

Ben Brown

From: Ben Brown
Sent: Friday, May 02, 2014 9:11 AM
To: David Simon
Cc: molly.simon1203@gmail.com; alb07c@gmail.com;
eberstein@lifeinsuranceconcepts.com; mchl_bernstein@yahoo.com;
tbernstein@lifeinsuranceconcepts.com; Alan Rose (ARose@mrachek-law.com); Ben
Brown; John Pankauski (john@pankauskilawfirm.com)
Subject: RE: Curator's Amended Motion
Attachments: Re: Curator's Amended Motion; Re: Curator's Amended Motion; Re: Curator's Amended
Motion; Bernstein - Curator's Amended Petition for Instructions (life insurance).pdf;
Bernstein - Letters of Curatorship.pdf

Mr. Simon:

This acknowledges receipt of your e-mail as well as the attached e-mails. Subject to your family and other relatives retaining counsel to appear in the probate proceeding, I will provide the Court with copies of your e-mails at any hearing involving the Illinois Case. The beneficiary of the Estate is the Simon Bernstein Trust, which is represented by counsel who I have copied.

Please be advised that the attached April 29, 2014 amended motion by the Curator does not seek appointment of Mr. Stansbury as administrator ad litem. As the motion explains, Eliot Bernstein provided information and requested the Curator to take action immediately, including appearing in the Illinois Case. Accordingly, the amended motion seeks instructions from the Court, as Fla. Stat. §733.603 authorizes, in part because of what the Curator believes could be substantial costs associated with any participation by the Estate, via the Curator, in the Illinois Case.

Mr. Stansbury made his own motion under Fla. Stat. §733.308 on March 14, 2014 (an exhibit to the Curator's motion), and it is that motion that is set for hearing May 23, 2014. The Curator has not joined in that motion. I am not sure why you accuse me of communicating directly with Mr. Stansbury, when in fact I have never met, spoken to or otherwise communicated directly with the man. As Curator, I have only communicated with his counsel. As Curator, I intend to continue on that course of action.

You are probably aware of the March 11, 2014 letters issued to the Curator. They are attached for your convenience. You will see that they grant the Curator the power to collect assets of the Estate and to appear for the Estate in the Illinois Case. They also permit the Curator to invoke the jurisdiction of the Court to

resolve questions concerning the Estate or its administration (as per section 733.603). The Curator has invoked the Court's jurisdiction to determine the question of what if any role the Curator should take in connection with the Illinois Case, given the situation described at paragraph 3 of the attached amended motion and, as stated above, anticipated costs of involvement in that litigation.

These statements from your letter are categorically denied:

- a) "You are wasting estate money and unnecessarily compromising the estate's ability to aggressively litigate the Stansbury case."
- b) Any allegation that the Curator is breaching any fiduciary duty.

Please be advised that by specifically denying those statements, the Curator does not admit nor agree with any other statements in your e-mail except as specifically provided herein

Finally, you should be advised that Fla. Stat. §733.602(1) provides that a personal representative (see, also, Fla. Stat. §733.501) must use his/her/its authority for the best interests of interested persons, including creditors.

Sincerely,

Ben Brown, Curator

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From: David Simon [mailto:dsimon@chicago-law.com]
Sent: Thursday, May 01, 2014 4:56 PM
To: Ben Brown

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Subject: Curator's Amended Motion

Mr. Brown,

This email is written confirmation that the following beneficiaries, Ally Bernstein, Eric Bernstein, Michael Bernstein and Molly Simon, vehemently oppose your motion to appoint an administrator to intervene in the Illinois life insurance litigation. We especially oppose the appointment of Mr. Stansbury, a creditor suing the estate. We are in the process of hiring Florida counsel to appear on the 23rd on our behalf.

Mr. Stansbury has obvious conflicts with the estate and us, as beneficiaries. We demand you oppose his appointment and believe it may be a breach of fiduciary duty to do otherwise. Further Mr. Stansbury was already denied in his attempt to intervene in the Illinois litigation. You are wasting estate money and unnecessarily compromising the estate's ability to aggressively litigate the Stansbury case. We demand that you cease and desist all communication with Mr. Stansbury except through counsel or as required by court proceedings.

I do not represent any of the parties in this matter. Thus I ask each of Ally, Eric, Michael and Molly to email to Mr. Brown their agreement with this email. Further based upon the representations to date in the Illinois litigation, I believe Max Friedstein, Lisa Friedstein on behalf of Carley Friedstein and Jill Iantoni on behalf of Julia Iantoni will also agree to the statements contained in this email. They are already represented by counsel in the Florida litigation.

Thank you in advance for your immediate attention to this matter.

Truly Yours,
David B. Simon
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