

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

CASE NO. 4D16-4120
L.T. CASE NO. 502012CA013933MBAN

ELIOT IVAN BERNSTEIN,

Appellant,

v.

WILLIAM E. STANSBURY,
ESTATE OF SIMON L. BERNSTEIN and
BERNSTEIN FAMILY REALTY, LLC,

Appellees.

_____ /

**APPELLEE'S, ESTATE OF SIMON L. BERNSTEIN,
APPENDIX TO RESPONSE TO APPELLANT'S
STATEMENT OF JURISDICTION**

TAB	DATE	DOCUMENT	APPENDIX PAGES
1		Trial court docket	4 - 17
2	June 13, 2014	Plaintiff's Notice of Dropping Party Ted S. Bernstein and the Shirley Bernstein Trust as Parties [DE 212]	18 - 19
3	June 19, 2014	Stipulation for Dropping Parties and Dismissal with Prejudice of Certain Claims and Counterclaims Filed by Plaintiff William E Stansbury [DE 213]	20 - 22
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6	Nov 4, 2016	Estate's Motion to Alter or Amend Style of the Case [DE 285]	38 - 41
7	Nov 7, 2016	Agreed Order on Defendant's, Estate of Simon L. Bernstein, Motion to Alter or Amend Style of the Case [DE 288]	42 - 43

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing has been served by email on all parties listed on the attached service list, this 20th day of December, 2016.

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CASE NUMBER: 50-2012-CA-013933-XXXX-MB

Dockets & Documents ▾
























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Docket Number	Effective Date	Description
1	07/30/2012	ADDITIONAL COMMENTS
2	07/30/2012	CAFF
3	07/30/2012	PENDING
4	07/30/2012	RECEIPT FOR PAYMENT
5	07/30/2012	COMPLAINT
6	07/30/2012	CIVIL COVER SHEET
7	07/31/2012	RECEIPT FOR PAYMENT
8	07/31/2012	SUMMONS ISSUED
9	07/31/2012	SUMMONS ISSUED
10	07/31/2012	SUMMONS ISSUED
11	07/31/2012	SUMMONS ISSUED
12	08/07/2012	SERVICE RETURN (ATTACHED)
13	08/07/2012	SERVICE RETURN (ATTACHED)
14	08/07/2012	SERVICE RETURN (ATTACHED)
15	08/07/2012	SERVICE RETURN (ATTACHED)
16	08/09/2012	NOTICE OF APPEARANCE









	17	09/06/2012	NOTICE OF EMAIL DESIGNATION
	18	09/10/2012	MOTION
	19	09/17/2012	NOTICE OF EMAIL DESIGNATION
	20	09/18/2012	NOTICE OF EMAIL DESIGNATION
	21	09/20/2012	SUGGESTION
	22	09/25/2012	MOTION
	23	10/03/2012	MOTION TO DISMISS
	24	10/15/2012	ORDER SETTING HEARING
	25	10/16/2012	NOTICE OF TAKING DEPOSITION
	26	10/16/2012	SUBPOENA ISSUED
	27	10/19/2012	RE-NOTICE
	28	10/26/2012	OBJECTION
	29	11/06/2012	MOTION
	30	11/09/2012	REQUEST
	31	11/09/2012	REQUEST
	32	11/09/2012	REQUEST
	33	11/14/2012	MOTION
	34	11/14/2012	NOTICE OF FILING
	35	12/11/2012	MOTION FOR PROTECTIVE ORDER
	36	12/28/2012	NOTICE OF HEARING
	37	01/08/2013	RESPONSE TO:
	38	01/14/2013	NOTICE OF EMAIL DESIGNATION
	39	01/14/2013	ORDER DENYING
	40	01/17/2013	ORDER SETTING HEARING















	41	01/23/2013	ORDER
	42	01/25/2013	NOTICE OF HEARING
	43	02/01/2013	NOTICE OF CANCELLATION
	44	02/05/2013	RESPONSE TO:
	45	02/05/2013	RESPONSE TO:
	46	02/05/2013	RESPONSE TO:
	47	02/14/2013	COMPLAINT
	48	02/15/2013	NOTICE OF UNAVAILABILITY
	49	02/20/2013	MOTION
	50	02/21/2013	MOTION TO COMPEL
	51	02/21/2013	MOTION TO COMPEL
	52	02/22/2013	RECEIPT FOR PAYMENT
	53	02/22/2013	SUMMONS ISSUED
	54	02/25/2013	MOTION
	55	02/26/2013	MOTION TO COMPEL
	56	03/01/2013	NOTICE OF HEARING
	57	03/01/2013	SERVICE RETURN (ATTACHED)
	58	03/05/2013	NOTICE OF APPEARANCE
	59	03/05/2013	NOTICE OF EMAIL DESIGNATION
	60	03/07/2013	NOTICE OF APPEARANCE
	61	03/07/2013	NOTICE OF EMAIL DESIGNATION
	62	03/11/2013	ORDER
	63	03/12/2013	ORDER SETTING HEARING
	64	03/18/2013	NOTICE

























	65	03/18/2013	MOTION TO WITHDRAW
	66	03/19/2013	NOTICE OF HEARING
	67	03/21/2013	MOTION TO DISMISS
	68	03/22/2013	AGREED ORDER
	69	03/25/2013	ORDER
	70	03/27/2013	NOTICE OF HEARING
	71	04/04/2013	ANSWER & AFFIRMATIVE DEFENSES
	72	04/08/2013	NOTICE OF EMAIL DESIGNATION
	73	04/10/2013	ORDER
	74	04/12/2013	NOTICE OF APPEARANCE
	75	04/16/2013	NOTICE OF EMAIL DESIGNATION
	76	04/19/2013	RECEIPT FOR PAYMENT
	77	04/19/2013	SUMMONS ISSUED
	78	04/19/2013	SUMMONS ISSUED
	79	04/19/2013	REQUEST FOR COPIES
	80	04/19/2013	ORDER
	81	04/23/2013	SERVICE RETURNED (NUMBERED)
	82	04/23/2013	SERVICE RETURNED (NUMBERED)
	83	04/23/2013	MOTION TO DISMISS
	84	04/23/2013	ANSWER & AFFIRMATIVE DEFENSES
	85	04/23/2013	ANSWER & AFFIRMATIVE DEFENSES
	86	04/23/2013	E-FILED DUPLICATE FILING
	87	05/03/2013	NOTICE OF UNAVAILABILITY
	88	05/06/2013	RECEIPT FOR PAYMENT

























	89	05/10/2013	NOTICE OF APPEARANCE
	90	05/10/2013	NOTICE OF EMAIL DESIGNATION
	91	05/10/2013	MOTION
	92	05/13/2013	MOTION TO DISMISS
	93	05/16/2013	NOTICE OF PRODUCTION NON PARTY
	94	05/17/2013	ORDER SETTING HEARING
	95	05/23/2013	NOTICE OF PRODUCTION NON PARTY
	96	05/31/2013	RESPONSE TO REQ TO PRODUCE
	97	06/03/2013	REQUEST FOR COPIES
	98	06/03/2013	RESPONSE TO:
	99	06/03/2013	RESPONSE TO:
	100	06/03/2013	REQUEST TO PRODUCE
	101	06/04/2013	ANSWER & AFFIRMATIVE DEFENSES
	102	06/04/2013	AGREED ORDER
	103	06/06/2013	REQUEST FOR COPIES
	104	06/07/2013	REQUEST FOR COPIES
	105	06/13/2013	ORDER
	106	06/13/2013	ORDER
	107	06/17/2013	ORDER SETTING HEARING
	108	06/18/2013	NOTICE OF FILING INTERROGS
	109	06/21/2013	MOTION
	110	06/21/2013	CROSS/COUNTER/3RD - CA
	111	06/21/2013	ANSWER & AFFIRMATIVE DEFENSES
	112	06/26/2013	NOTICE OF UNAVAILABILITY





















	113	06/27/2013	NOTICE OF UNAVAILABILITY
	114	07/12/2013	SUBPOENA RETURNED / SERVED
	115	07/12/2013	NOTICE OF SERVICE
	116	07/12/2013	SUBPOENA RETURNED / SERVED
	117	07/12/2013	NOTICE OF SERVICE
	118	07/12/2013	NOTICE OF SERVICE
	119	07/12/2013	NOTICE OF SERVICE
	120	07/12/2013	NOTICE OF SERVICE
	121	07/12/2013	SUBPOENA RETURNED / SERVED
	122	07/12/2013	NOTICE OF SERVICE
	123	07/12/2013	SUBPOENA RETURNED / SERVED
	124	07/12/2013	SUBPOENA RETURNED / SERVED
	125	07/12/2013	SUBPOENA RETURNED / SERVED
	126	07/12/2013	NOTICE OF SERVICE
	127	07/12/2013	SUBPOENA RETURNED / SERVED
	128	07/12/2013	SUBPOENA RETURNED / SERVED
	129	07/12/2013	SUBPOENA RETURNED / SERVED
	130	07/12/2013	SUBPOENA RETURNED / SERVED
	131	07/12/2013	SUBPOENA RETURNED / NOT SERVED
	132	07/12/2013	NOTICE OF SERVICE
	133	07/12/2013	SUBPOENA RETURNED / SERVED
	134	07/12/2013	SUBPOENA RETURNED / SERVED
	135	07/12/2013	SUBPOENA RETURNED / SERVED
	136	07/12/2013	SUBPOENA RETURNED / NOT SERVED





















	137	07/12/2013	SUBPOENA RETURNED / SERVED
	138	07/15/2013	AGREED ORDER
	139	07/15/2013	AGREED ORDER
	140	07/17/2013	SUBPOENA RETURNED / SERVED
	141	07/18/2013	OBJECTION
	142	07/18/2013	NOTICE OF UNAVAILABILITY
	143	07/25/2013	ANSWER & AFFIRMATIVE DEFENSES
	144	07/26/2013	NOTICE OF PRODUCTION NON PARTY
	145	07/29/2013	ORDER SETTING HEARING
	146	08/01/2013	ORDER
	147	08/02/2013	OBJECTION
	148	08/05/2013	OBJECTION
	149	08/05/2013	REPLY TO AFFIRMATIVE DEFENSES
	150	08/05/2013	OBJECTION
	151	08/08/2013	SUBPOENA RETURNED / SERVED
	152	08/09/2013	SUBPOENA RETURNED / SERVED
	153	08/23/2013	AGREED ORDER
	154	09/04/2013	COMPLAINT
	155	09/05/2013	RESPONSE TO REQ TO PRODUCE
	156	09/11/2013	SUBPOENA RETURNED / SERVED
	157	09/24/2013	CROSS/COUNTER/3RD - CA
	158	09/24/2013	ANSWER & AFFIRMATIVE DEFENSES
	159	09/27/2013	ANSWER & AFFIRMATIVE DEFENSES
	160	09/27/2013	ANSWER & AFFIRMATIVE DEFENSES





















	161	09/30/2013	SERVICE RETURNED (NUMBERED)
	162	09/30/2013	ORDER
	163	10/01/2013	RECEIPT FOR PAYMENT
	164	10/03/2013	NOTICE OF SERVICE
	165	10/10/2013	SUBPOENA RETURNED / SERVED
	166	10/16/2013	NOTICE OF SERVICE
	167	10/30/2013	NOTICE OF UNAVAILABILITY
	168	11/01/2013	REPLY/RESPONSE
	169	11/01/2013	ORDER SETTING HEARING
	170	11/04/2013	MOTION FOR EXTENSION OF TIME
	171	11/05/2013	NOTICE OF HEARING
	172	11/12/2013	NOTICE
	173	11/13/2013	NOTICE OF CANCELLATION
	174	11/15/2013	NOTICE OF TAKING DEPOSITION
	175	11/15/2013	ORDER
	176	11/25/2013	RE-NOTICE OF TAKING DEPOSITION
	177	11/26/2013	MOTION
	178	11/27/2013	SUBPOENA RETURNED / SERVED
	179	12/02/2013	AGREED ORDER
	180	12/12/2013	REPLY/RESPONSE
	181	12/20/2013	NOTICE OF FILING
	182	01/10/2014	MOTION TO WITHDRAW
	183	01/13/2014	MOTION TO WITHDRAW
	184	01/13/2014	NOTICE OF HEARING






	185	01/20/2014	REQUEST TO PRODUCE
	186	01/20/2014	REQUEST TO PRODUCE
	187	01/22/2014	CONSENT
	188	01/31/2014	MOTION TO WITHDRAW
	189	02/26/2014	MOTION
	190	03/05/2014	MOTION
	191	03/05/2014	NOTICE OF HEARING
	192	03/10/2014	OBJECTION
	193	03/11/2014	NOTICE OF APPEARANCE
	194	03/11/2014	NOTICE OF UNAVAILABILITY
	195	03/11/2014	NOTICE OF PRODUCTION NON PARTY
	196	03/13/2014	ORDER
	197	03/14/2014	NOTICE OF APPEARANCE
	198	03/17/2014	OBJECTION
	199	03/18/2014	RETURNED MAIL
	200	03/21/2014	MOTION TO COMPEL
	201	03/21/2014	NOTICE OF UNAVAILABILITY
	202	03/28/2014	NOTICE OF UNAVAILABILITY
	203	04/01/2014	SUBPOENA ISSUED
	204	04/25/2014	ORDER SETTING HEARING
	205	04/29/2014	RESPONSE TO:
	206	04/30/2014	NOTICE OF CHANGE OF:
	207	05/05/2014	ORDER
	208	05/22/2014	MOTION TO COMPEL

	209	05/22/2014	MOTION TO COMPEL
	210	06/04/2014	NOTICE OF MEDIATION
	211	06/05/2014	NOTICE OF MEDIATION
	212	06/13/2014	NOTICE OF DROPPING PARTY
	213	06/19/2014	STIPULATION
	214	06/23/2014	ORDER OF DISMISSAL
	215	06/25/2014	MOTION
	216	07/15/2014	NOTICE OF UNAVAILABILITY
	217	11/13/2014	NOTICE OF PRODUCTION NON PARTY
	218	12/15/2014	SUBPOENA RETURNED / SERVED
	219	12/15/2014	SUBPOENA RETURNED / SERVED
	220	12/15/2014	SUBPOENA RETURNED / SERVED
	221	12/23/2014	NOTICE OF UNAVAILABILITY
	222	01/22/2015	NOTICE OF UNAVAILABILITY
	223	02/05/2015	NOTICE OF CHANGE OF:
	224	03/24/2015	NOTICE OF UNAVAILABILITY
	225	11/24/2015	NOTICE OF UNAVAILABILITY
	227	03/16/2016	REQUEST TO PRODUCE
	228	04/06/2016	NOTICE PROPOSAL FOR SETTLEMENT (F/B BRIAN M. O'CONNELL)
	229	05/02/2016	MOTION TO COMPEL
	230	05/10/2016	NOTICE OF UNAVAILABILITY
	231	05/16/2016	MOTION TO COMPEL
	232	05/26/2016	NOTICE OF HEARING
	233	05/26/2016	NOTICE OF TAKING DEPOSITION

	234	05/26/2016	NOTICE OF TAKING DEPOSITION
	235	05/26/2016	NOTICE SUBPOENA DUCES TECUM FOR DEPOSITION AS TO DONALD R TESCHER F/B ATTY FEAMAN
	236	05/26/2016	NOTICE SUBPOENA DUCES TECUM FOR DEPOSITION AS TO ROBERT L SPALLINA F/B ATTY FEAMAN
	237	05/27/2016	NOTICE OF TAKING DEPOSITION
	238	05/27/2016	NOTICE SUBPOENA DUCES TECUM FOR DEPOSITION TO TED S. BERNSTEIN FB PLT
	239	06/06/2016	SUBPOENA RETURNED / SERVED
	240	06/06/2016	SUBPOENA RETURNED / SERVED
	241	06/14/2016	SUBPOENA RETURNED / SERVED
	242	06/15/2016	NOTICE OF CANCELLATION
	243	06/22/2016	NOTICE OF MEDIATION
	244	06/24/2016	NOTICE OF CANCELLATION
	245	06/24/2016	NOTICE OF CANCELLATION
	246	06/24/2016	NOTICE OF CANCELLATION
	247	07/01/2016	RE-NOTICE OF TAKING DEPOSITION
	248	07/01/2016	RE-NOTICE OF TAKING DEPOSITION
	249	07/01/2016	RE-NOTICE OF TAKING DEPOSITION
	250	07/01/2016	RE-NOTICE OF TAKING DEPOSITION
	251	07/06/2016	NOTICE OF UNAVAILABILITY
	252	07/08/2016	MOTION FOR CASE MANAGEMENT CONFERENCE TO SCHEDULE DEPOSITIONS FILED BY PLT
	253	07/13/2016	ORDER MOTION FOR CASE MANAGMENT CONFERENCE IS COUNSEL FOR PLTF AND DEFT SHALL CONFER IN PERSON TO RESOLVE THIS MATTER. DTD 7/12/16 R OFTEDAL

	254	08/12/2016	NOTICE TO CLERK OF CLARIFICATION OF REMAINING DEFENDANTS: ESTATE OF SIMON L BERNSTEIN AND BERNSTEIN FAMILY REALTY, LLC FIB PLT, WILLIAM E STANSBURY
	255	08/12/2016	NOTICE OF CANCELLATION
	256	08/12/2016	NOTICE OF CANCELLATION
	257	08/12/2016	NOTICE OF CANCELLATION
	258	08/18/2016	MOTION TO WITHDRAW
	259	08/30/2016	NOTICE OF HEARING
	260	09/08/2016	MOTION IN OPPOSITION TO MOTION TO WITHDRAW AS COUNSEL FOR BERNSTEIN FAMILY REALTY LLC AND STAY PROCEEDINGS FOR MEDICAL UNAVAILITY FILED BY ELIOT IVAN BERNSTEIN
	261	09/08/2016	ORDER GRANTING WITHDRAW
	262	09/15/2016	NOTICE OF APPEAL CIVIL BOOK 28581 PAGE 526-534
	263	09/15/2016	APPL AND AFF OF INDIGENCY
	264	09/16/2016	MEMORANDUM
	265	09/16/2016	ORDER OF RECUSAL
	266	09/16/2016	DIVISION ASSIGNMENT
	267	09/16/2016	NOTICE OF REASSIGNMENT CIVIL
	269	09/16/2016	AUTOMATIC RECEIPT APPELLATE FILING
	270	09/16/2016	ACKNOWLEDGMENT OF NEW CASE
	271	09/16/2016	TRUE COPY
	268	09/19/2016	MEMORANDUM
	272	09/19/2016	ORDER SETTING STATUS HEARING
	273	09/21/2016	MEDIATION REPORT
	274	09/30/2016	RETURNED MAIL

	275	09/30/2016	RETURNED MAIL
	276	10/05/2016	ORDER SETTING STATUS HEARING
	277	10/19/2016	ANSWER & AFFIRMATIVE DEFENSES
	280	10/21/2016	RETURNED MAIL
	278	10/25/2016	INDEX TO RECORD ON APPEAL
	279	10/25/2016	AUTOMATIC RECEIPT APPELLATE FILING
	283	10/26/2016	MOTION TO STAY PENDING HEARING ON MOTION TO DISQUALIFY DEFENDANTS NEW COUNSEL FILED BY PLT
	284	10/26/2016	NOTICE OF HEARING
	281	10/27/2016	TRUE COPY
	282	10/28/2016	TRUE COPY
	285	11/04/2016	MOTION TO ALTER OR AMEND STYLE OF THE CASE FVB DFT, ESTATE OF SIMON L. BERNSTEIN
	286	11/04/2016	NOTICE OF HEARING
	287	11/07/2016	ORDER SETTING STATUS HEARING
	288	11/07/2016	AGREED ORDER ON DFT'S ESTATE OF SIMON L BERNSTEIN MOTION ALTER OR AMEND STYLE OF THE CASE GRANTED STYLE SHOULD REFLECT DFTS HAS BEING ESTATE OF SIMON L BERNSTEIN AND BERNSTEIN FAMIL REALTY LLC DISMISSED PARTIES SHALL BE REMOVED FROM SERVICE LIST C CARACUZZO DTD 11/7/16
	289	11/16/2016	NOTICE OF UNAVAILABILITY
	290	12/05/2016	NOTICE OF APPEAL CIVIL BOOK 28753 PAGE 35-43
	291	12/05/2016	APPL AND AFF OF INDIGENCY
	296	12/06/2016	NOTICE OF SERVICE OF ORDER SETTING CASE MANAGEMENT CONFERENCE FILED BY WILLIAM STANSBURY
	297	12/06/2016	NOTICE OF JURY TRIAL
	292	12/07/2016	AUTOMATIC RECEIPT APPELLATE FILING

	293	12/07/2016	ACKNOWLEDGMENT OF NEW CASE
	294	12/07/2016	TRUE COPY
	295	12/07/2016	AUTOMATIC RECEIPT APPELLATE FILING
	298	12/07/2016	ORDER SETTING JURY TRIAL
	299	12/08/2016	ORDER ON CASE MANAGEMENT CONFERENCE CASE WILL BE SET FOR TRIAL DISCOVERY STAYED UNTIL THE PROBATE COURT RULES ON THE DISQUALIFICATION OF COUNSEL FOR THE ESTATE DTD 12/07/16 C CARACUZZO

IN THE CIRCUIT COURT OF THE
15th JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

WILLIAM E. STANSBURY,

CASE NO: 50 2012 CA 013933 MB AA

Plaintiff,

vs.

TED S. BERNSTEIN; DONALD TESCHER and
ROBERT SPALLINA, as co-personal
representatives of the ESTATE OF SIMON L.
BERNSTEIN and as co-trustees of the SHIRLEY
BERNSTEIN TRUST AGREEMENT dated
May 20, 2008; LIC HOLDINGS, INC.;
ARBITRAGE INTERNATIONAL MANAGEMENT, LLC,
f/k/a ARBITRAGE INTERNATIONAL
HOLDINGS, LLC; BERNSTEIN FAMILY
REALTY, LLC,

Defendants. _____ /

**PLAINTIFF'S NOTICE OF DROPPING TED S. BERNSTEIN AND
THE SHIRLEY BERNSTEIN TRUST AS PARTIES**

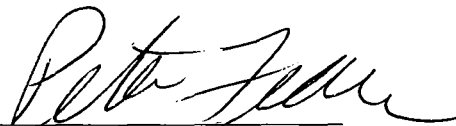
Plaintiff, William E. Stansbury, pursuant to Rules 1.250 and 1.420 of the Florida Rules of Civil Procedure, and by Agreement, hereby gives Notice of Dropping certain Parties, with prejudice and states:

1. Rule 1.250 provides that "parties may be dropped by an adverse party in the manner provided for voluntary dismissal in rule 1.420(a)(1)."

2. By Agreement of the Parties, Plaintiff, William E. Stansbury, hereby drops the following parties as defendants in this case:

- a. Defendant, Ted S. Bernstein ("Ted"), individually; and
- b. The Shirley Bernstein Trust Agreement Dated May 20, 2008 (the "Shirley Trust").

3. All claims in this action against Ted and the Shirley Trust are dismissed with prejudice, with the agreement that all parties subject to this Notice will bear his or its own costs and attorneys' fees.



Peter M. Feaman

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that the above and foregoing has been forwarded via e-mail service at arose@pm-law.com and mchandler@pm-law.com to Alan Rose, Esq., PAGE, MRACHEK, *Attorneys for Defendants, Ted Bernstein, LIC Holdings, Inc, Arbitrage International Management, LLC and the Shirley Bernstein Trust*, 505 So. Flagler Drive, Suite 600, West Palm Beach, FL 33401; and at courtfilings@pankauskilawfirm.com to John Pankauski, Esq., PANKAUSKI LAW FIRM, 120 So. Olive Avenue, Suite 701, West Palm Beach, FL 33401; and bbrown@matbrolaw.com to Benjamin P. Brown, Esq., Matwiczuk & Brown, LLP, 625 N. Flagler Drive, Suite 401, West Palm Beach, FL 33401, on this 13 day of June, 2014.

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Peter M. Feaman
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IN THE CIRCUIT COURT OF THE 15th
JUDICIAL CIRCUIT IN AND FOR PALM
BEACH COUNTY, FLORIDA

WILLIAM E. STANSBURY,

CASE NO: 50 2012 CA 013933 MB AA

Plaintiff,

vs.

TED S. BERNSTEIN; DONALD TESCHER and
ROBERT SPALLINA, as co-personal
representatives of the ESTATE OF SIMON L.
BERNSTEIN and as co-trustees of the SHIRLEY
BERNSTEIN TRUST AGREEMENT dated
May 20, 2008; LIC HOLDINGS, INC.;
ARBITRAGE INTERNATIONAL MANAGEMENT, LLC,
f/k/a ARBITRAGE INTERNATIONAL
HOLDINGS, LLC; BERNSTEIN FAMILY
REALTY, LLC,

Defendants.

**STIPULATION FOR DROPPING PARTIES AND DISMISSAL
WITH PREJUDICE OF CERTAIN CLAIMS AND COUNTERCLAIMS**

Plaintiff, William E. Stansbury, and Defendants, LIC Holdings, Inc. ("LIC") and Arbitrage International Management, LLC f/k/a Arbitrage International Holdings, LLC ("Arbitrage"), pursuant to Rules 1.250 and 1.420 of the Florida Rules of Civil Procedure, hereby stipulate to drop certain parties and to the dismissal with prejudice of certain claims and counterclaims, and state:

1. Plaintiff hereby dismisses all claims against LIC and Arbitrage with prejudice, with each party to this Stipulation bearing his or its own costs and attorneys' fees.
2. Arbitrage hereby dismisses all counterclaims against Plaintiff with prejudice, with each party to this Stipulation bearing his or its own costs and attorneys' fees.

3. Plaintiff, LIC and Arbitrage hereby stipulate to the dropping of LIC and Arbitrage as parties to this case.

4. All claims by Plaintiff against The Estate of Simon L. Bernstein and Bernstein Family Realty, LLC, are hereby expressly reserved and shall not be dismissed by the Court's order entered based upon this Stipulation.

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Counsel for Plaintiff, William Stansbury

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Counsel for Defendants, Ted S. Bernstein;
LIC Holdings, Inc.; Arbitrage International
Management, LLC; and Shirley Bernstein
Trust

By: s/ Alan B. Rose
Alan B. Rose
Florida Bar No. 961825

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing has been furnished to the Service List set forth below

by: E-mail Electronic Transmission; Facsimile; U.S. Mail; Overnight Delivery;

Hand-delivery, this 19th day of June, 2014.

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***Counsel for Ted S. Bernstein; LIC Holdings, Inc.; Arbitrage International
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Curator for the Estate of Simon Bernstein

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Counsel for Bernstein Family Realty, LLC

IN THE CIRCUIT COURT OF THE
15TH JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

WILLIAM E. STANSBURY,
Plaintiff,

CASE NO: **50 2012 CA 013933 MB AA**

v.

TED S. BERNSTEIN; DONALD TESCHER and
ROBERT SPALLINA, as co-personal representatives
of the ESTATE OF SIMON L. BERNSTEIN and
as co-trustees of the SHIRLEY BERNSTEIN TRUST AGREEMENT
dated May 20, 2008; LIC HOLDINGS, INC.;
ARBITRAGE INTERNATIONAL MANAGEMENT, LLC,
f/k/a ARBITRAGE INTERNATIONAL
HOLDINGS, LLC; BERNSTEIN FAMILY
REALTY, LLC,
Defendants.

**ORDER OF DISMISSAL WITH PREJUDICE
OF CERTAIN PARTIES AND CLAIMS**

THIS CAUSE came before this Honorable Court upon the agreement of Plaintiff William E. Stansbury and Defendants Ted S. Bernstein, individually, LIC Holdings, Inc., Arbitrage International Management, LLC, f/k/a Arbitrage International Holdings, LLC and the Shirley Bernstein Trust Agreement dated May 20, 2008, and the Court having reviewed the file and being otherwise duly advised in the premises, it is hereby

ORDERED and ADJUDGED that:

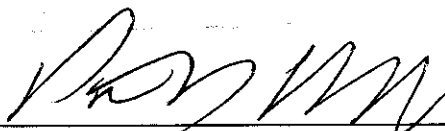
1. The Plaintiff has filed a Notice dropping Ted S. Bernstein as a party and dismissing all claims against him with prejudice. Accordingly, the Plaintiff's claims against Ted S. Bernstein, individually, are dismissed with prejudice and he is dropped as a party to this action, with each party identified in this ¶1 to bear its own attorney fees and costs as to these claims and parties.

2. The Plaintiff has filed a Notice dropping The Shirley Bernstein Trust Agreement dated May 20, 2008 (the "Shirley Trust") and dismissing all claims against it with prejudice. Accordingly, the Plaintiff's claims against the Shirley Trust are dismissed with prejudice and it is dropped as a party to this action, with each party identified in this ¶2 to bear its own attorney fees and costs as to these claims and parties.

3. The Plaintiff and Defendants, LIC Holdings, Inc. ("LIC") and Arbitrage International Management, LLC, f/k/a Arbitrage International Holdings, LLC ("Arbitrage"), have filed a Stipulation for Dropping Parties and Dismissal With Prejudice of Certain Claims and Counterclaims. Accordingly, all claims by Plaintiff against LIC and Arbitrage are dismissed with prejudice, and Arbitrage's counterclaims against Plaintiff are dismissed with prejudice, with each party identified in this ¶3 to bear its own attorney fees and costs as to these claims and parties.

4. This Order shall have no effect on the Plaintiff's claims against the remaining parties, Estate of Simon Bernstein ("Simon's Estate") and Bernstein Family Realty, LLC ("BFR"). Plaintiff has expressly reserved all such claims against Simon's Estate and BFR and such claims are not dismissed by this Order.

DONE and ORDERED in Chambers, West Palm Beach, Palm Beach County, Florida on this 23 day of June, 2014.


HONORABLE PÉTER BLANC
Circuit Judge

Copies to:

Alan Rose, Esq., Page Mrachek, 505 So. Flagler Drive, Suite 600, West Palm Beach, FL 33401;
e-mail: arose@pm-law.com;

Peter M. Feaman, Esq., Peter M. Feaman, P.A., 3695 W. Boynton Beach Blvd., Suite #9, Boynton Beach, FL; e-mail: pfeaman@feamanlaw.com;

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Steven Lessne, Esq., GRAY ROBINSON, P.A., 225 N.E. Mizner Boulevard, Suite 500, Boca Raton, FL 33432; e-mail: steven.lessne@gray-robinson.com.

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE:

WILLIAM E. STANSBURY,
Plaintiff,

CASE NO. 502012CA013933MBAA

v.

TED S. BERNSTEIN; DONALD TESCHER and
ROBERT SPALLINA, as co-personal representatives
of the ESTATE OF SIMON L. BERNSTEIN and
as co-trustees of the SHIRLEY BERNSTEIN TRUST
AGREEMENT dated May 20, 2008; LIC HOLDINGS
INC.; ARBITRAGE INTERNATIONAL
MANAGEMENT, LLC, f/k/a ARBITRAGE
INTERNATIONAL HOLDINGS, LLC; BERNSTEIN
FAMILY REALTY, LLC,
Defendants.

CURATOR'S MOTION TO STAY PROCEEDINGS

COMES NOW, Curator, Benjamin P. Brown ("Curator"), by and through undersigned counsel, files this Motion to Stay Proceedings, and states as follows:

1. On February 25, 2014, in probate court in Case No. 5021012CP004391, *In Re: Estate of Simon L. Bernstein*, (Palm Beach County Probate Division) (the "Probate 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 of the Estate of Simon L. Bernstein ("Estate"). On March 11, 2014, this Court entered Letters of Curatorship in Favor of Benjamin Brown ("Letters"). A copy of the Letters is attached hereto as Exhibit A.

2. The Letters authorize the Curator to appear on behalf of the Estate in this case for the stated purposes.

3. Co-Defendant, Ted Bernstein ("Ted"), is the son of the decedent.

4. In this case, Ted, along with other Co-Defendants represented by the same counsel, has defended against all of the Plaintiff's allegations and claims. The Curator did not retain counsel in order to avoid having the Estate incur the expense of legal work that was likely to be duplicative of the work being performed by Ted's counsel.

5. However, on June 23, 2014, this Court entered an Order, attached hereto as Exhibit B, dismissing Ted and the other Co-Defendants in this case, except for the Estate and Bernstein Family Realty, LLC.

6. As a result, the Estate will need to retain counsel in this case.

7. On July 11 and 16, 2014, the Probate Court will conduct hearings during which the Probate Court has indicated that a Successor Personal Representative will be appointed. The Probate Court has further indicated that the Successor Personal Representative, rather than the Curator, should defend the claims Plaintiff has made against the Estate.

8. A short stay will permit the appointment of a Successor Personal Representative and allow the Successor Personal Representative to retain counsel to defend against the claims Plaintiff has made against the Estate.

9. There are currently no hearings or depositions set, no pending discovery, and no unheard motions in this case. This case is not set for trial.

10. Accordingly, it would be in the interest of judicial economy to stay this proceeding until appointment of a Successor Personal Representative. *See, REWJB Gas Invs. v. Land O'Sun Realty, Ltd.*, 643 So. 2d 1107, 1108 (Fla. 4th DCA 1994) ("The granting of a stay of proceedings by a trial court, pending the outcome of an action in another court, is in the broad discretion of the trial court.").

WHEREFORE, the Curator requests stay of this proceeding for a period extending twenty (20) days after appointment of a Successor Personal Representative for the Estate by the Probate Court, and for such further relief as the Court deems just and proper.

I **HEREBY CERTIFY** that a true and correct copy of the foregoing was served by e-mail upon the parties listed on the attached service list, on this 25 day of June, 2014.

MATWICZYK & BROWN LLP
Attorney for Curator
625 N. Flagler Drive, Suite 401
West Palm Beach, FL 33401
Telephone: (561) 651-4004
Fax: (561) 651-4003

By: 

Benjamin P. Brown
Florida Bar No. 841552

SERVICE LIST

Estate of Simon L. Bernstein

Palm Beach County Case No. 502012CP004391XXXXSB

Max Friedstein 2142 Churchill Lane Highland Park, IL 6003	Alan B. Rose, Esq. Page, Mrachek, Fitzgerald & Rose, P.A. 505 South Flagler Drive, Suite 600 West Palm Beach, Florida 33401 (561) 355-6991 arose@pm-law.com	John J. Pankauski, Esq. Pankauski Law Firm PLLC 120 South Olive Avenue 7th Floor West Palm Beach, FL 33401 (561) 514-0900 john@Pankauskilawfirm.com	Carley Friedstein, Minor c/o Jeffrey and Lisa Friedstein Parent and Natural Guardian 2142 Churchill Lane Highland Park, IL 6003 Lisa@friedsteins.com lisa.friedstein@gmail.com
Pamela Beth Simon 950 N. Michigan Avenue Apartment 2603 Chicago, IL 60611 psimon@stpcorp.com	Irwin J. Block, Esq. The Law Office of Irwin J. Block PL 700 South Federal Highway Suite 200 Boca Raton, Florida 33432 ijb@ijblegal.com	Julia Iantoni, a Minor c/o Guy and Jill Iantoni, Her Parents and Natural Guardians 210 I Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com	Joshua, Jacob and Daniel Bernstein, Minors c/o Eliot and Candice Bernstein, Parents and Natural Guardians 2753 NW 34th Street Boca Raton, FL 33434 iviewit@iviewit.tv
Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com	Peter Feaman, Esquire Peter M. Feaman, P.A. 3615 Boynton Beach Blvd. Boynton Beach, FL 33436 pfeaman@feamanlaw.com	Eliot Bernstein 2753 NW 34th Street Boca Raton, FL 33434 iviewit@iviewit.tv	John P. Morrissey, Esq. 330 Clematis Street, Suite 213 West Palm Beach, FL 33401 john@jmorrisseylaw.com
Lisa Friedstein 2142 Churchill Lane Highland Park, IL 60035 Lisa@friedsteins.com lisa.friedstein@gmail.com	William H. Glasko, Esq. Golden Cowan, P.A. 1734 South Dixie Highway Palmetto Bay, FL 33157 bill@palmettobaylaw.com		

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

PROBATE DIV.
CASE NO.: 50 2012 CP 004391 XXXX SB

IN RE: ESTATE OF SIMON L. BERNSTEIN,
Deceased.

LETTERS OF CURATORSHIP IN FAVOR OF BENJAMIN BROWN

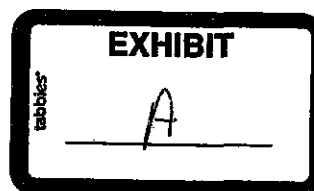
WHEREAS, Co-Personal Representatives of the Estate of Simon L. Bernstein were permitted to resign by Order of this Court on February 18, 2014. A copy of the Order is attached hereto as Exhibit "A"; and

WHEREAS, this Court found it necessary for the appointment of a Curator and appointed Benjamin Brown, Esq. as Curator of this Estate on February 25, 2014. A copy of the Order is attached hereto as Exhibit "B"; and

WHEREAS Benjamin Brown as Curator appointed by Order of this Court has performed all acts prerequisite to the issuance of Letters of Curatorship as a legally qualified Curator of the Estate of Simon L. Bernstein;

NOW, THEREFORE, I the undersigned Circuit Judge do grant Benjamin Brown (hereinafter Curator), the Curatorship of the Estate of Simon L. Bernstein with the following powers:

- (a) To collect and preserve assets of the Estate;
- (b) To administer the assets of the Estate;
- (c) To evaluate all discovery requests related to the Decedent for the purposes of asserting objections and privileges on behalf of the Estate, if necessary;
- (d) To appear on behalf of the Estate in the following two cases: Case No. 502012CA013933 (Circuit Court, Palm Beach County, FL) and Case No. 13CV3643 (U.S. Dist. Ct. Northern Dist.,



Illinois),

Further, pursuant to Fla. Stat. §733.603, Curator shall proceed expeditiously with the duties described herein and except as otherwise specified by the Florida Probate Code, or ordered by the Court, shall do so without adjudication, Order or direction of the Court. The Curator may invoke the jurisdiction of this Court to resolve questions concerning the Estate or its administration.

DONE AND ORDERED in Chambers at Delray Beach, Palm Beach County, Florida,
this _____ day of March, 2014.

Martin Colin, Circuit Judge

SIGNED & DATED

MAR 11 2014

JUDGE MARTIN H. COLIN

Copies furnished to:

Alan Rose, Esq., PAGE, MRACHEK, 505 So. Flagler Drive, Suite 600, West Palm Beach, FL 33401, arose@pm-law.com and mhandler@pm-law.com;

John Pankauski, Esq., PANKAUSKI LAW FIRM, 120 So. Olive Avenue, 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, P.A., Palmetto Bay Law Center, 17345 S. Dixie Highway, Palmetto Bay, FL 33157, bill@palmettobaylaw.com.

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL

IN RE: ESTATE OF SIMON L. BERNSTEIN,

PROBATE DIVISION

Decensed.

CASE NO. 502012CP004391XXXXSB

ELIOT IVAN BERNSTEIN, PRO SE

DIVISION: IY (COLIN)

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.

ORDER ON PETITION FOR RESIGNATION AND DISCHARGE

This cause was heard by the Court on the co-Personal Representatives' Petition for Resignation and Discharge on February 18, 2014, and the Court, having heard arguments of counsel, and otherwise being fully advised in the premises, ORDERS AND ADJUDGES AS FOLLOWS:

1. The Petitioners' request to accept their resignation is ACCEPTED. The co-Personal Representatives' Letters of Administration are hereby revoked.

2. ~~With effect from the date of this order to the appointment of a successor fiduciary,~~ ^{BY MARCH 4, 2014} ~~from the later of the date of this order to the appointment of a successor fiduciary,~~ the resigning co-Personal Representatives shall deliver to the successor fiduciary all property of the Estate, real, personal, tangible or intangible, all of the documents and records of the Estate and all records associated with any property of the Estate, regardless of whether such property has been previously distributed, transferred, abandoned or otherwise disposed of. (u) (K)

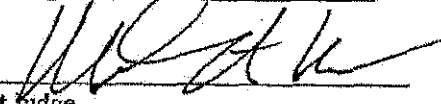
3. The Petitioners' request to reserve ruling on their discharge is ACCEPTED.

4. The resigning co-Personal Representatives shall file an accounting and a Renewed Petition for Discharge within sixty (60) days after the date hereof, which Renewed Petition for Discharge shall be verified and recite that the letters of administration have been revoked, the resigning co-Personal Representatives have surrendered all undistributed Estate assets, records, documents, papers and other property of or concerning the Estate to the successor fiduciary as set forth above, and the amount of compensation paid or to be paid by the resigning co-Personal Representatives pursuant to Probate Rule 5.430(g). Such accounting shall include cash and transactions from the commencement of administration of the Estate and ending as of the date the accounting is submitted.

5. The resigning co-Personal Representatives shall serve notice of filing and a copy of the accounting and Renewed Petition for Discharge on all interested parties and the notice shall state that the objection to the Renewed Petition for Discharge must be filed within thirty days after the later of service of the petition or service of the accounting on that interested person pursuant to Probate Rule 5.430(i).

6. The successor Personal Representative or Curator is authorized to pay a \$ _____ retainer to the accountant whom the Successor Personal Representative or Curator selects to provided the accounting which this Order requires. The accountant's hourly rate and compensation shall be subject to court approval.

DONE AND ORDERED in Delray Beach, Florida, this 18 day of Feb, 2014.


Circuit Judge

cc: Parties on attached service list

Write
THE COURT RESERVES THE RIGHT TO ENFORCE THIS ORDER.

SERVICE LIST

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Dow PA
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Pamela Beth Simon (U.S. Mail)
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Jill Iantoni (U.S. Mail)
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Donald R. Tescher (E-mail)
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Mark R. Manceri, Esq. (E-mail)
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Fort Lauderdale, Florida 33308

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

PROBATE DIV.

CASE NO.: 50 2012 CP 004391 XXXX SB

IN RE: ESTATE OF SIMON L. BERNSTEIN,
Deceased.

**ORDER ON "INTERESTED PERSON" WILLIAM STANSBURY'S
MOTION FOR THE APPOINTMENT OF A CURATOR
OR SUCCESSOR PERSONAL REPRESENTATIVE**

THIS CAUSE came on to be heard by this Honorable Court on Wednesday, February 19, 2014, on the Motion of William Stansbury, as an "Interested Person" in the Estate, For the Appointment of a Curator or Successor Personal Representative, and the Court having received evidence, reviewed the file, heard argument of counsel, and being otherwise duly advised in the premises, it is

ORDERED and ADJUDGED:

1. The Motion of William Stansbury is hereby granted.
2. The Court hereby appoints Benjamin Brown, Esq., Matwiczuk & Brown, LLP, 625 No. Flagler Drive, Suite 401, West Palm Beach, FL 33401 as Curator of this Estate pursuant to §733.501 Fla. Stat. (2013) and Florida Probate Rule 5.122(a).
3. Reasonable fees for the Curator are capped at \$350.00 per hour.

EXHIBIT "B"

2/25/14

4. Fee payments will be made in \$5,000.00 increments. Any fee requests in excess of that amount for any given period will require a court hearing.

5. In accordance with §733.501(2) Fla. Stat. (2013), bond is hereby set in the amount of \$ none.

DONE and ORDERED in West Palm Beach, Palm Beach County, Florida on this ___ day of February, 2014.

SIGNED & DATED
MARTIN COLIN
Circuit Court Judge FEB 25 2014
JUDGE MARTIN H. COLIN

Copies to:

Alan Rose, Esq., PAGE, MRACHEK, 505 So. Flagler Drive, Suite 600, West Palm Beach, FL 33401, arose@pm-law.com and mhandler@pm-law.com;

John Pankauski, Esq., PANKAUSKI LAW FIRM, 120 So. Olive Avenue, 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, P.A., Palmetto Bay Law Center, 17345 S. Dixie Highway, Palmetto Bay, FL 33157, bill@palmettobaylaw.com.

IN THE CIRCUIT COURT OF THE
15TH JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

WILLIAM E. STANSBURY,
Plaintiff,

CASE NO: 50 2012 CA 013933 MB AA

v.

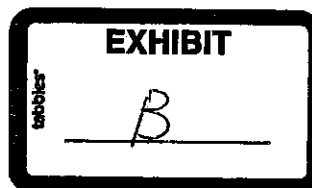
TED S. BERNSTEIN; DONALD TESCHER and
ROBERT SPALLINA, as co-personal representatives
of the ESTATE OF SIMON L. BERNSTEIN and
as co-trustees of the SHIRLEY BERNSTEIN TRUST AGREEMENT
dated May 20, 2008; LIC HOLDINGS, INC.;
ARBITRAGE INTERNATIONAL MANAGEMENT, LLC,
f/k/a ARBITRAGE INTERNATIONAL
HOLDINGS, LLC; BERNSTEIN FAMILY
REALTY, LLC,
Defendants.

**ORDER OF DISMISSAL WITH PREJUDICE
OF CERTAIN PARTIES AND CLAIMS**

THIS CAUSE came before this Honorable Court upon the agreement of Plaintiff William E. Stansbury and Defendants Ted S. Bernstein, individually, LIC Holdings, Inc., Arbitrage International Management, LLC, f/k/a Arbitrage International Holdings, LLC and the Shirley Bernstein Trust Agreement dated May 20, 2008, and the Court having reviewed the file and being otherwise duly advised in the premises, it is hereby

ORDERED and ADJUDGED that:

1. The Plaintiff has filed a Notice dropping Ted S. Bernstein as a party and dismissing all claims against him with prejudice. Accordingly, the Plaintiff's claims against Ted S. Bernstein, individually, are dismissed with prejudice and he is dropped as a party to this action, with each party identified in this ¶1 to bear its own attorney fees and costs as to these claims and parties.

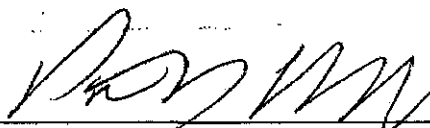


2. The Plaintiff has filed a Notice dropping The Shirley Bernstein Trust Agreement dated May 20, 2008 (the "Shirley Trust") and dismissing all claims against it with prejudice. Accordingly, the Plaintiff's claims against the Shirley Trust are dismissed with prejudice and it is dropped as a party to this action, with each party identified in this ¶2 to bear its own attorney fees and costs as to these claims and parties.

3. The Plaintiff and Defendants, LIC Holdings, Inc. ("LIC") and Arbitrage International Management, LLC, f/k/a Arbitrage International Holdings, LLC ("Arbitrage"), have filed a Stipulation for Dropping Parties and Dismissal With Prejudice of Certain Claims and Counterclaims. Accordingly, all claims by Plaintiff against LIC and Arbitrage are dismissed with prejudice, and Arbitrage's counterclaims against Plaintiff are dismissed with prejudice, with each party identified in this ¶3 to bear its own attorney fees and costs as to these claims and parties.

4. This Order shall have no effect on the Plaintiff's claims against the remaining parties, Estate of Simon Bernstein ("Simon's Estate") and Bernstein Family Realty, LLC ("BFR"). Plaintiff has expressly reserved all such claims against Simon's Estate and BFR and such claims are not dismissed by this Order.

DONE and ORDERED in Chambers, West Palm Beach, Palm Beach County, Florida on this 23 day of June, 2014.



HONORABLE PÉTER BLANC
Circuit Judge

Copies to:

Alan Rose, Esq., Page Mrachek, 505 So. Flagler Drive, Suite 600, West Palm Beach, FL 33401;
e-mail: arose@pm-law.com;

Peter M. Feaman, Esq., Peter M. Feaman, P.A., 3695 W. Boynton Beach Blvd., Suite #9, Boynton Beach, FL; e-mail: pfeaman@feamanlaw.com;

Benjamin Brown, Esq., Matwiczyn & Brown, LLP, 625 No. Flagler Drive, Suite 401, West Palm Beach, FL 33401; e-mail: bbrown@matbrolaw.com;

Steven Lessne, Esq., GRAY ROBINSON, P.A., 225 N.E. Mizner Boulevard, Suite 500, Boca Raton, FL 33432; e-mail: steven.lessne@gray-robinson.com.

IN THE CIRCUIT COURT OF THE 15th
JUDICIAL CIRCUIT IN AND FOR PALM
BEACH COUNTY, FLORIDA

WILLIAM E. STANSBURY,

CASE NO: 50 2012 CA 013933 MB AN

Plaintiff,

vs.

TED S. BERNSTEIN; DONALD TESCHER and
ROBERT SPALLINA, as co-personal
representatives of the ESTATE OF SIMON L.
BERNSTEIN and as co-trustees of the SHIRLEY
BERNSTEIN TRUST AGREEMENT dated
May 20, 2008; LIC HOLDINGS, INC.;
ARBITRAGE INTERNATIONAL MANAGEMENT, LLC,
f/k/a ARBITRAGE INTERNATIONAL
HOLDINGS, LLC; BERNSTEIN FAMILY
REALTY, LLC,

Defendants.

**DEFENDANT'S, ESTATE OF SIMON L. BERNSTEIN,
MOTION TO ALTER OR AMEND STYLE OF THE CASE**

Defendant, Estate of Simon L. Bernstein (the "Estate"), moves this Court to alter or amend the style of this case and states:

1. This is a multi-count action brought by Plaintiff, William E. Stansbury ("Stansbury"), against numerous Defendants. Most of those Defendants have settled with Stansbury, and have been dismissed and dropped from this case. Despite that, the style of the case remains unchanged and inaccurately reflects that various non-parties are still involved in the action. Specifically, this still appears as though Stansbury is suing Ted S. Bernstein individually, and the Shirley Bernstein Trust (the "Trust"). In fact, all claims were dismissed with prejudice, with no consideration being paid

directly by Ted S. Bernstein or the Trust. Mr. Bernstein requests that his name be removed from the style of the case immediately.

2. Moreover, for simplicity the Estate suggests that the case style be amended or altered to read as follows:

WILLIAM E. STANSBURY,

Plaintiff,

v.

ESTATE OF SIMON L. BERNSTEIN and BERNSTEIN FAMILY
REALTY, LLC,

Defendants.

3. In addition, for clarity, and to avoid the need to serve unnecessary parties, the Estate requests the Court enter an order specifying that service need only be made on the currently active parties or their counsel, and not on any of the former parties who have been dismissed from the case.

WHEREFORE, the Estate requests that the Court enter an order altering or amending the style of the case; directing that the revised style be used on all future pleadings; and removing from the service list any non-parties who have been dismissed from this action.

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing has been furnished to the Service List set forth below

by: E-mail Electronic Transmission; Facsimile; U.S. Mail; Overnight Delivery;

Hand-delivery, this 4th day of November, 2016.

MRACHEK, FITZGERALD, ROSE,
KONOPKA, THOMAS & WEISS, P.A.
505 South Flagler Drive, Suite 600
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Email: arose@mrachek-law.com; mchandler@mrachek-law.com
Counsel for Defendant, Estate of Simon L. Bernstein

By: /s/ Alan B. Rose
Alan B. Rose (Florida Bar No. 961825)

SERVICE LIST - CASE NO. 502012CA013933XXXXMBAN

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IN THE CIRCUIT COURT OF THE 15th
JUDICIAL CIRCUIT IN AND FOR PALM
BEACH COUNTY, FLORIDA

WILLIAM E. STANSBURY,

CASE NO: 50 2012 CA 013933 MB AN

Plaintiff,

vs.

TED S. BERNSTEIN; DONALD TESCHER and
ROBERT SPALLINA, as co-personal
representatives of the ESTATE OF SIMON L.
BERNSTEIN and as co-trustees of the SHIRLEY
BERNSTEIN TRUST AGREEMENT dated
May 20, 2008; LIC HOLDINGS, INC.;
ARBITRAGE INTERNATIONAL MANAGEMENT, LLC,
f/k/a ARBITRAGE INTERNATIONAL
HOLDINGS, LLC; BERNSTEIN FAMILY
REALTY, LLC,

Defendants.

Agreed
**ORDER ON DEFENDANT'S, ESTATE OF SIMON L. BERNSTEIN,
MOTION TO ALTER OR AMEND STYLE OF THE CASE**

THIS MATTER came before the Court on November 7, 2016, on Defendant's, the Estate of Simon L. Bernstein, Motion to Alter or Amend Style of the Case (the "Motion"). The Court having heard argument of counsel and being otherwise fully advised, does hereby

ORDER and ADJUDGE as follows:

1. The Motion is hereby Granted.
2. The style of the case is revised to reflect Defendants has being Estate of Simon L. Bernstein and Bernstein Family Realty, LLC. All parties are directed to use the revised style on all

further filings with the Court, as follows:

WILLIAM E. STANSBURY,

Plaintiff,

v.

ESTATE OF SIMON L. BERNSTEIN and BERNSTEIN FAMILY REALTY, LLC,

Defendants.

3. In addition, the dismissed parties shall be removed from the service list, and the remaining parties need only serve those parties listed below.

DONE AND ORDERED in West Palm Beach, Palm Beach County, Florida, this 7th
day of Nov., 2016.



CHERYL CARACUZZO
Circuit Court Judge

Copies furnished to:

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Alan B. Rose, Esq., Mrachek, Fitzgerald, Rose, Konopka, Thomas & Weiss, P.A., 505 South Flagler Drive, Suite 600, West Palm Beach, FL 33401; Email: (arose@mrachek-law.com); (mchandler@mrachek-law.com) Counsel for Brian O'Connell, as Personal Representative of the Estate of Simon L. Bernstein

Bernstein Family Realty, LLC, c/o Eliot Bernstein, 2753 NW 34th Street, Boca Raton, FL 33434, Email: Eliot I. Bernstein (iviewit@iviewit.tv)