

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

IN RE:

CASE NO. 502012CP004391XXXXNBIH

ESTATE OF SIMON L. BERNSTEIN,

_____ /

**ORDER ON CASE MANAGEMENT CONFERENCE AND
ORDER SPECIALLY SETTING HEARINGS**

THIS CAUSE came before the Court for a Case Management Conference on November 22, 2016. The Court, having heard statements from the counsel and unrepresented persons present, having reviewed the file, and being otherwise advised in the premises, hereby ORDERS and ADJUDGES:

1. The matters set forth below have been specially set for hearing before Honorable Rosemarie Scher in Courtroom 4 of the Palm Beach County Courthouse, North Branch: 3188 PGA Boulevard, Palm Beach Gardens, FL 33410 on **February 16, 2017 at 2:30 p.m.** (1 ½ hours reserved) and to be continued on **March 2, 2017 at 1:30 p.m.** (2 hours reserved), in the order and manner specified below.

2. The Court first will consider the issues raised by William Stansbury concerning his attempt to compel the disqualification of the Mrachek Law Firm and attorney Alan B. Rose, Esq. from representing the Personal Representative of the Estate in the independent action filed by Stansbury against the Estate, as set forth in the following filings:

A. Stansbury's Motion to Vacate in Part the Court's Ruling on September 7, 2016 and/or any Subsequent Order Permitting the Estate of Simon Bernstein to Retain Alan Rose [DE 497]

B. Stansbury's Motion to Disqualify Alan Rose and Page, Mrachek, Fitzgerald, Rose, Konopka, Thomas & Weiss, as Legal Counsel for the Estate of Simon Bernstein Due to Inherent Conflict of Interest [DE 508]

C. Trustee's Motion to Approve Retention of Counsel and to Appoint Ted S. Bernstein as Administrator Ad Litem to Defend Claim Against Estate by William Stansbury [DE 471]

D. Trustee's Omnibus Response and Reply regarding DEs 471, 475, 497 [DE 507]

If the hearing on the foregoing matters is not concluded on February 16, 2017, that hearing will continue on March 2, 2017.

3. If the matters listed above are concluded and if time permits on February 16, 2017, the Court will consider other pending Motions in the following order:

Stansbury's Motion for Discharge:

Stansbury's Motion of Creditor for Discharge from Further Responsibility for the Funding of the Estate's Participation in the Chicago Life Insurance Litigation and for Assumption of Responsibility by the Estate and for Reimbursement of Advanced Funds [DE 448], seeking to vacate, alter or amend Judge Colin's Order [DE 133: *Order Appointing Administrator Ad Litem to Act on Behalf of Estate of Simon Bernstein etc.*]

Approval of Mediation Settlement:

Ted Bernstein's Motion to Approve Compromise and Settlement; Appoint a Trustee and; Determine Compensation for Guardian Ad Litem [DE 498]

Eliot Bernstein's Motion in Opposition to Plaintiff's Motion to (i) Approve Compromise and Settlement, (ii) Appoint a Trustee for the Trusts Created for D.B., Ja.B. and Jo.B., and (iii) Determine Compensation For Guardian Ad Litem (2) Case Management Conference [DE 505]

If the hearing on these matters is not concluded on February 16, 2017, these matters will be continued on March 2, 2017.

4. At the conclusion of the hearing on February 16, 2017, the Court will consider which of the Motions listed in this Order remain pending, and will determine the order in which pending motions (including those set forth below) will be heard at the continued hearings on March 2, 2017:

Trustee's Motion Ratify and Confirm

Trustee's Motion to Ratify and Confirm Appointment of Ted S. Bernstein as Successor Trustee of Trust Which Is Sole Beneficiary of the Estate [DE 473]

Stansbury's Response in Opposition to Motion to Ratify and Confirm Appointment of Ted S. Bernstein as Successor Trustee of the Simon Bernstein Amended and Restated Trust [DE 495]

Trustee's Omnibus Response and Reply regarding DEs 471, 475, 497 [DE 507]

Stansbury's Petitions

Stansbury's Amended Petition to Determine the Whereabouts of Missing Tangible Personal Property and for Payment of Restitution to the Estate of Simon Bernstein [DE 429]

Stansbury's Demand For Accounting as to Missing Personal Property of the Estate [DE 359]

Personal Representative's Petitions:

Supplemental Petition for Instructions and Review of Compensation of Accountants' Fees and Costs [DE 461] – and – Petition for Instructions and Review of Compensation of Accountants' Fees and Costs [DE 348]

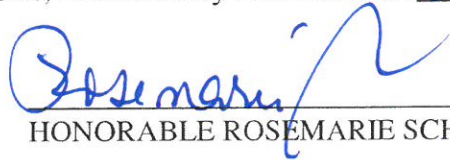
Petition for Authorization to Sell Estate Jewelry [DE 459]

It is further ORDERED AND ADJUDGED that the attorneys/parties must submit to the Court no later than February 9, 2017 prior to the hearing:

1. Copies of all relevant pleadings;
2. Copies of all case law authority - NO MORE THAN THREE CASES PER ISSUE;
3. In compliance with Local Rule 3 proposed order and/or judgment in Word format with jump drive or disc for court and copies and envelopes sufficient for service on all parties; and
4. Any and all materials provided to the Court pursuant to numbers 2 and 3 above shall be provided to opposing party/or counsel with enclosures at the same time and in the same manner as provided to the Court.
5. No other matters shall be piggy backed onto this hearing absent order of this Court.
6. Materials received after February 9, 2017 may not be considered by the Court.

This hearing shall not be cancelled or continued unless the issues of this motion have been settled and an order entered or the motion withdrawn.

DONE AND ORDERED in Chambers, North County Courthouse on Dec 13, 2016.



HONORABLE ROSEMARIE SCHER

cc: All parties on the attached service list

SERVICE LIST Case No.: 502012CP004391XXXXNBH

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This notice is provided pursuant to Administrative Order No. 2.207-9/12

“If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Tammy Anton, Americans with Disabilities Act Coordinator, Palm Beach County Courthouse, 205 North Dixie Highway West Palm Beach, Florida 33401; telephone number (561) 355-4380 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.”

“Si usted es una persona minusválida que necesita algún acomodamiento para poder participar en este procedimiento, usted tiene derecho, sin tener gastos propios, a que se le provea cierta ayuda. Tenga la amabilidad de ponerse en contacto con Tammy Anton, 205 N. Dixie Highway, West Palm Beach, Florida 33401; teléfono número (561) 355-4380, por lo menos 7 días antes de la cita fijada para su comparecencia en los tribunales, o inmediatamente después de recibir esta notificación si el tiempo antes de la comparecencia que se ha programado es menos de 7 días; si usted tiene discapacitación del oído o de la voz, llame al 711.”

“Si ou se yon moun ki enfim ki bezwen akomodasyon pou w ka patisipe nan pwosedi sa, ou kalifye san ou pa gen okenn lajan pou w peye, gen pwovizyon pou jwen kèk èd. Tanpri kontakte Tammy Anton, kòdonatè pwogram Lwa pou ameriken ki Enfim yo nan Tribinal Konte Palm Beach la ki nan 205 North Dixie Highway, West Palm Beach, Florida 33401; telefòn li se (561) 355-4380 nan 7 jou anvan dat ou gen randevou pou parèt nan tribinal la, oubyen imedyatman apre ou fin resevwa konvokasyon an si lè ou gen pou w parèt nan tribinal la mwens ke 7 jou; si ou gen pwoblèm pou w tande oubyen pale, rele 711.”