'S AMENDED PETITION FOR INSTRUCTION
REGARDING SCOPE OF INVOLVEMENT IN FLORIDA LITIGATION

COMES NOW, Curator, Benjamin P. Brown ("Curator"), by and through undersigned counsel, files this Motion for Instruction Regarding Scope of Involvement in Florida Litigation ("Motion"), and states as follows:

1. On February 25, 2014, this Court entered an Order on "Interested Person" William Stansbury's Motion for the Appointment of a Curator or Successor Personal Representative ("Order Appointing Curator"), appointing Benjamin P. Brown as Curator. On March 11, 2014, this court entered Letters of Curatorship in Favor of Benjamin Brown ("Letters of Curatorship").

2. Litigation involving the Decedent was pending when the Decedent died (Case No. 502012CA013933 (Circuit Court, Palm Beach County, FL)) (the "Florida Case").

3. William Stansbury ("Stansbury"), Plaintiff in the Florida Case, filed a statement of claim as to the Florida Case on November 6, 2012. Robert Spallina, as Co-Personal Representative of the Estate, objected to the claim on February 5, 2013.

4. On March 4, 2013 Stansbury filed a Notice of Independent Action in the Estate regarding the Florida Case.

5. The Letters of Curatorship authorize the Curator to appear in the Florida Case on behalf of the Estate and to evaluate all discovery requests related to the Decedent for purposes of asserting objections and privileges on behalf of the Estate.

6. The Curator has no knowledge of the factual basis of the Florida Case beyond what has been alleged in the pleadings (to the extent any of such allegations are true).

7. The Curator believes that Co-Defendant Ted Bernstein in the Florida case has interests and positions substantially identical to those that would be asserted by the Estate in the Florida Case. Ted Bernstein also apparently was a business partner of the decedent in each of the entities named as Co-Defendants, and upon information and belief was primarily responsible for the management of those entities during the material time periods in the Florida Case. Ted Bernstein's counsel in the Florida Case is apparently representing each of the entity Co-Defendants as well.

8. The Order Appointing the Curator limits fee payments to the Curator to \$5,000.00 increments without Court approval.

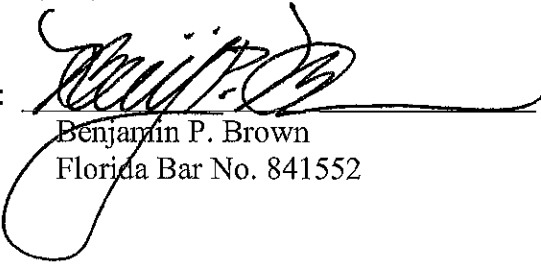
9. Accordingly, the Curator seeks instructions regarding the Florida Case. Given the limitations imposed by this Court as to the Curator's fees and the Curator's limited knowledge of the Florida Case, the Curator suggests that the Court authorize the Curator to allow Ted Bernstein to take the lead in the litigation and, further, that the Curator may, in his discretion, simply monitor the proceedings as necessary to protect the Estate.

WHEREFORE, the Curator respectfully requests that this Court enter an Order providing instructions regarding the level of the Curator's involvement with respect to the matters described above, and awarding such other relief as this Court deems just and proper.

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by e-mail upon Alan Rose, Esq., Page Mrachek, 505 S. Flagler Drive, Suite 600, West Palm Beach, FL 33401, arose@pm-law.com and mchandler@pm-law.com; John Pankauski, Esq, Pankauski Law Firm, 120 S. Olive Ave., Suite 701, West Palm Beach, FL 33401, courtfilings@pankauskilawfirm.com, Peter M. Feaman, Esq., Peter M. Feaman, P.A., 3615 W. Boynton Beach Blvd., Boynton Beach, FL 33436, service@feamanlaw.com; Eliot Bernstein, 2753 NW 34th Street, Boca Raton, FL 33434, iviewit@iviewit.tv; William H. Glasko, Esq., Golden Cowan, Palm Palmetto Bay Law Center, 17345 S. Dixie Highway, Palmetto Bay FL 33157, bill@palmettobaylaw.com, on this 24 day of March, 2014.

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By: _____


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