

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FLORIDA

PROBATE DIVISION

IN RE: ESTATE OF

File No. 502012CP4391XXXXNB

SIMON L. BERNSTEIN

Probate Division: IY

Deceased.

AMENDED NOTICE OF HEARING

TO: ALL PARTIES ON CERTIFICATE OF SERVICE ATTACHED

YOU ARE HEREBY NOTIFIED that the undersigned will call up for hearing before the Honorable HOWARD K. COATES, JR., Judge of the above court, in the Judge's chambers in the Palm Beach North County Courthouse, 3188 PGA Blvd, Room 2711, Palm Beach Gardens, FL 33410 on **June 4, 2015 at 4:00 PM.** (30 minutes set aside) or as soon thereafter as same may be heard, the

PETITION FOR AUTHORIZATION TO MOVE, STORE, AND SELL THE TANGIBLE PERSONAL PROPERTY LOCATED AT 7020 LIONS HEAD LANE

PETITION FOR INSTRUCTIONS TO DETERMINE WHETHER THE ESTATE SHOULD MAKE A LOAN TO ELIOT BERNSTEIN AND FOR OTHER RELIEF

PETITION FOR INSTRUCTIONS AND REVIEW OF COMPENSATION OF ACCOUNTANTS' FEES & COSTS

PETITION FOR ORDER AUTHORIZING PAYMENT OF ATTORNEY'S FEES AND EXPENSES FOR THE PERSONAL REPRESENTATIVE OF THE ESTATE OF SIMON L. BERNSTEIN FOR NOVEMBER THROUGH DECEMBER 2014

PETITION FOR ORDER AUTHORIZING PAYMENT OF ATTORNEY'S FEES AND EXPENSES FOR THE PERSONAL REPRESENTATIVE OF THE ESTATE OF SIMON L. BERNSTEIN FOR JANUARY 1, 2015 THROUGH MARCH 23, 2015

I HEREBY CERTIFY that a true and correct of the foregoing was sent by e-mail service or U.S. Postal Service on the 27th day of May, 2015 to the parties on the attached Service List.



BRIAN M. O'CONNELL
Florida Bar No: 308471
ASHLEY N. CRISPIN
Florida Bar No: 037495
JOIELLE A. FOGLIETTA
Florida Bar No: 094238
Ciklin Lubitz & O'Connell
515 N. Flagler Dr., 20th Floor
West Palm Beach, FL 33401
Telephone: 561-832-5900 Facsimile: 561-833-4209
primary e-mail: service@ciklinlubitz.com
secondary e-mail: slobdell@ciklinlubitz.com

SERVICE LIST

<p>Alan B. Rose, Esq. Page, Mrachek, Fitzgerald & Rose, PA. 505 S. Flagler Dr., Suite 600 West Palm Beach, FL 33401 (561) 355-6991 arose@mrachek-law.com mchandler@mrachek-law.com Attorney for Ted S. Bernstein</p>	<p>John P. Morrissey, Esq. 330 Clematis St., Suite 213 West Palm Beach, FL 33401 john@jmorrisseylaw.com Attorney for Molly Simon et al</p>	<p>Donald R. Tescher, Esq. Robert L. Spallina, Esq. 925 S. Federal Highway, Suite 500 Boca Raton, FL 33432 Dtescher@tescherlaw.com ddustin@tescherlaw.com rspallina@tescherspallina.com kmoran@tescherspallina.com</p>
<p>Peter Feaman, Esq. Peter M. Feaman, P.A. 3695 Boynton Beach Blvd., Suite 9 Boynton Beach, FL 33436 pfeaman@feamanlaw.com</p>	<p>Shendell & Pollock, P.L. 2700 N. Military Trail, suite 150 Boca Raton, FL 33431 241-2323 Fax: 241-2330 Gary R. Shendell, Esq. gary@shendellpollock.com estella@shendellpollock.com grs@shendellpollock.com Kenneth S. Pollock, Esq. ken@shendellpollock.com britt@shendellpollock.com grs@shendellpollock.com Attorney for Tescher and Spallina</p>	<p>Max Friedstein 2142 Churchill Lane Highland Park, IL 60035 Beneficiary</p>
<p>Eliot Bernstein and Joshua, Jacob and Daniel Bernstein, Minors c/o Eliot and Candice Bernstein, Parents and Natural Guardians 2753 N.W. 34th St. Boca Raton, FL 33434 iviewit@iviewit.tv</p>	<p>Pamela Beth Simon 950 N. Michigan Ave., Apt. 2603 Chicago, IL 60611 psimon@stpcorp.com</p>	<p>Lisa Friedstein and Carley Friedstein, Minor c/o Jeffrey and Lisa Friedstein Parent and Natural Guardian 2142 Churchill Lane Highland Park, IL 60035 Lisa@friedsteins.com Lisa.friedstein@gmail.com Beneficiary</p>
<p>Jill lantoni and Julia lantoni, a Minor c/o Guy and Jill lantoni, her Parents & Natural Guardians 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com</p>		

Marie Chandler

Subject: FW: Case Nos. 502011CP000653, 502012CP004391, 502015CP00162, 502014CP003698
XXXXMBIJ

Attachments: ABR to Judge Coates 05-29-15 re Bernstein Matters.pdf

From: Marie Chandler
Sent: Friday, May 29, 2015 4:39 PM
To: (Redacted)
Cc: Alan Rose
Subject: Case Nos. 502011CP000653, 502012CP004391, 502015CP00162, 502014CP003698 XXXXMBIJ

Dear Ms. Phillips:

Pursuant to your permission given to Mr. Rose, attached please find correspondence from Mr. Rose to Judge Coates.

cc: All parties on all service lists attached to letter.

Marie B. Chandler
Assistant to L. Louis Mrachek and Alan B. Rose
Email: mchandler@mrachek-law.com
Direct: (561) 472-2417



505 S. Flagler Drive, Suite 600
West Palm Beach, FL 33401
Main: (561) 655-2250
Fax: (561) 655-5537

This communication is for its intended recipient only, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient or the employee or agent responsible for delivering this communication to the intended recipient, you are hereby notified that any unauthorized use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone (561-655-2250) or e-mail reply, delete it from your system, and destroy any hard copy you may have printed. Thank you.



May 29, 2015

The Honorable Howard K. Coates, Jr.
Room 2711
3188 PGA Blvd
Palm Beach Gardens, FL 33410

Re: *In Re: Estate of Shirley Bernstein*
Case No. 502011CP000653XXXXNB-IJ

In Re: Estate of Simon L. Bernstein
Case No.: 502012CP004391XXXXNB-IJ

Eliot Bernstein, etc., et al. v. Theodore Stuart Bernstein, etc., et al.
Case No. 502015CP001162XXXXNB-IJ

Ted Bernstein, etc., et al. v. Alexandra Bernstein, et al.
Case No.: 502014CP003698XXXXNB-IJ

Dear Judge Coates:

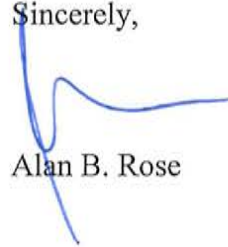
Our law firm represents Ted S. Bernstein, as a Successor PR and as a Successor Trustee, in the above matters, including two estates and two trust matters assigned to this Division after Judge Colin recused himself last week. Although no formal motion to disqualify has been filed yet, at least one of the participants has raised an issue as to your random selection as successor judge.

There already are a number of matters set for hearing for next Thursday, June 4, 2015, for 30 minutes. We bring these issues your attention now so you may consider Florida Rule of Judicial Administration 2.330(i), rather than have the parties first bring these matters to your attention during the 30-minute hearing on June 4th.

The Court is advised that one of the participants in these matters is Eliot Bernstein, who was or is involved with a company known as iViewIt. That company and/or Mr. Bernstein were clients of Prokauer Rose at a time you were with that firm. After your assignment, an issue has been raised by or on behalf of Mr. Bernstein as to your serving as judge (see attached). We are not suggesting that the Court take any particular action, but simply bring these matters to your attention so you may consider this matter.

The Honorable Howard K. Coates, Jr.
May 29, 2015
Page 2

Sincerely,

A handwritten signature in blue ink, appearing to read "Alan B. Rose". The signature is stylized, starting with a vertical line that curves into a loop and then extends horizontally to the right.

Alan B. Rose

Attachment

cc: All counsel and parties on service list via email only.

7020 Lions Head Lane Boca Raton; Florida Estate and Probate Fraud, Forgery, and Alleged Murder

written upon information, knowledge and belief of Crystal L. Cox, Investigative Blogger

7020 Lions Head Lane Boca Raton	Docket Northern Illinois Case	Simon Bernstein Trust Heritage Jackson National District Court	Shirley Bernstein Estat
Simon Bernstein Estate Docket	7020 Lions Head Lane Boca Raton	Shirley Bernstein	Simon Bernstein
Teschler, Spallina, Ted Bernstein, Proskauer Rose MAJOR Technology Theft Case	Judge David E. French	Robert Spallina	Mark Manceri
Teschler and Spallina Law Firm	Mark Manceri	Petition to Freeze Estate Assets	Estate Fraud Docket
Ted and Deborah Bernstein	Life Insurance Concepts Boca	Ted Bernstein Fraud	Insurance Proceed Scheme
			Donald Tescher

Friday, May 22, 2015

Was Howard Coates REALLY picked Randomly as a Judge in this Case? REALLY? Seriously? A former Proskauer Rose attorney? WOW

Was with Proskauer Rose for 10 years and now on the iViewit SCANDAL in Florida?? Are you Kidding, WOW

Well this should be interesting, hopefully lawful !!

Bio

<http://15thcircuit.co.palm-beach.fl.us/web/judge-coates>

http://ballotpedia.org/Howard_K._Coates

<http://www.avvo.com/attorneys/33401-fl-howard-coates-1273629.html>

News on ..

<http://www.palmbeachpost.com/news/news/crime-law/scott-picks-three-for-palm-beach-county-judgeships/njZNL/>

Posted by Crystal L. Cox at 12:57 PM No comments:

Recommend this on Google

YAY Judge Colin Recused himself. Good Thing, as he has fumbled around for years. We shall HOPE that a New Judge is MORE Lawful and Ethical.

To Download

<https://drive.google.com/file/d/0Bzn2NurXrSkidVdIWENFTFZoaG8/view?usp=sharing>

To Read this WHOLE posts on the bottom page. Don't let this FI Insurance FRAUD and YOU.

Posts

Alan B. Rose of Pag Fitzgerald & Rose L

Eliot Bernstein Ivie Interview Dick Wo.

Alexandra aka Moni Bernstein

Alan B. Rose is MA he ain't goin...

Hey Lindsay, you m the of digital..

Alan B. Rose of Pag Fitzgerald & Rose C

UNITED STATES DIS SOUTHERN DISTRIC

You know that Mar "Truth is stranger..

John Pankauski, Pa Alan B. Rose, ...

Who does Alan B. R Mrachek, Fitzgerald

Don Sanders, Jacks seems to have m...

Oh and you Spinele Lawless, Free Spee

Burke, Warren, Mac Taking a Look

Alan B. Rose of Pag Fitzgerald & Rose s

Folks, Alan Rose is i Hypocrite. ...

Alan B. Rose, Esq. : suppressing speech

Eliot Bernstein and

Isn't Armonk, New ' Lamont's neck of th

Don Sanders, assist National Life ...

Life Reassurance C Bankers Life Insu...

Judge Amy J. St. E' Davis Polk & W...

Cedarhurst, New Yc

SERVICE LIST - Case No. 502011CP000653XXXXNBIJ

Eliot Bernstein, individually
and Eliot and Candice Bernstein,
as Parents and Natural Guardians of
D.B., Ja. B. and Jo. B, Minors
2753 NW 34th Street
Boca Raton, FL 33434
(561) 245-8588 - Telephone
(561) 886-7628 - Cell
(561) 245-8644 - Facsimile
Email: Eliot I. Bernstein (iviewit@iviewit.tv)

John P. Morrissey, Esq.
330 Clematis Street, Suite 213
West Palm Beach, FL 33401
(561) 833-0766 - Telephone
(561) 833-0867 - Facsimile
Email: John P. Morrissey
(john@jmorrisseylaw.com)
Counsel for Molly Simon, Alexandra Bernstein,
Eric Bernstein, Michael Bernstein

Lisa Friedstein
2142 Churchill Lane
Highland Park, IL 60035
lisa@friedsteins.com
Individually and as trustee for her children, and
as natural guardian for M.F. and C.F., Minors

Jill Iantoni
2101 Magnolia Lane
Highland Park, IL 60035
jilliantoni@gmail.com
Individually and as trustee for her children, and
as natural guardian for J.I. a minor

Peter M. Feaman, Esq.
Peter M. Feaman, P.A.
3695 West Boynton Beach Blvd., Suite 9
Boynton Beach, FL 33436
(561) 734-5552 - Telephone
(561) 734-5554 - Facsimile
Email: pfeaman@feamanlaw.com;
service@feamanlaw.com;
mkoskey@feamanlaw.com
Counsel for William Stansbury

Robert Spallina, Esq.
Donald Tescher, Esq.
Tescher & Spallina
925 South Federal Hwy., Suite 500
Boca Raton, Florida 33432
rspallina@tescherspallina.com
dtescher@tescherspallina.com

Pam Simon
Pam Simon <psimon@stpcorp.com>

SERVICE LIST - CASE NO. 502012CP004391XXXXNBIJ

Eliot Bernstein, individually
and Eliot and Candice Bernstein,
as Parents and Natural Guardians of
D.B., Ja. B. and Jo. B, Minors
2753 NW 34th Street
Boca Raton, FL 33434
(561) 245-8588 - Telephone
(561) 886-7628 - Cell
(561) 245-8644 - Facsimile
Email: Eliot I. Bernstein (iviewit@iviewit.tv)

John P. Morrissey, Esq.
330 Clematis Street, Suite 213
West Palm Beach, FL 33401
(561) 833-0766 - Telephone
(561) 833-0867 - Facsimile
Email: John P. Morrissey
(john@jmorrisseylaw.com)
Counsel for Molly Simon, Alexandra Bernstein,
Eric Bernstein, Michael Bernstein

Lisa Friedstein
2142 Churchill Lane
Highland Park, IL 60035
lisa@friedsteins.com
Individually and as trustee for her children, and
as natural guardian for M.F. and C.F., Minors

Jill Iantoni
2101 Magnolia Lane
Highland Park, IL 60035
jilliantoni@gmail.com
Individually and as trustee for her children, and
as natural guardian for J.I. a minor

Peter M. Feaman, Esq.
Peter M. Feaman, P.A.
3695 West Boynton Beach Blvd., Suite 9
Boynton Beach, FL 33436
(561) 734-5552 - Telephone
(561) 734-5554 - Facsimile
Email: service@feamanlaw.com;
mkoskey@feamanlaw.com
Counsel for William Stansbury

Gary R. Shendell, Esq.
Kenneth S. Pollock, Esq.
Shendell & Pollock, P.L.
2700 N. Military Trail, Suite 150
Boca Raton, FL 33431
(561) 241-2323 - Telephone
(561) 241-2330 - Facsimile
Email: gary@shendellpollock.com
ken@shendellpollock.com
estella@shendellpollock.com
britt@shendellpollock.com
grs@shendellpollock.com

Robert Spallina, Esq.
Donald Tescher, Esq.
Tescher & Spallina
925 South Federal Hwy., Suite 500
Boca Raton, Florida 33432

Brian M. O'Connell, Esq.
Joielle A. Foglietta, Esq.
Ciklin Lubitz Martens & O'Connell
515 N. Flagler Dr., 20th Floor
West Palm Beach, FL 33401
561-832-5900 - Telephone
561-833-4209 - Facsimile
Email: boconnell@ciklinlubitz.com;
jfoglietta@ciklinlubitz.com;
service@ciklinlubitz.com;
slobdell@ciklinlubitz.com

SERVICE LIST Case No.: 502014CP003698XXXXNBIJ

Eliot Bernstein, individually
and Eliot and Candice Bernstein,
as Parents and Natural Guardians of
D.B., Ja. B. and Jo. B, Minors
2753 NW 34th Street
Boca Raton, FL 33434
(561) 245-8588 - Telephone
(561) 886-7628 - Cell
(561) 245-8644 - Facsimile
Email: Eliot I. Bernstein (iviewit@iviewit.tv)

John P. Morrissey, Esq.
330 Clematis Street, Suite 213
West Palm Beach, FL 33401
(561) 833-0866 - Telephone
(561) 833-0867 - Facsimile
Email: John P. Morrissey
(john@jmorrisseylaw.com)
Counsel for Molly Simon, Alexandra Bernstein,
Eric Bernstein, Michael Bernstein

Lisa Friedstein, individually and as trustee for her
children, and as natural guardian for M.F. and
C.F., Minors; and Max Friedstein
lisa.friedstein@gmail.com

Jill Iantoni, individually and as trustee for her
children, and as natural guardian for J.I. a minor
jilliantoni@gmail.com

Alan Rose, Esq.
Mrachek Fitzgerald Rose
Konopka Thomas & Weiss, P.A.
505 S Flagler Drive, Suite 600
West Palm Beach, FL 33401
(561) 655-2250 - Telephone
(561) 655-5537 - Facsimile
Email: arose@mrachek-law.com

Pamela Beth Simon
303 E. Wacker Drive, Suite 2725
Chicago, IL 60601
Email: psimon@stpcorp.com

Brian M. O'Connell, Esq.
Joielle A. Foglietta, Esq.
Ciklin Lubitz Martens & O'Connell
515 N. Flagler Dr., 20th Floor
West Palm Beach, FL 33401
561-832-5900 - Telephone
561-833-4209 - Facsimile
Email: boconnell@ciklinlubitz.com;
jfoglietta@ciklinlubitz.com;
service@ciklinlubitz.com;
slobdell@ciklinlubitz.com

SERVICE LIST Case No.: 502015CP001162XXXXNBIJ

Eliot Bernstein
2753 NW 34th Street
Boca Raton, FL 33434
(561) 245-8588 - Telephone
(561) 886-7628 - Cell
(561) 245-8644 - Facsimile
Email: Eliot I. Bernstein (iviewit@iviewit.tv)

Alan Rose, Esq.
Mrachek Fitzgerald Rose
Konopka Thomas & Weiss, P.A.
505 S Flagler Drive, Suite 600
West Palm Beach, FL 33401
(561) 655-2250 - Telephone
(561) 655-5537 - Facsimile
Email: arose@mrachek-law.com

John P. Morrissey, Esq.
330 Clematis Street, Suite 213
West Palm Beach, FL 33401
(561) 833-0866 - Telephone
(561) 833-0867 - Facsimile
Email: John P. Morrissey
(john@jmorrisseylaw.com)
Counsel for Molly Simon, Alexandra Bernstein,
Eric Bernstein, Michael Bernstein

Marie Chandler

Subject: FW: Case Nos. 502011CP000653, 502012CP004391, 502015CP00162, 502014CP003698, 502014CP002815XXXXNB-IJ
Attachments: ABR to Judge Coates 06-09-15 re Bernstein Matters.pdf

From: Marie Chandler
Sent: Tuesday, June 09, 2015 3:20 PM
To: (Redacted)
Cc: Alan Rose
Subject: Case Nos. 502011CP000653, 502012CP004391, 502015CP00162, 502014CP003698, 502014CP002815XXXXNB-IJ

Dear Ms. Phillips:

Pursuant to your permission given to Mr. Rose, attached please find correspondence from Mr. Rose to Judge Coates.

cc: All parties on all service lists attached to letter.

Marie B. Chandler
Assistant to L. Louis Mrachek and Alan B. Rose
Email: mchandler@mrachek-law.com
Direct: (561) 472-2417



505 S. Flagler Drive, Suite 600
West Palm Beach, FL 33401
Main: (561) 655-2250
Fax: (561) 655-5537

This communication is for its intended recipient only, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient or the employee or agent responsible for delivering this communication to the intended recipient, you are hereby notified that any unauthorized use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone (561-655-2250) or e-mail reply, delete it from your system, and destroy any hard copy you may have printed. Thank you.



WRITER'S DIRECT DIAL NUMBER: (561) 355-6991
WRITER'S E-MAIL ADDRESS: arose@mrachek-law.com

June 9, 2015

The Honorable Howard K. Coates, Jr.
Room 2711
3188 PGA Blvd
Palm Beach Gardens, FL 33410

Re: *In Re: Estate of Simon L. Bernstein*
Case No.: 502012CP004391XXXXNB-IJ - Already Recused

In Re: Estate of Shirley Bernstein
Case No. 502011CP000653XXXXNB-IJ

Eliot Bernstein, etc., et al. v. Theodore Stuart Bernstein, etc., et al.
Case No. 502015CP001162XXXXNB-IJ

Ted Bernstein, etc., et al. v. Alexandra Bernstein, et al.
Case No.: 502014CP003698XXXXNB-IJ

Oppenheimer Trust Company v. Eliot Bernstein, et al.
Case No. 502014CP002815XXXXNB-IJ

Dear Judge Coates:

I am writing in connection with the above five matters which were recently reassigned to your division after Judge Colin recused himself. As you will recall, the parties had a hearing before you last Thursday in the Estate of Simon Bernstein matter, and you recused yourself verbally and then entered an Order of Recusal and Reassignment.

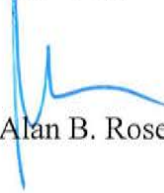
The parties believe that the recusal ruling would apply to all five cases, including the Oppenheimer case listed above. In that case, I have checked the counterclaim that was filed and confirmed that Proskauer Rose law firm is named as a counter defendant in a counterclaim filed by Eliot Bernstein.

I conferred with all parties to determine if we should advise you of this now or wait for the reassignment of the Simon Bernstein case, and both Mr. O'Connell, the Personal Representative, and several others have requested that we advise the Court now. I am providing a copy of this letter to all counsel and other interested persons on the attached service lists.

The Honorable Howard K. Coates, Jr.
June 9, 2015
Page 2

We thank Your Honor for your time and attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alan B. Rose". The signature is stylized with a prominent vertical stroke on the left and a horizontal stroke on the right.

Alan B. Rose

ABR/mbc

cc: All counsel and parties on service list via email only.

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

CASE NO. 502014CP002815XXXXSB

ELIOT AND CANDICE BERNSTEIN,

IN THEIR CAPACITY AS PARENTS AND
NATURAL GUARDIANS OF JOSHUA,
JAKE AND DANIEL BERNSTEIN, MINORS,
JURY TRIAL REQUESTED

HON. JEFFREY DANA GILLEN
TRANSFERRED TO
HON. MARTIN COLIN

Plaintiffs,

v.

OPPENHEIMER & CO. INC. AND ITS CURRENT AND FORMER DIVISIONS,
AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS,
SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS,
DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS,
REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;
OPPENHEIMER TRUST COMPANY OF DELAWARE AND ITS CURRENT AND FORMER
DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS,
PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS,
OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS,
REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;
LEGACY BANK OF FLORIDA AND ITS CURRENT AND FORMER DIVISIONS,
AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS,
SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS,
DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS,
REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;
STANFORD FINANCIAL GROUP AND ITS CURRENT AND FORMER DIVISIONS,
AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS,
SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS,
DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS,
REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;
JP MORGAN CHASE & CO. AND ITS CURRENT AND FORMER DIVISIONS,
AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS,
SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS,
DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS,
REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;
JANET CRAIG, INDIVIDUALLY;
JANET CRAIG, PROFESSIONALLY;
HUNT WORTH, INDIVIDUALLY;

COUNTER COMPLAINT
Wednesday, July 30, 2014
Page 1

(CURRENTLY MISSING AND LEGALLY NONEXISTENT) AND ITS CURRENT ALLEGED AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;
SIMON BERNSTEIN 2000 INSURANCE TRUST (DATED AUGUST 15, 2000) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;
SHIRLEY BERNSTEIN 2000 INSURANCE TRUST (DATED AUGUST 15, 2000) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;
THE 2000 LAST WILL AND TESTAMENT OF SIMON BERNSTEIN AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;
THE 2000 LAST WILL AND TESTAMENT OF SHIRLEY BERNSTEIN AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;
ALBERT GORTZ, ESQ. – PERSONALLY;
ALBERT GORTZ, ESQ. – PROFESSIONALLY;
PROSKAUER ROSE, LLP AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, ASSOCIATES, OF COUNSEL, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;
MARITAL TRUST AND FAMILY TRUST CREATED BY SHIRLEY BERNSTEIN TRUST (2008) AND ITS CURRENT AND FORMER TRUSTEES, FIDUCIARIES AND COUNSEL;
BERNSTEIN FAMILY REALTY, LLC AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;
BERNSTEIN HOLDINGS, LLC AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;
BERNSTEIN FAMILY INVESTMENTS, LLLP AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;
LIFE INSURANCE CONCEPTS, INC. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;
LIC HOLDINGS, INC. AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES, SUBSIDIARIES, STOCKHOLDERS, PARENTS, PREDECESSORS, SUCCESSORS, ASSIGNORS, ASSIGNS, PARTNERS, MEMBERS, OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, AGENTS, ADMINISTRATORS, REPRESENTATIVES, ATTORNEYS, INSURERS AND FIDUCIARIES;
LIC HOLDINGS, LLC AND ITS CURRENT AND FORMER DIVISIONS, AFFILIATES,

SERVICE LIST - CASE NO. 502012CP004391XXXXNBIJ

Eliot Bernstein, individually
and Eliot and Candice Bernstein,
as Parents and Natural Guardians of
D.B., Ja. B. and Jo. B, Minors
2753 NW 34th Street
Boca Raton, FL 33434
(561) 245-8588 - Telephone
(561) 886-7628 - Cell
(561) 245-8644 - Facsimile
Email: Eliot I. Bernstein (iviewit@iviewit.tv)

John P. Morrissey, Esq.
330 Clematis Street, Suite 213
West Palm Beach, FL 33401
(561) 833-0766 - Telephone
(561) 833-0867 - Facsimile
Email: John P. Morrissey
(john@jmorrisseylaw.com)
Counsel for Molly Simon, Alexandra Bernstein,
Eric Bernstein, Michael Bernstein

Lisa Friedstein
2142 Churchill Lane
Highland Park, IL 60035
lisa@friedsteins.com
Individually and as trustee for her children, and
as natural guardian for M.F. and C.F., Minors

Jill Iantoni
2101 Magnolia Lane
Highland Park, IL 60035
jilliantoni@gmail.com
Individually and as trustee for her children, and
as natural guardian for J.I. a minor

Peter M. Feaman, Esq.
Peter M. Feaman, P.A.
3695 West Boynton Beach Blvd., Suite 9
Boynton Beach, FL 33436
(561) 734-5552 - Telephone
(561) 734-5554 - Facsimile
Email: service@feamanlaw.com;
mkoskey@feamanlaw.com
Counsel for William Stansbury

Gary R. Shendell, Esq.
Kenneth S. Pollock, Esq.
Shendell & Pollock, P.L.
2700 N. Military Trail, Suite 150
Boca Raton, FL 33431
(561) 241-2323 - Telephone
(561) 241-2330 - Facsimile
Email: gary@shendellpollock.com
ken@shendellpollock.com
estella@shendellpollock.com
britt@shendellpollock.com
grs@shendellpollock.com

Robert Spallina, Esq.
Donald Tescher, Esq.
Tescher & Spallina
925 South Federal Hwy., Suite 500
Boca Raton, Florida 33432

Brian M. O'Connell, Esq.
Joielle A. Foglietta, Esq.
Ciklin Lubitz Martens & O'Connell
515 N. Flagler Dr., 20th Floor
West Palm Beach, FL 33401
561-832-5900 - Telephone
561-833-4209 - Facsimile
Email: boconnell@ciklinlubitz.com;
jfoglietta@ciklinlubitz.com;
service@ciklinlubitz.com;
slobdell@ciklinlubitz.com

SERVICE LIST - Case No. 502011CP000653XXXXNBIJ

Eliot Bernstein, individually
and Eliot and Candice Bernstein,
as Parents and Natural Guardians of
D.B., Ja. B. and Jo. B, Minors
2753 NW 34th Street
Boca Raton, FL 33434
(561) 245-8588 - Telephone
(561) 886-7628 - Cell
(561) 245-8644 - Facsimile
Email: Eliot I. Bernstein (iviewit@iviewit.tv)

John P. Morrissey, Esq.
330 Clematis Street, Suite 213
West Palm Beach, FL 33401
(561) 833-0766 - Telephone
(561) 833-0867 - Facsimile
Email: John P. Morrissey
(john@jmorrisseylaw.com)
Counsel for Molly Simon, Alexandra Bernstein,
Eric Bernstein, Michael Bernstein

Lisa Friedstein
2142 Churchill Lane
Highland Park, IL 60035
lisa@friedsteins.com
Individually and as trustee for her children, and
as natural guardian for M.F. and C.F., Minors

Jill Iantoni
2101 Magnolia Lane
Highland Park, IL 60035
jilliantoni@gmail.com
Individually and as trustee for her children, and
as natural guardian for J.I. a minor

Peter M. Feaman, Esq.
Peter M. Feaman, P.A.
3695 West Boynton Beach Blvd., Suite 9
Boynton Beach, FL 33436
(561) 734-5552 - Telephone
(561) 734-5554 - Facsimile
Email: pfeaman@feamanlaw.com;
service@feamanlaw.com;
mkoskey@feamanlaw.com
Counsel for William Stansbury

Robert Spallina, Esq.
Donald Tescher, Esq.
Tescher & Spallina
925 South Federal Hwy., Suite 500
Boca Raton, Florida 33432
rspallina@tescherspallina.com
dtescher@tescherspallina.com

Pam Simon
Pam Simon <psimon@stpcorp.com>

SERVICE LIST Case No.: 502015CP001162XXXXNBIJ

Eliot Bernstein
2753 NW 34th Street
Boca Raton, FL 33434
(561) 245-8588 - Telephone
(561) 886-7628 - Cell
(561) 245-8644 - Facsimile
Email: Eliot I. Bernstein (iviewit@iviewit.tv)

Alan Rose, Esq.
Mrachek Fitzgerald Rose
Konopka Thomas & Weiss, P.A.
505 S Flagler Drive, Suite 600
West Palm Beach, FL 33401
(561) 655-2250 - Telephone
(561) 655-5537 - Facsimile
Email: arose@mrachek-law.com

John P. Morrissey, Esq.
330 Clematis Street, Suite 213
West Palm Beach, FL 33401
(561) 833-0866 - Telephone
(561) 833-0867 - Facsimile
Email: John P. Morrissey
(john@jmorrisseylaw.com)
Counsel for Molly Simon, Alexandra Bernstein,
Eric Bernstein, Michael Bernstein

SERVICE LIST Case No.: 502014CP003698XXXXNBIJ

Eliot Bernstein, individually
and Eliot and Candice Bernstein,
as Parents and Natural Guardians of
D.B., Ja. B. and Jo. B, Minors
2753 NW 34th Street
Boca Raton, FL 33434
(561) 245-8588 - Telephone
(561) 886-7628 - Cell
(561) 245-8644 - Facsimile
Email: Eliot I. Bernstein (iviewit@iviewit.tv)

John P. Morrissey, Esq.
330 Clematis Street, Suite 213
West Palm Beach, FL 33401
(561) 833-0866 - Telephone
(561) 833-0867 - Facsimile
Email: John P. Morrissey
(john@jmorrisseylaw.com)
Counsel for Molly Simon, Alexandra Bernstein,
Eric Bernstein, Michael Bernstein

Lisa Friedstein, individually and as trustee for her
children, and as natural guardian for M.F. and
C.F., Minors; and Max Friedstein
lisa.friedstein@gmail.com

Jill Iantoni, individually and as trustee for her
children, and as natural guardian for J.I. a minor
jilliantoni@gmail.com

Alan Rose, Esq.
Mrachek Fitzgerald Rose
Konopka Thomas & Weiss, P.A.
505 S Flagler Drive, Suite 600
West Palm Beach, FL 33401
(561) 655-2250 - Telephone
(561) 655-5537 - Facsimile
Email: arose@mrachek-law.com

Pamela Beth Simon
303 E. Wacker Drive, Suite 2725
Chicago, IL 60601
Email: psimon@stpcorp.com

Brian M. O'Connell, Esq.
Joielle A. Foglietta, Esq.
Ciklin Lubitz Martens & O'Connell
515 N. Flagler Dr., 20th Floor
West Palm Beach, FL 33401
561-832-5900 - Telephone
561-833-4209 - Facsimile
Email: boconnell@ciklinlubitz.com;
jfoglietta@ciklinlubitz.com;
service@ciklinlubitz.com;
slobdell@ciklinlubitz.com

SERVICE LIST - Case No.: 502014CP002815XXXXSB(IY)

Eliot Bernstein
Candice Bernstein,
as Parents and Natural Guardians of
D.B., Ja. B. and Jo. B, Minors
2753 NW 34th Street
Boca Raton, FL 33434
(561) 245-8588 - Telephone
(561) 886-7628 - Cell
(561) 245-8644 - Facsimile
Email: Eliot I. Bernstein (iviewit@iviewit.tv)

Alan Rose, Esq.
Mrachek Fitzgerald Rose
Konopka Thomas & Weiss, P.A.
505 S Flagler Drive, Suite 600
West Palm Beach, FL 33401
(561) 655-2250 - Telephone
(561) 655-5537 - Facsimile
Email: arose@mrachek-law.com

Steven A. Lessne, Esq.
GrayRobinson, P.A.
225 N.E. Mizner Blvd., Suite 500
Boca Raton, FL 33432
(561) 368-3808
Email: steven.lessne@gray-robinson.com
Counsel for Petitioner

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA.
FAMILY DIVISION "FJ"

CASE NO.: 50 2014 CP 002815 XXXX NB

OPPENHEIMER TRUST COMPANY
OF DELAWARE, in its capacity as
Resigned Trustee of the Simon Bernstein
Irrevocable Trusts created for the benefit
of Joshua, Jake and Daniel Bernstein,
Petitioner,

v.

ELIOT AND CANDICE BERNSTEIN,
in their capacity as parents and natural
guardians of JOSHUA, JAKE AND
DANIEL BERNSTEIN, minors,
Respondents.

ORDER OF RECUSAL AND REASSIGNMENT

The above-captioned case is presently pending in Division FJ of the Circuit Court now presided over by Judge Howard K. Coates Jr. The presiding Judge hereby disqualifies himself from the above-styled cause. This case is referred to the Clerk of the Circuit Court for reassignment to another division. All parties shall be notified by the Clerk of said reassignment.

DONE AND ORDERED in Palm Beach Gardens, Palm Beach County, Florida
this the _____ day of _____, 2015.

SIGNED & DATED

JUN 15 2015
HOWARD K. COATES, JR.
CIRCUIT JUDGE

HOWARD K. COATES, JR.,
Circuit Judge

copies furnished:

Eliot Bernstein, 2753 NW 34th Street, Boca Raton, FL 33434
Steven A. Lessne, Esquire and Gray Robinson P.A., 225 N.E. Mizner Blvd., Suite 500
Boca Raton, FL 33432
Alan Rose, Esquire, 505 South Flagler Drive, Suite 600, West Palm Beach, FL 33401

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA.
FAMILY DIVISION "FJ"

CASE NO.: 50 2014 CP 003698 XXXX NB

TED BERNSTEIN, AS TRUSTEE
OF THE SHIRLEY BERNSTEIN
TRUST AGREEMENT DATED
MAY 20, 2008, AS AMENDED,
Plaintiff,

v.

ALEXANDER BERNSTEIN; ET AL.,
Defendants.

ORDER OF RECUSAL AND REASSIGNMENT

The above-captioned case is presently pending in Division FJ of the Circuit Court now presided over by Judge Howard K. Coates Jr. The presiding Judge hereby disqualifies himself from the above-styled cause. This case is referred to the Clerk of the Circuit Court for reassignment to another division. All parties shall be notified by the Clerk of said reassignment.

DONE AND ORDERED in Palm Beach Gardens, Palm Beach County, Florida
this the _____ day of _____, 2015.

SIGNED & DATED

JUN 15 2015

HOWARD K. COATES, JR.
CIRCUIT JUDGE

HOWARD K. COATES, JR.,
Circuit Judge

copies furnished:

Eliot Bernstein
2753 NW 34th Street
Boca Raton, FL 33434

John P. Morrissey, Esquire
330 Clematis Street, Suite 213
West Palm Beach, FL 33401

Alan Rose, Esquire
505 South Flagler Drive, Suite 600
West Palm Beach, FL 33401

Jill Iantoni, Minor
2101 Magnolia Lane
Highland Park, IL 60035

Lisa Friedstein
c/o Jeffrey and Lisa Friedstein
2142 Churchill Lane
Highland Park, IL 60035

Brian M. O'Connell, Esquire
Joielle A. Foglietta, Esquire
Ciklin Lubitz Martens & O'Connell
515 N. Flagler Drive, 20th Floor
West Palm Beach, FL 33401

Pamela Beth Simon
303 E. Wacker Drive, Suite 2725
Chicago, IL 60601

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA.
FAMILY DIVISION "FJ"

CASE NO.: 50 2015 CP 001162 XXXX NB

ELIOT BERNSTEIN, individually;
ELIOT BERNSTEIN as a beneficiary of the
2008 SIMON L. BERNSTEIN TRUST
AGREEMENT, as amended and restated in the
SIMON L. BERNSTEIN AMENDED AND
RESTATED TRUST AGREEMENT dated
July 25, 2012 and as Legal Guardian of
JOSHUA BERNSTEIN, JACOB BERNSTEIN,
And DANIEL BERNSTEIN,
Plaintiffs,

v.

THEODORE STUART BERNSTEIN, individually;
THEODORE STUART BERNSTEIN, as Successor
Trustee of the 2008 SIMON L. BERNSTEIN TRUST
AGREEMENT dated July 25, 2012; ALEXANDRA
BERNSTEIN; ERIC BERNSTEIN; MICHAEL BERNSTEIN;
MOLLY SIMON; JULIA IANTONI; MAX FRIEDSTEIN;
CARLY FRIEDSTEIN; JOHN AND JANE DOE 1-5000,
Defendants.

_____/

ORDER OF RECUSAL AND REASSIGNMENT

The above-captioned case is presently pending in Division FJ of the Circuit Court now presided over by Judge Howard K. Coates Jr. The presiding Judge hereby disqualifies himself from the above-styled cause. This case is referred to the Clerk of the Circuit Court for reassignment to another division. All parties shall be notified by the Clerk of said reassignment.

DONE AND ORDERED in Palm Beach Gardens, Palm Beach County, Florida
this the _____ day of _____, 2015.

SIGNED & DATED

JUN 15 2015
HOWARD K. COATES, JR.
CIRCUIT JUDGE

HOWARD K. COATES, JR., Circuit Judge

copies furnished:

Eliot Bernstein
2753 NW 34th Street
Boca Raton, FL 33434

John P. Morrissey, Esquire
330 Clematis Street, Suite 213
West Palm Beach, FL 33401

Alan Rose, Esquire
505 South Flagler Drive, Suite 600
West Palm Beach, FL 33401

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA.
FAMILY DIVISION "FJ"

CASE NO.: 50 2011 CP 000653 XXXX NB

IN RE: ESTATE OF:

Shirley Bernstein,

Deceased.

ORDER OF RECUSAL AND REASSIGNMENT

The above-captioned case is presently pending in Division FJ of the Circuit Court now presided over by Judge Howard K. Coates Jr. The presiding Judge hereby disqualifies himself from the above-styled cause. This case is referred to the Clerk of the Circuit Court for reassignment to another division. All parties shall be notified by the Clerk of said reassignment.

DONE AND ORDERED in Palm Beach Gardens, Palm Beach County, Florida
this the _____ day of _____, 2015.

SIGNED & DATED

JUN 15 2015

**HOWARD K. COATES, JR.
CIRCUIT JUDGE**

HOWARD K. COATES, JR.,
Circuit Judge

copies furnished:

Eliot Bernstein
2753 NW 34th Street
Boca Raton, FL 33434

John P. Morrissey, Esquire
330 Clematis Street, Suite 213
West Palm Beach, FL 33401

Alan Rose, Esquire
505 South Flagler Drive, Suite 600
West Palm Beach, FL 33401

Jill Iantoni, Minor
2101 Magnolia Lane
Highland Park, IL 60035

Peter M. Feaman, Esquire
3695 West Boynton Beach, Blvd., Suite 9
Boynton Beach, FL 33436

Lisa Friedstein, Minor
c/o Jeffrey and Lisa Friedstein
2142 Churchill Lane
Highland Park, IL 60035

Robert Spallina, Esquire
Donald Tescher, Esquire
Tescher & Spallina
925 South Federal Highway, Suite 500
Boca Raton, FL 33432

Pamela Beth Simon
303 E. Wacker Drive, Suite 2725
Chicago, IL 60601

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA.
FAMILY DIVISION "FJ"

CASE NO.: 50 2012 CP 004391 XXXX NB

IN RE: ESTATE OF:


SIMON L. Bernstein,

Deceased.

ORDER OF RECUSAL AND REASSIGNMENT

The above-captioned case is presently pending in Division FJ of the Circuit Court now presided over by Judge Howard K. Coates Jr. The presiding Judge hereby disqualifies himself from the above-styled cause. This case is referred to the Clerk of the Circuit Court for reassignment to another division. All parties shall be notified by the Clerk of said reassignment.

DONE AND ORDERED in Palm Beach Gardens, Palm Beach County, Florida
this the 4TH day of June, 2015.



HOWARD K. COATES, JR.,
Circuit Judge

copies furnished:

Eliot Bernstein
2753 NW 34th Street
Boca Raton, FL 33434

John P. Morrissey, Esquire
330 Clematis Street, Suite 213
West Palm Beach, FL 33401

Alan Rose, Esquire
505 South Flagler Drive, Suite 600
West Palm Beach, FL 33401

Pamela Beth Simon
950 North Michigan Avenue, #2603
Chicago, IL 60611

Brian M. O'Connell, Esquire
515 North Flagler Drive, 20th Floor
West Palm Beach, FL 33401

Lisa Friedstein and Carley Friedstein, Minors
c/o Jeffrey and Lisa Friedstein
2142 Churchill Lane
Highland Park, IL 60035

Joshua, Jacob and Daniel Bernstein, Minors
c/o Eliot Bernstein
2753 NW 34th Street
Boca Raton, FL 33434

Irwin J. Block, Esquire
700 S. Federal Highway, Suite 200
Boca Raton, FL 33432

Gary Shendell, Esquire
2700 N. Military Trail, Suite 150
Boca Raton, FL 33431

FILED

2015 JUN 18 PM 2:29

SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
NORTH COUNTY BRANCH

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

PROBATE DIVISION
CASE NUMBER: 502014CP002815XXXXNB
DIVISION: IH

OPPENHEIMER TRUST COMPANY OF
DELAWARE, in its capacity as Resigned Trustee
of the Simon Bernstein Irrevocable Trusts created
for the benefit of Joshua, Jake and Daniel Bernstein,
Petitioner,

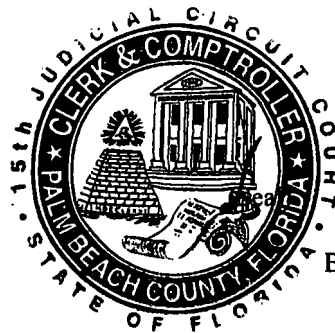
V

ELIOT AND CANDICE BERNSTIN,
In their capacity as parents and natural guardians of
JOSHUA, JAKE AND DANIEL BERNSTEIN, minors,
Respondents

CLERK'S NOTICE OF REASSIGNMENT

Pursuant to Court order of the Honorable **JUDGE HOWARD K COATES JR.** dated **JUNE 15, 2015**, the above styled case is reassigned to Division **IH**, Judge(s) **JUDGE JOHN L PHILLIPS** for all further proceedings.

WITNESS my hand and seal of this Court this 18 day of June, 2015.



Sharon R. Bock
Clerk & Comptroller

BY:

Angela Buedel
Deputy Clerk

cc:
cc: ALL PARTIES

FILED

2015 JUN 18 PM 2: 29

SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
NORTH COUNTY BRANCH

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

PROBATE DIVISION
CASE NUMBER: 502011CP000653XXXXNB
DIVISION: IH

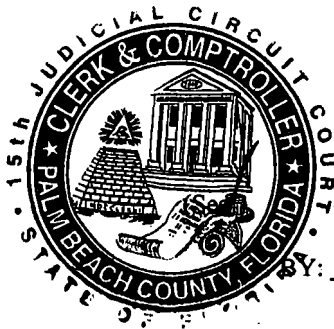
IN RE: ESTATE OF

SHIRLEY BERNSTEIN, Deceased

CLERK'S NOTICE OF REASSIGNMENT

Pursuant to Court order of the Honorable **JUDGE HOWARD K COATES JR.** dated **JUNE 15, 2015**, the above styled case is reassigned to Division **IH**, Judge(s) **JUDGE JOHN L PHILLIPS** for all further proceedings.

WITNESS my hand and seal of this Court this 18 day of June, 2015.



Sharon R. Bock
Clerk & Comptroller

Angela Budel
Deputy Clerk

cc:
CC: ALL PARTIES

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

PROBATE DIVISION

IN RE: THE TRUST OF

CASE NO. 502015CP002717XXXXNB - IJ

SIMON L. BERNSTEIN,
_____ /

ORDER SETTING DEADLINE TO CLOSE TRUST

THIS TRUST has been pending beyond the time expected for administration to be complete Fla. R. Jud. Admin. 2.250(a)(1)(D).

ACCORDINGLY, it is

ORDERED AND ADJUDGED:

1. **THE PERSONAL REPRESENTATIVE SHALL CLOSE THIS TRUST BY, MARCH 31, 2017.** If the Trust is not closed by the deadline, the Court will close the file administratively.
2. The Petitioner may request an extension of time to close the Trust by filing a motion which gives the status, the reason for the delay in closing the Trust, and an estimated time by which the Trust will be closed. Any such motion must be accompanied by a proposed order extending the time for closing the Trust, together with stamped addressed envelopes for all interested persons. **Any motion for extension of time must be RECEIVED BY THE COURT AT LEAST FIVE (5) WORKING DAYS BEFORE THE DEADLINE TO CLOSE THE TRUST.** Proposed deadlines to close should be the end of a calendar quarter, i.e., March 31, June 30, September 30 or December 31.

SIGNED & DATED

DONE AND ORDERED in Palm Beach County, Florida this _____ day of ~~January~~ **JAN 03 2017**

HOWARD K. COATES, JR.
CIRCUIT JUDGE

HOWARD K. COATES, JR.
Circuit Judge

Copies furnished:

Eliot Ivan Bernstein
2753 Northwest 34th Street
Boca Raton, FL 33437

Honorable Howard K. Coates, Jr.
Circuit Judge
North County Courthouse
3188 PGA Boulevard
Palm Beach Gardens, FL 33410

W PALM BCH
FL 334
09 20 16
PM 51



Eliot Ivan Bernstein
2753 Northwest 34th Street
Boca Raton, FL 33437

00404-045553



CLIENT: IVIEWIT CORPORATION
MATTER: GENERAL CORPORATE ADVICE
PAGE: 4

August 24, 1999

06/08/99 C WHEELER .25 Prep of notary acknowledgment for Mr. Lewin

06/08/99 C WHEELER 1.00 Conf with Mr. Thompson re corporate structure

06/08/99 C WHEELER 5.00 Conference w/I.Akselrad; conference w/R.Thompson; conference w/C.Branden; preparation of confidentiality agreements and transmittal; conference w/Mr.Bernstein; conference w/M.Buchsbaum

06/08/99 S ROMOFF 1.75 Telephone conference w/ DT; Meet w/ IA; Drafting LLC Agreement.

06/08/99 M ROBBINS .50 Review subscription packages from shareholders. Inter-office conferences with Zammass re: updating shareholder subscription list.

06/08/99 J ZAMMAS .50 Copy documents for C. Wheeler; return call to Andrew Dietz regarding signing of document; fax organizational minutes to Simon Bernstein pursuant to Eliot Bernstein's request..

06/09/99 H COATES JR. .25 Conference with Rocky Thompson regarding securities issues concerning involvement in LLC structure

06/09/99 D THOMPSON II 2.75 Telephone conference with Jerry Lewin re structural changes; Conference with Attorney Mara Lerner Robbins; conference with Attorney C. Wheeler re pending matters; prepare LLC.

06/09/99 C WHEELER 1.00 Conference w/Mr.Rosman re revision; arrange revision

06/09/99 C WHEELER .25 Set up conference call w/Rosalie Bibona

06/09/99 C WHEELER .50 Conference w/R.Bibona

06/09/99 C WHEELER .50 Conference w/R.Thompson re new corp. setup

06/09/99 S ROMOFF 7.50 Drafting LLC Agreement.

06/09/99 M ROBBINS 1.00 Inter-office conferences with Zammass re: log of received subscription agreements. Telephone conferences with Dietz. Telephone conferences with Bernstein. Telephone conference to Lewin.

06/09/99 J ZAMMAS .75 Keep record of checks and subscription agreements; prepare and fax list of people who have sent in checks for shares to Jerry Lewin.

CLIENT: IVIEWIT CORPORATION
MATTER: GENERAL CORPORATE ADVICE
PAGE: 4

August 24, 1999

06/08/99 C WHEELER .25 Prep of notary acknowledgment for Mr. Lewin

06/08/99 C WHEELER 1.00 Conf with Mr. Thompson re corporate structure

06/08/99 C WHEELER 5.00 Conference w/I.Akselrad; conference w/R.Thompson; conference w/C.Branden; preparation of confidentiality agreements and transmittal; conference w/Mr.Bernstein; conference w/M.Buchsbaum

06/08/99 S ROMOFF 1.75 Telephone conference w/ DT; Meet w/ IA; Drafting LLC Agreement.

06/08/99 M ROBBINS .50 Review subscription packages from shareholders. Inter-office conferences with Zammas re: updating shareholder subscription list.

06/08/99 J ZAMMAS .50 Copy documents for C. Wheeler; return call to Andrew Dietz regarding signing of document; fax organizational minutes to Simon Bernstein pursuant to Eliot Bernstein's request..

06/09/99 H COATES JR. .25 Conference with Rocky Thompson regarding securities issues concerning involvement in LLC structure

06/09/99 D THOMPSON II 2.75 Telephone conference with Jerry Lewin re structural changes; Conference with Attorney Mara Lerner Robbins; conference with Attorney C. Wheeler re pending matters; prepare LLC.

06/09/99 C WHEELER 1.00 Conference w/Mr.Rosman re revision; arrange revision

06/09/99 C WHEELER .25 Set up conference call w/Rosalie Bibona

06/09/99 C WHEELER .50 Conference w/R.Bibona

06/09/99 C WHEELER .50 Conference w/R.Thompson re new corp. setup

06/09/99 S ROMOFF 7.50 Drafting LLC Agreement.

06/09/99 M ROBBINS 1.00 Inter-office conferences with Zammas re: log of received subscription agreements. Telephone conferences with Dietz. Telephone conferences with Bernstein. Telephone conference to Lewin.

06/09/99 J ZAMMAS .75 Keep record of checks and subscription agreements; prepare and fax list of people who have sent in checks for shares to Jerry Lewin.

From: <BJR509@aol.com>
To: <DThompson@proskauer.com>
Date: 12/20/99 4:49pm
Subject: Re: Draft Consulting Agreement -Reply

In a message dated 12/20/1999 4:05:05 PM Eastern Standard Time, DThompson@proskauer.com writes:

<< Hi Bruce, I'll try and look at by tomorrow afternoon, but it may be Wednesday before I can address it with you. Best regards. >>

OK; sorry for the short notice. The originator, who sent it to us today, wants a response by Wednesday. Maybe KSR can speak with you Wednesday morning if tomorrow doesn't work. Please let me know.

I think what we are looking for from you is some guidance on what areas are potential pitfalls. We will then come back to e-Style (our prospective client) with amended terms. Once we come to some agreement with them we likely will need you to do some wordsmithing.

I should note to you that we propose excising the "financing" part of the engagement compensation and substituting a "finders fee". StyleBOX has already retained an investment banker for financing purposes. KSR might introduce a counterparty but that would likely be the end of our involvement with financing activity.

Regards,
Bruce

12/23 cc with Sy and David Bernstein and

1. David Bernstein

2. Would buy 1% of David's stock for
250k for a note or loan

1) There will be a loan which
matures after the capital gains
percent

- note is nonrecourse

- secured by stock

2. Furniture deal

a. Make the change to the payment journal
of the Note and send it out

3

- potential claim. Later Board
meeting that approves of his keeping
all of the shares.

11. Consider disclosure issues if he sells and
the impact on value $\$7.5$ million

condition was met

↳ Gustaf has since said there was fraudulent inducement. Failure to disclose an arrest and conviction.

a. Arrested 23 years ago for solicitation of a prostitute.

- His lawyer settled it for a nominal fee which he didn't

↳ Had been sign something a couple of weeks ago. (Stock issued 1/12/20)

9. Merger

a. Must obtain fully of \$7.5 m @ 7.25 per share
2/28/2000

- this is a precondition

↳ Shareholder Approval occurred in Nov 24th

10. His 20,000 shares

- at time issued to him there was some expectation that some of his

shares at least to be liquidated

5 Share Ownership

485,000 total outstanding as follows:

200,000

Roy

174,000

Other Board Members (5 total)

96,000

Third Parties. (including 84,000 shares from

15,000

Roy's friends (Ken Waggoner) Coin

Company is trying to take back his options

These are issued to all Board members and have various vesting requirements

There are also stock options out only primarily to officers by request and the Board. Most are at \$10³.

- All of the options are contingent on an IPO or merger/sale of the company

6. Board members

1) Rick Williams - Dean & Bentsen background and a shareholder

2) Ann Bond (wife of Bill Bond)

3) Tom Stafford

4) Steve Norton

5) Roy

7. Disputes

a. Issued 200,000 shares but can only vote 20% of the outstanding (\approx 97,000)

- vests upon a "funding only"

- no written agreement on this.

* Probably not enforceable

12/21

Gary Sheppard and Ivan Fischler
Matt Tuzys and Howard Coates

- 15 years in Ronald McDonald Foundation
- heavy non profit background

A. History of Viatorix

1. Virtual colonoscopy. Cat scan in lieu of an invasive procedure. Creates a 3D image which can be viewed in

See Markuby materials

2. SUNY licenses the technology to the company
 - there is a disputed patent issued in '95
 - litigation is now ensuing on the topic
 - Bill Bond

3. Corporation has rights to the patent
 - patents are owned by 2 individuals
 - M.D.
 - Genam Coin, was involved and assigned it to 2 individuals Bill Bond and Tom Stanford

4. SUNY has a better patent

A.

① ④ revenues ruling assume a formation under 708 of the Code. We just specify that the transfer does not result in a formation, but only

② Keep iView.com.LLC in

B. iView.com. Inc

1. Liquidating Distribution would be taxable unless a reorganization

Proposal letter - $\frac{5}{8}$ to $\frac{11}{9}$ in the piece

- Sale and lease

- structure

- rental payment

- at end of term Pitney takes the equipment
back (mandatory purchase)

- we will look at the numbers

→ therefore call Annan early afternoon

- try and stick to our firm

Sha Pwov

- send proposal and attach the doc

- St David's - in ~~St~~ San Antonio, Mexico

505 - 988 - 4455 Phone

505 - 775 - 4544 Fax

12/21 do with Brian Utley

* Document
Integrate

Questions for Brian Utley

1. ECP - See the fax itself
- he is inclined to take the business risk on integration

2. Revy

a. Ad vs Pla

- Franchise fee/rev

b. Consent issues

c. Wblaw.com - Shareholders and members issue

d. contribution of Class A/Class B. Concept?

3. off doc

a. Business Asygn)

Yes, keep it place

b. Financial Statements)

Keep out until

4. Preliminary Term Sheet

the new year.

Earliest would be

Send it to

Mark Epstein

(get fax)
by calling that
number

310, 553,
0305.

Mid January before
audited #'s could
be available

* 25m. the
offering
will occur
5/16 on the
down the
road

audited
financials

he understands
this and
doesn't want
to use the
for this purpose
sincerely.

Limitation on use of ECP ~~for~~ for negotiations

ok a. Fees for commissioner introductions
3% Flat fee

ok b. Confirm introductions to date by ECP

PROSKAUER ROSE LLP

12/28 Ok with Brian Utley

.5

As Business Points :

✓ 1. Impact of Warrant to a Non-accredited investor
de a. Integration Rules. Reversion Risks on subsequent deals.

de b. Need for a full scale offering memorandum
- time and expense issues

✓ 2. Go over Pricing of the initial Warrant
de - increased from \$15 per unit to 16.67 per unit so that it is not less than Hertz and reduced the \$2.50 warrants by a corresponding amount to 30.83

✓ 3. Termination and Vesting
de - eliminated the 90 day requirement for termination so as to make consistent with Grantor

de - if we terminate, however, he wants to accelerate the vesting.

Law Offices

HOLLAND & KNIGHT LLP

701 Brickell Avenue
Suite 3000
P.O. Box 015441 (ZIP 33101-5441)
Miami, Florida 33131

305-374-8500
FAX 305-789-7799

Atlanta	Northern Virginia
Boston	Orlando
Fort Lauderdale	Providence
Jacksonville	San Francisco
Lakeland	St. Petersburg
Melbourne	Tallahassee
Mexico City	Tampa
Miami	Washington, D.C.
New York	West Palm Beach

FACSIMILE

TO:

Hank Powell (561) 838-4105

NAME FAX#

Rocky Thompson (561) 241-7145

NAME FAX#

NAME FAX#

NAME FAX#

NAME FAX#

NAME FAX#

NAME FAX#

NAME FAX#

FROM:

NAME TELEPHONE NUMBER

George A. Villasana (305) 349-2181

TOTAL PAGES TRANSMITTED (Including Cover Sheet)
12

MESSAGE:

Please see attached. The changes marked on the term sheet have not been reviewed by our client and, therefore, such changes are subject to his approval.

If you did not receive all of the pages or find that they are illegible, please call (305) 789-7584

CONFIDENTIALITY NOTE

The following facsimile is intended solely for the use of the individual to whom it is addressed and may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal service. Thank you.

FOR THE RECORD:

DATE: February 2, 2000

URGENCY: SUPER RUSH

FAXED BY:

FILE #: 222222-22222

CONFIRMED: YES NO

MLA1 #905942 v1

iviewit

PENDING MATTERS
(last updated December 22, 1999)

<u>Item</u>	<u>Status</u>	<u>Attorney</u>
1. Generic Web Site and License Agreement	sub. complete	GC/MR
2. Furniture Purchase	Drafts distributed to client	GC/MR
a. Purchase Agreement		
b. Convertible Note	modify prepayment	
c. Security Agreement		
d. Subscription Agreement		
e. Corresponding Issuance to iviewit LLC	in process	
i. InterCompany Agreement		
ii. Managers Consent		
iii. uvieuit.com Board Authorization		
3. General Securities Issues		RT/GC/MR
a. Securities Integration Issues		
b. Blue Sky Authorization Issues		
c. S Corp Issues & Right of First Refusal		
d. Corresponding LLC issuance, as applicable		
e. Private Placement Memorandum		GC/MR
i. Nonaccredited Investor impact		
ii. Audited Financials		
f. Explanatory Memorandum	copy to client	RT
4. Conversion of Huizenga Loan	In process	RT/MR/AL
a. Execution of LLC Agreement	Drafts given to	
b. Execution of Subscription Agreement	Cris Branden	
c. Amendment to LLC Agreement		
i. Written Consent of Board of uvieuit.com		
ii. Written Consent of Class A Member		

Legend:

Rocky Thompson - RT
Gayle Coleman - GC
Mara Lerner Robbins - MR

Spencer Romoff - SR
Ira Akselrad - IA
Chris Wheeler - CW

- | | | |
|---|------------------|----------|
| 5. Potential Restructuring | in process | CW/RT/SR |
| a. Memorandum re same | completed | RT/SR |
| b. Tax Considerations | | SR |
| i. Downstream Merger of uview.com
and iviewit holdings | | |
| c. Choice of State Law | | |
| i. Florida v. Delaware
Franchise tax issues | | |
| d. Transaction Steps | | |
| - See separate checklist on this matter | | |
| e. Timing issues | | |
| i. K-1s and losses | w accountants | |
| 6. Gruntal & Co Offering | monitoring | |
| a. Engagement Letter for \$2M to \$10M | | |
| i. Exclusivity Provision if successful | | |
| b. Side Agreement with Eliot Berstein | | CW |
| 7. Jenex Financial Services | | MR |
| a. Termination letter | | |
| 8. Emerald Partners | in process | RT/MR |
| a. Financial Consultant Agreement | | |
| 9. Potential Offering to Existing Shareholders/
Members | under discussion | CW/RT/MR |
| a. \$500,000 | | |
| b. Limited to Accredited Investors | | |
| c. Look at separate exemption basis | | MR |
| d. Alternative to WebCast deal | | |
| e. Contact persons at Co. is Guy and Maurice B. | | |
| f. Preliminary Term Sheet | to client 12/22 | RT/MR |
| 10. Essex Private Placement | in process | GC/ML |
| a. Darrel Crate - \$1m | | |
| b. Essex Investments - \$4m | | |
| c. Terms | | |
| i. 20% of Co. for \$5m (including
Emerald Warrants as outstanding) | | |

ii. Voting Interest in iviewit LLC

11. WebCast	in process	RT/MR
a. Letter of Intent	complete	
b. Confidentiality Agreement	complete	
c. Equity Investment		
d. License Agreement		
12. InterCompany Matters	in process	
a. InterCompany License	sub. complete	MR/GC
i. Coordination with Generic Web Site Agreement		
13. uviewvideo.com/Doc McGhee	in process	RT/CW/MR
a. Organizational issues on uview video		SR/IA
b. Doc McGhee participation interest		
i. 30% of new entity		
c. Background Check on McGhee	received and distributed	MR
d. McGhee Finder Commission and % of revenues from pay-per-view of recorded musical acts		
e. Letter of Intent	yet to start	
14. Work for Hire Agreements	copies to Brian U.	RT et al
a. Jude and Zack		
b. Memo re same and immigration		
15. Immigration Issues	in process	Ron Storette
a. Jude and Zack		

DONALD E. THOMPSON, II
PENDING MATTERS
DECEMBER 22, 1999

<u>Client</u>	<u>Status</u>
17. Ronald Bizick a. New business ventures (i) Noncompete issues	in process
18. Hammond Estate a. Stock issues b. Potential sale of stock	Monitoring w George K
19. Royal Companies a. Shareholder Agreement issues	in process
20. Aura Group a. Potential Acquisition of Stuart Jet Center b. Letter of intent	monitoring w CCW awaiting execution
21. Careers USA a. Organizational Matters involving LLC	sub. complete w Mara
22. Firm a. Corporate Paralegal Manual b. Form Files (i) Leisure & Resorts (ii) Medical (iii) Corporate (iv) M&A (v) Computer Hardware & software (vi) Securities	Substantially complete Ongoing

cc: Albert W. Gortz
Christopher C. Wheeler

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

CASE NO.: 502012CP004391XXXXSB

IN RE:

ESTATE OF SIMON L. BERNSTEIN,
Deceased.

ELIOT IVAN BERNSTEIN, PRO SE

Petitioner(s),

vs.

TESCHER & SPALLINA, P.A., (and all
parties associated 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.,

Respondent(s).

TRANSCRIPT OF PROCEEDINGS BEFORE
HONORABLE HOWARD COATES

DATE: June 4, 2015

TIME: 4:10 p.m. - 4:20 p.m.

1 APPEARING ON BEHALF OF WILLIAM E. STANSBURY:

2 PETER M. FEAMAN, P.A.
3 3615 W. BOYNTON BEACH BOULEVARD
4 BOYNTON BEACH, FL 33436
5 By: JEFFREY ROYER, ESQ.

6 APPEARING ON BEHALF OF TED BERNSTEIN:

7 PAGE, MRACHEK, FITZGERALD ROSE
8 KONOPKA & DOW, P.A.
9 505 SOUTH FLAGLER DRIVE, SUITE 600
10 WEST PALM BEACH, FL 33401
11 By: ALAN B. ROSE, ESQ.

12 APPEARING ON BEHALF OF THE PR:

13 CIKLIN LUBITZ
14 515 N. FLALGER DRIVE, 20TH FLOOR
15 WEST PALM BEACH, FL 33401
16 By: BRIAN M. O'CONNELL, ESQ.

17 APPEARING ON BEHALF OF MOLLY SIMON, ET AL:

18 JOHN P. MORRISSEY, ESQ.
19 330 CLEMATIS STREET, SUITE 213
20 WEST PALM BEACH, FL 33401

21 ELIOT I. BERNSTEIN, Pro se

22 ALSO PRESENT: CANDICE BERNSTEIN

23 BE IT REMEMBERED, that the following
24 proceedings were taken in the above-styled cause before
25 the Honorable HOWARD COATES, at the Palm Beach County
Courthouse, 3188 PGA Boulevard, Room 3, in the City of
Palm Beach Gardens, County of Palm Beach, State of
Florida, on June 4, 2015, to wit:

1 P-R-O-C-E-E-D-I-N-G-S

2 - - - -

3 THE COURT: Good afternoon. You may be
4 seated.

5 MR. ROSE: Good afternoon, Your Honor.

6 MR. ELIOT BERNSTEIN: Good afternoon.

7 THE COURT: All right. We have the matter of
8 Estate of Simon Bernstein before the court this
9 afternoon.

10 The first motion that I had was a motion
11 to stay distribution of estate assets pending
12 satisfaction of all creditors claims. And then
13 I see that there was also an amended notice of
14 hearing for a multitude of different petitions.

15 So why don't we start out with having
16 counsel enter their appearances and then we'll
17 get going.

18 MR. O'CONNELL: Brian O'Connell, Your Honor.
19 I'm the personal representative of the estate.

20 MR. ELIOT BERNSTEIN: Eliot Bernstein, pro
21 se.

22 MR. MORRISSEY: John Morrissey here on behalf
23 of four adult grandchildren of the decedents,
24 Molly Simon, Alexander Bernstein, Michael
25 Bernstein and Eric Bernstein.

1 MR. ROSE: Good afternoon, Your Honor. Alan
2 Rose on behalf of Ted S. Bernstein as successor
3 trustee of the Simon Bernstein Trust, which is the
4 beneficiary of the estate.

5 THE COURT: Okay.

6 MR. ROYER: Your Honor, I'm Jeff Royer. I am
7 with Peter Feaman's office. We represent William
8 Stansbury, who's an interested person and a
9 substantial claimant of the estate of Simon
10 Bernstein.

11 THE COURT: So you're actually the movant on
12 the first motion I talked about then.

13 MR. ROYER: We are. Your Honor, I don't know
14 that we noticed for today, but, yes, it's -- it is
15 a motion that we filed.

16 THE COURT: Oh, that's the motion that I had
17 for hearing.

18 So anyway, who wants to go first in terms
19 of the pending motions because it would
20 probably be helpful to have someone kind of
21 give me an overview of who the players are.

22 MR. ROSE: Can I just raise one issue before
23 we start the hearing?

24 THE COURT: Sure.

25 MR. ROSE: Just because it's -- I sent a

1 letter to the court advising you that Mr. Eliot
2 Bernstein and his relationship to the Proskauer
3 firm, which you were employed at one time.

4 THE COURT: Yeah, I got that letter. I
5 reviewed it. Did you copy everybody else on the
6 letter?

7 MR. ROSE: I did.

8 THE COURT: All right. The letter raised an
9 issue of whether I, as the judge, should consider
10 disqualification of myself because of my prior
11 employment with Proskauer Rose, which was
12 approximately 15 years ago.

13 Once I received that letter, I looked into
14 the JEAC opinions regarding how far back the
15 judges normally go. And, normally, it's a one
16 to two year period that you look back in terms
17 of automatic recusal.

18 So based on that, I'm not going to sua
19 sponte disqualify myself from this matter. I
20 really have no -- I haven't had contact with
21 Proskauer in any meaningful way in 15 years,
22 so...

23 MR. ROSE: I was only raising it so that
24 Mr. Eliot Bernstein was aware of that. And if he
25 has any objection -- I don't have any objection.

1 I wanted to let -- make sure that he was aware of
2 that and would have an opportunity to --

3 THE COURT: I appreciate it.

4 MR. ROSE: -- object now if he wishes to.

5 THE COURT: Yeah. And I can -- if I can
6 find. I have it here, I'll let everyone know
7 which opinion I was relying on when I looked at
8 that.

9 Yeah, just to be more specific on the note
10 that was sent to me -- what was the name of the
11 corporate entity that they said was represented
12 by Proskauer?

13 MR. ROSE: It was an entity called Iviewit,
14 which engaged in a lengthy multi-year or
15 decade-long battle with that law firm.

16 THE COURT: With Proskauer or Proskauer was
17 representing one of the parties?

18 MR. ROSE: With Proskauer. Proskauer, I
19 think, represented the -- Proskauer represented
20 Simon Bernstein while he was alive and drafted
21 some documents in 2000 that would have been
22 superceded by 2008 documents. And Proskauer also
23 represented the company that Eliot Bernstein
24 started called Iviewit.

25 THE COURT: After 2000?

1 MR. ROSE: I think there was litigation -- it
2 was during the '90s.

3 THE COURT: Because I left -- I left the firm
4 in 2000, I believe, if my recollection is correct.

5 MR. ELIOT BERNSTEIN: I think I know you
6 from there. Did you work at the one in Boca?

7 THE COURT: Yeah, I have no recollection of
8 having represented Iviewit, though.

9 MR. ELIOT BERNSTEIN: Well, actually, which
10 department were you with?

11 THE COURT: Litigation.

12 MR. ELIOT BERNSTEIN: I was right across the
13 hall from your office, do you recall?

14 THE COURT: No.

15 MR. ELIOT BERNSTEIN: Okay.

16 THE COURT: This is going back 15 years.

17 MR. ELIOT BERNSTEIN: Okay. And --

18 MR. ROSE: Just for the record, if I could
19 finish. I wasn't suggesting that you did anything
20 wrong. I was just bringing it to your attention.
21 And, also, I do think, though, all the parties
22 would appreciate it if Mr. Eliot Bernstein has an
23 objection based upon your Proskauer relationship
24 and his relationship to that firm, which is --
25 that he would raise it if he wanted to, or

1 otherwise we're fine. Because I don't want to
2 have a problem and get recusal motions coming down
3 the road.

4 THE COURT: Yeah, and I never take those
5 things personally. It prompted me to go to the
6 Judicial Ethics Advisory Opinions and look at what
7 the standard is. Because if there is a legal
8 basis that I would need to disqualify myself, I
9 would absolutely do it. But going back 15 years,
10 based on the JEAC opinions, I didn't view there as
11 being any legal requirement that the court would
12 disqualify itself.

13 MR. ELIOT BERNSTEIN: There might be another
14 issue. I think Proskauer is a counter-defendant
15 in one of the estate counter complaints in this
16 matter.

17 THE COURT: Is this matter before me?

18 MR. ELIOT BERNSTEIN: Yes, sir.

19 THE COURT: Is that accurate?

20 MR. ROSE: Well --

21 MR. O'CONNELL: I'm not sure.

22 MR. ROSE: I don't want to be the spokesman
23 for the whole world. But I think starting in the
24 '90s Proskauer represented this company that
25 Mr. Eliot Bernstein called Iviewit. And he claims

1 that Proskauer stole his patents worth billions or
2 trillions of dollars. And then there was
3 litigation that started in maybe 2000 or 2001 and
4 continued through State Court, New York Federal
5 Court, and I believe even in this action he may
6 have -- he has filed a counterclaim and if he's
7 representing that he joined Proskauer as a -- he
8 also sued most of the partners of the firm at the
9 time.

10 THE COURT: Well, my --

11 MR. ROSE: Again, I'm just --

12 THE COURT: Well, I view the issue of
13 Proskauer attorneys being in front of me somewhat
14 differently than the firm Proskauer being in front
15 of me as a party. So if what I'm hearing is that
16 it's not just a situation where Proskauer
17 attorneys are in front of me, but Proskauer itself
18 is a party to the action, then -- and that's an
19 issue that Mr. Bernstein is raising -- then the
20 court would probably view that slightly
21 differently because in that situation because they
22 are a party and I was a partner, even though it
23 goes back 15 years -- I'd have to look at the JEAC
24 opinions, there may be a legal basis at that
25 point. And I don't know if you're sitting right

1 here now -- there may be a legal basis for me to
2 disqualify myself if Proskauer is actually a party
3 in this proceeding to where I would be asked to
4 make rulings, you know, for or against them. So
5 where -- they are a party in this -- because all I
6 have in front of me right now is an estate
7 proceeding.

8 MR. ROSE: Right. Well, there's five
9 related -- five or six related cases.

10 Judge Colin, I think after denying the second or
11 third motion to disqualify, recused himself and
12 the cases were just recently transferred. In one
13 of the cases there is a counterclaim. It has been
14 stayed because Mr. Bernstein is not allowed to
15 file any papers without getting permission from
16 the judge first.

17 MR. ELIOT BERNSTEIN: Not only
18 Mr. Bernstein, you too.

19 THE COURT: All right. Sir, don't interrupt.

20 MR. ELIOT BERNSTEIN: I'm sorry.

21 MR. ROSE: The counterclaim is stayed. And I
22 don't know if Proskauer is a party, but if
23 Mr. Bernstein represents to the court that they're
24 a party, then I would take it --

25 THE COURT: You know, the standard for a

1 motion to recuse is -- the objective standard is a
2 party reasonably in fear that he may not receive a
3 fair trial. And even at 15 years is remote -- and
4 I think the cases say that. I'm somewhat
5 sympathetic to a party that would have some
6 concern where a judge who was a former partner at
7 a previous firm is being asked to rule on issues
8 affecting that firm.

9 So I'm -- if you're raising the issue,
10 Mr. Bernstein, then I'm -- what I'm telling you
11 is at this point I would recuse myself, if
12 there was a motion filed. If you are not
13 raising the issue, then, you know, it's a
14 remote issue, but, you know, it's something
15 that -- it's in the eyes of the beholder to
16 some extent. Are you in reasonable fear of not
17 getting a fair hearing and trial on this
18 matter?

19 MR. ELIOT BERNSTEIN: I'm not certain yet.
20 That's kind of why I'm here today.

21 THE COURT: The thing is you have to move
22 quickly because you have to -- you have to do it
23 within 10 days of the date you become aware of the
24 information. And what I told you today is that I
25 was a -- you've probably already known it -- but I

1 was a former partner at Proskauer Rose.

2 MR. ELIOT BERNSTEIN: Well, your bio is
3 confusing on the Internet. Some have you there --

4 THE COURT: Maybe I'll have to fix that.

5 MR. ELIOT BERNSTEIN: And then your -- well,
6 you should fix the court one because it has no
7 biography.

8 THE COURT: The court ones, they don't give
9 that kind of -- it's not like private practice.

10 MR. ELIOT BERNSTEIN: Here's one of the
11 issues I want you to consider because, you know,
12 it's going to take me time to consider all the
13 factors here that I'm learning now. One of the
14 issues is that the technologies that I invented
15 that I allege that Proskauer stole --

16 THE COURT: Here's the thing. I don't really
17 want you to talk to me about anything regarding
18 the substance of this matter until we sort through
19 this recusal issue.

20 MR. ELIOT BERNSTEIN: This is what I'm
21 talking about.

22 THE COURT: Here's the problem. If I make
23 rulings today and you file a motion within 10
24 days, every ruling I made today is subject to
25 rehearing by the new judge. So it's a waste of

1 time to proceed and hear any motions if you're in
2 good faith telling me you're going to file a
3 motion to recuse.

4 MR. ELIOT BERNSTEIN: I'm not saying that.
5 But I don't know. But I am saying for you to
6 consider that the technologies are owned partially
7 by my father, 30 percent of the interests in them.
8 And that will also, I believe, bring Proskauer
9 into this matter as well. And so, you know, I
10 believe -- like I have obligations, you have
11 obligations under the judicial canons.

12 THE COURT: Is Proskauer a party now?

13 MR. ELIOT BERNSTEIN: Yeah.

14 THE COURT: All right. I'm going to sua
15 sponte disqualify myself from this matter. Had I
16 known that Proskauer was a party, I would have
17 done it when I reviewed it the first time. But I
18 understood it was just they were attorneys in the
19 case.

20 So that means, unfortunately, there's
21 going to have to be another assignment of a
22 judge in this matter.

23 Sir, at this point I don't really care if
24 you file a motion to recuse. You raised enough
25 for me that I'm going to sua sponte disqualify

1 myself.

2 MR. ROSE: Thank you, sir.

3 MR. O'CONNELL: Thanks, Your Honor.

4 MR. ELIOT BERNSTEIN: Thank you, sir.

5 THE COURT: Thank you.

6

7

8 (Thereupon, the proceedings were

9 concluded at 4:20 p.m.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

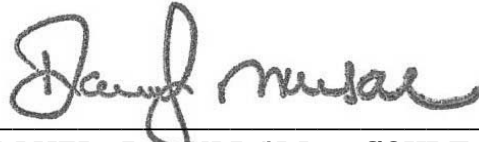
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

THE STATE OF FLORIDA
COUNTY OF PALM BEACH.

I, DAVID L. MARSAA, Professional Reporter,
State of Florida at large, certify that I was
authorized to and did stenographically report the
foregoing proceedings and that the transcript is a
true and complete record of my stenographic notes.

Dated this 29th day of February, 2016.



DAVID L. MARSAA, COURT REPORTER

1	appearances 3:16	cases 10:9,12,13 11:4	distribution 3:11
	approximately 5:12	claimant 4:9	documents 6:21,22
10 11:23 12:23	assets 3:11	claims 3:12 8:25	dollars 9:2
15 5:12,21 7:16 8:9 9:23 11:3	assignment 13:21	Colin 10:10	drafted 6:20
	attention 7:20	company 6:23 8:24	
2	attorneys 9:13,17 13:18	complaints 8:15	E
	automatic 5:17	concern 11:6	Eliot 3:6,20 5:1,24 6:23 7:5,9,12,15,17,22 8:13,18, 25 10:17,20 11:19 12:2,5, 10,20 13:4,13 14:4
2000 6:21,25 7:4 9:3	aware 5:24 6:1 11:23	concluded 14:9	
2001 9:3		confusing 12:3	
2008 6:22	B	contact 5:20	employed 5:3
	back 5:14,16 7:16 8:9 9:23	continued 9:4	employment 5:11
3	based 5:18 7:23 8:10	copy 5:5	engaged 6:14
	basis 8:8 9:24 10:1	corporate 6:11	enter 3:16
30 13:7	battle 6:15	correct 7:4	entity 6:11,13
	behalf 3:22 4:2	counsel 3:16	Eric 3:25
4	beholder 11:15	counter 8:15	estate 3:8,11,19 4:4,9 8:15 10:6
4:20 14:9	beneficiary 4:4	counter-defendant 8:14	Ethics 8:6
	Bernstein 3:6,8,20,24,25 4:2,3,10 5:2,24 6:20,23 7:5,9,12,15,17,22 8:13,18, 25 9:19 10:14,17,18,20,23 11:10,19 12:2,5,10,20 13:4,13 14:4	counterclaim 9:6 10:13,21	extent 11:16
90s 7:2 8:24		court 3:3,7,8 4:5,11,16,24 5:1,4,8 6:3,5,16,25 7:3,7, 11,14,16 8:4,11,17,19 9:4, 5,10,12,20 10:19,23,25 11:21 12:4,6,8,16,22 13:12,14 14:5	eyes 11:15
	A	creditors 3:12	F
absolutely 8:9	billions 9:1		factors 12:13
accurate 8:19	bio 12:2	D	fair 11:3,17
action 9:5,18	biography 12:7	date 11:23	faith 13:2
adult 3:23	Boca 7:6	days 11:23 12:24	father 13:7
advising 5:1	Brian 3:18	decade-long 6:15	Feaman's 4:7
Advisory 8:6	bring 13:8	decedents 3:23	fear 11:2,16
affecting 11:8	bringing 7:20	denying 10:10	Federal 9:4
afternoon 3:3,5,6,9 4:1	C	department 7:10	file 10:15 12:23 13:2,24
Alan 4:1	called 6:13,24 8:25	differently 9:14,21	filed 4:15 9:6 11:12
Alexander 3:24	canons 13:11	disqualification 5:10	find 6:6
alive 6:20	care 13:23	disqualify 5:19 8:8,12 10:2,11 13:15,25	fine 8:1
allege 12:15	case 13:19		finish 7:19
allowed 10:14			firm 5:3 6:15 7:3,24 9:8,14 11:7,8
amended 3:13			

fix 12:4,6	judicial 8:6 13:11	notice 3:13	petitions 3:14
front 9:13,14,17 10:6	K	noticed 4:14	players 4:21
G	kind 4:20 11:20 12:9	O	point 9:25 11:11 13:23
give 4:21 12:8	L	O'connell 3:18 8:21 14:3	practice 12:9
good 3:3,5,6 4:1 13:2	law 6:15	object 6:4	previous 11:7
grandchildren 3:23	learning 12:13	objection 5:25 7:23	prior 5:10
H	left 7:3	objective 11:1	private 12:9
hall 7:13	legal 8:7,11 9:24 10:1	obligations 13:10,11	pro 3:20
hear 13:1	lengthy 6:14	office 4:7 7:13	problem 8:2 12:22
hearing 3:14 4:17,23 9:15 11:17	letter 5:1,4,6,8,13	opinion 6:7	proceed 13:1
helpful 4:20	litigation 7:1,11 9:3	opinions 5:14 8:6,10 9:24	proceeding 10:3,7
Honor 3:5,18 4:1,6,13 14:3	looked 5:13 6:7	opportunity 6:2	proceedings 14:8
I	M	overview 4:21	prompted 8:5
information 11:24	made 12:24	owned 13:6	Proskauer 5:2,11,21 6:12, 16,18,19,22 7:23 8:14,24 9:1,7,13,14,16,17 10:2,22 12:1,15 13:8,12,16
interested 4:8	make 6:1 10:4 12:22	P	Q
interests 13:7	matter 3:7 5:19 8:16,17 11:18 12:18 13:9,15,22	P-r-o-c-e-e-d-i-n-g-s 3:1	quickly 11:22
Internet 12:3	meaningful 5:21	p.m. 14:9	R
interrupt 10:19	means 13:20	papers 10:15	raise 4:22 7:25
invented 12:14	Michael 3:24	partially 13:6	raised 5:8 13:24
issue 4:22 5:9 8:14 9:12,19 11:9,13,14 12:19	Molly 3:24	parties 6:17 7:21	raising 5:23 9:19 11:9,13
issues 11:7 12:11,14	Morrissey 3:22	partner 9:22 11:6 12:1	reasonable 11:16
lviewit 6:13,24 7:8 8:25	motion 3:10 4:12,15,16 10:11 11:1,12 12:23 13:3, 24	partners 9:8	recall 7:13
J	motions 4:19 8:2 13:1	party 9:15,18,22 10:2,5,22, 24 11:2,5 13:12,16	receive 11:2
JEAC 5:14 8:10 9:23	movant 4:11	patents 9:1	received 5:13
Jeff 4:6	move 11:21	pending 3:11 4:19	recently 10:12
John 3:22	multi-year 6:14	percent 13:7	recollection 7:4,7
joined 9:7	multitude 3:14	period 5:16	record 7:18
judge 5:9 10:10,16 11:6 12:25 13:22	N	permission 10:15	recusal 5:17 8:2 12:19
judges 5:15	note 6:9	person 4:8	recuse 11:1,11 13:3,24
		personal 3:19	recused 10:11
		personally 8:5	rehearing 12:25
		Peter 4:7	

related 10:9	start 3:15 4:23	trustee 4:3
relationship 5:2 7:23,24	started 6:24 9:3	U
relying 6:7	starting 8:23	understood 13:18
remote 11:3,14	State 9:4	V
represent 4:7	stay 3:11	view 8:10 9:12,20
representative 3:19	stayed 10:14,21	W
represented 6:11,19,23 7:8 8:24	stole 9:1 12:15	wanted 6:1 7:25
representing 6:17 9:7	sua 5:18 13:14,25	waste 12:25
represents 10:23	subject 12:24	William 4:7
requirement 8:11	substance 12:18	wishes 6:4
reviewed 5:5 13:17	substantial 4:9	work 7:6
road 8:3	successor 4:2	world 8:23
Rose 3:5 4:1,2,22,25 5:7, 11,23 6:4,13,18 7:1,18 8:20,22 9:11 10:8,21 12:1 14:2	sued 9:8	worth 9:1
Royer 4:6,13	suggesting 7:19	wrong 7:20
rule 11:7	superceded 6:22	Y
ruling 12:24	sympathetic 11:5	year 5:16
rulings 10:4 12:23	T	years 5:12,21 7:16 8:9 9:23 11:3
S	talk 12:17	York 9:4
satisfaction 3:12	talked 4:12	
seated 3:4	talking 12:21	
Simon 3:8,24 4:3,9 6:20	technologies 12:14 13:6	
sir 8:18 10:19 13:23 14:2,4	Ted 4:2	
sitting 9:25	telling 11:10 13:2	
situation 9:16,21	terms 4:18 5:16	
slightly 9:20	thing 11:21 12:16	
sort 12:18	things 8:5	
specific 6:9	time 5:3 9:9 12:12 13:1,17	
spokesman 8:22	today 4:14 11:20,24 12:23, 24	
sponte 5:19 13:15,25	told 11:24	
standard 8:7 10:25 11:1	transferred 10:12	
Stansbury 4:8	trial 11:3,17	
	trillions 9:2	
	Trust 4:3	