

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

CASE NO. 502012CP004391XXXXNBIH
CP - Probate

IN RE:

ESTATE OF SIMON L. BERNSTEIN,
_____ /

MOTION TO APPROVE MEDIATION
SETTLEMENT AGREEMENT WITH TESCHER & SPALLINA, P.A.

Ted S. Bernstein, as Successor Trustee ("Trustee") of the Simon L. Bernstein Amended and Restated Trust Agreement dated 7/25/12 ("Trust"), moves the Court to approve the confidential settlement reached at mediation held on July 25, 2016, states:

1. On July 25, 2016, the parties conducted mediation to address numerous issues involving this Estate and the related matters involving Shirley Bernstein's Estate and Trust.
2. In connection with certain issues in this Estate, the Personal Representative, the Trustee, and the beneficiaries of the trusts created under the Trust, reached a global settlement of any claims against the law firm of Tescher & Spallina, P.A. ("T&S"). The settlement is confidential, and will be made available to the Court for *in camera* review. The settlement resolves all claims against T&S, Donald Tescher and Robert Spallina in exchange for a payment to the Estate of Simon Bernstein and a separate payment to the Trustee of the Shirley Bernstein Trust Agreement dated 5/20/08.

3. The settlement is effective immediately, and contingent only upon the affirmance by the Fourth District Court of Appeal of the pending appeals by Eliot Bernstein and the entry of a final, nonappealable order approving the settlement.

4. The Trustee and each of the parties to the settlement agreement believe that the settlement is in the best interests of the Trust and its beneficiaries.

5. The Guardian *Ad Litem* appointed by this Court to represent the interests of Eliot Bernstein's children, each of whom is a beneficiary of a trust created under the Bernstein testamentary documents, agrees that the settlement is in the best interests of Eliot Bernstein's children.

WHEREFORE, Trustee requests that the Court grant this motion, approve the settlement, and thereafter dismiss this case, retaining jurisdiction solely to enforce the settlement agreement, and any other relief this Court deems appropriate.

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing has been furnished to parties listed on attached Service List by: Facsimile **and** U.S. Mail; U.S. Mail; E-mail Electronic Transmission; FedEx; Hand Delivery this 15th day of February, 2017.

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