

19 THE COURT: All right. So he was a  
20 trustee. Was she a trustee as well?

21 MR. MANCERI: He died, your Honor. Again  
22 she died December 10, 2010. He died September  
23 of 2012.

24 THE COURT: Right, but was he a trustee  
25 also of Shirley's trust?

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1 MR. MANCERI: Yes.

2 THE COURT: So she dies, the estate is  
3 closed, her assets are in a trust. Simon then  
4 dies. What happened with his estate? Judge  
5 French is hearing it, but tell me what  
6 happened.

7 MR. MANCERI: My understanding is that  
8 money went into a trust for the grandchildren.

9 THE COURT: Grandchildren of Eliot?

10 MR. MANCERI: Well there's actually ten of  
11 them, ten grandchildren, which he has three.

12 THE COURT: So the beneficiary level for  
13 Simon was he skipped over his children and gave  
14 everything to the grandchildren?

15 MR. MANCERI: That's correct.

16 MR. ELIOT BERNSTEIN: No.

17 THE COURT: That's not what happened with  
18 your father's estate?

19 MR. ELIOT BERNSTEIN: No.

20 THE COURT: That's not what the rule says  
21 to do?

22 MR. ELIOT BERNSTEIN: No.

23 THE COURT: What does the rule say to do?

24 MR. ELIOT BERNSTEIN: The rule is not  
25 properly notarized. He didn't appear --

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1 THE COURT: What did the will say that The  
2 Court used?

3 MR. ELIOT BERNSTEIN: The Court filed a  
4 will and amended trust, both improperly  
5 notarized.

6 THE COURT: You didn't answer my question,  
7 so stop speaking.

8 MR. ELIOT BERNSTEIN: Okay.

9 THE COURT: If you don't answer me you  
10 give up your right to participate. Stop, don't  
11 speak, all right, because you waived your right  
12 because you refused to answer my question,

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okay. So I'll let you answer it.  
MR. MANCERI: If I can, your Honor.  
THE COURT: Go ahead.  
MR. MANCERI: The ten grandchildren shares  
-- and I want to be clear on this, this  
gentleman is only a tangible personal property  
beneficiary. He and his own proper person.  
And the mother. That's all he's entitled to.  
No cash request, nothing directly to him,  
because of his financial problems among other  
issues.  
THE COURT: Okay.  
MR. MANCERI: He has been asked to

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establish accounts for the benefit of his  
children and he refused to do it.  
THE COURT: I'm not interested in that,  
here's what I'm interested in.  
MR. MANCERI: All right.  
THE COURT: So before this latest realm of  
pleadings were filed, both parents are  
deceased?  
MR. MANCERI: Yes.  
THE COURT: They both have trusts?  
MR. MANCERI: Right.  
THE COURT: Simon's trusts are for the  
benefit of the grandchildren?  
MR. MANCERI: Correct.  
THE COURT: And Shirley's trust is for the  
benefit of who?  
MR. MANCERI: The grandchildren now  
because Simon died.  
THE COURT: So children-level, Eliot, Ted  
were skipped over as beneficiaries?  
MR. MANCERI: That's correct, your Honor.  
THE COURT: Now, tell me the best you can  
the way Eliot described that there was some  
deal that had been in effect with Shirley and  
Simon while they were alive that kept on going

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after Shirley died to help support his  
children.  
MR. MANCERI: That I can't comment on  
personally, your Honor, because I never met  
either one of them.  
THE COURT: Do you know anything about