

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

IN RE:

CASE NO. 502012CP004391XXXXNBIH

ESTATE OF SIMON L. BERNSTEIN,

\_\_\_\_\_ /

**ORDER DENYING**

**ELIOT BERNSTEIN'S MOTION (A) UNDER FLORIDA RULES OF CIVIL PROCEDURE 1.540(B)(3) AND 1.540(B)(4) TO VACATE-AMEND-MODIFY IN PART THE CASE MANAGEMENT CONFERENCE ORDER OF DEC. 13, 2016 BASED UPON NEWLY DISCOVERED EVIDENCE, DISCOVERED ON FEB. 9TH 2017 INVOLVING ADMISSIONS-STATEMENT OF PR FIDUCIARY BRIAN O'CONNELL, ALSO AN OFFICER OF THE COURT, PROVING ONGOING FRAUD UPON THE COURT IN GENERAL AND UPON THIS VERY COURT OF JUDGE SCHER OF THE NORTHERN BRANCH OF PALM BEACH COUNTY BY ATTORNEY ALAN ROSE AND WITH SUCH CASE MANAGEMENT ORDER ISSUED UPON FRAUD UPON THE COURT WITHOUT CONSIDERATION OF THE SCHEDULE AND MOTIONS SUBMITTED BY ESTATE BENEFICIARY ELIOT I. BERNSTEIN; (B) ESTABLISH THE ORDERLY STRUCTURE FOR EVIDENTIARY HEARINGS INCLUDING DISCOVERY AND DEPOSITIONS, WITNESS LISTS, EXHIBITS AND PROPER TIME ALLOTTED FOR THE EVIDENTIARY HEARINGS; (C) IN OPPOSITION TO THE MOTIONS BY TRUSTEE TED BERNSTEIN, ATTORNEY ALAN ROSE AND PR O'CONNELL TO RETAIN ALAN ROSE AND THE "ROSE LAW FIRM" TO REPRESENT THE ESTATE IN ANY CAPACITY AND IN OPPOSITION TO APPOINTMENT OF TED BERNSTEIN AS ADMINISTRATOR AD LITEM FOR THE ESTATE IN ANY CAPACITY AND IN OPPOSITION TO ALL RELIEF SOUGHT BY TRUSTEE TED BERNSTEIN, ALAN ROSE, THE ROSE LAW FIRM AND PR O'CONNELL ON BEHALF OF THE ESTATE OF SIMON BERNSTEIN; (D) MOTION FOR CONTINUANCE UNDER FLORIDA RULES OF CIVIL PROCEDURE \_\_\_\_\_ TO PERMIT DISCOVERY AND DEPOSITIONS IN ADVANCE OF THE HEARINGS AND BASED UPON ONGOING SEVERE MEDICAL-DENTAL ISSUES OF ELIOT I. BERNSTEIN; (E) MOTION TO STAY AND FREEZE ALL ASSETS AND DISCOVERY; (F) GRANTING LEAVE TO PERMIT ELIOT I. BERNSTEIN SUFFICIENT TIME TO FILE COMPREHENSIVE MOTIONS TO VACATE PRIOR ORDERS AND JUDGMENTS OF JUDGE PHILLIPS AND-OR JUDGE COLIN INCLUDING THE REMOVAL OF TED BERNSTEIN IN ANY FIDUCIARY CAPACITY AND REMOVAL OF PR BRIAN O'CONNELL IN ANY FIDUCIARY CAPACITY; (G) AND FOR SUCH OTHER RELIEF AS LAW AND JUSTICE REQUIRES**

THIS CAUSE came before the Court for hearing on April 27, 2017, on Eliot Bernstein's Motion (a) under Florida Rules of Civil Procedure 1.540(b)(3) and 1.540(b)(4) to Vacate-Amend-Modify in part the Case Management Conference Order of Dec. 13, 2016 based upon Newly Discovered Evidence, Discovered on Feb. 9th 2017 involving Admissions-Statement of PR Fiduciary Brian O'Connell, also an Officer of the Court, proving ongoing Fraud Upon the Court in general and upon this very Court of Judge Scher of the Northern Branch of Palm Beach County by Attorney Alan Rose and with such Case Management Order issued upon Fraud upon the Court without consideration of the Schedule and Motions submitted by Estate Beneficiary Eliot I. Bernstein; (b) Establish the Orderly Structure for Evidentiary Hearings including Discovery and Depositions, Witness Lists, Exhibits and proper time allotted for the Evidentiary Hearings; (c) In Opposition to the Motions by Trustee Ted Bernstein, Attorney Alan Rose and PR O'Connell to Retain Alan Rose and the "Rose law firm" to Represent the Estate in any capacity and in opposition to Appointment of Ted Bernstein as Administrator Ad litem for the Estate in any capacity and in opposition to all relief sought by Trustee Ted Bernstein, Alan Rose, the Rose law firm and PR O'Connell on behalf of the Estate of Simon Bernstein; (d) Motion for Continuance under Florida Rules of Civil Procedure \_\_\_\_\_ to permit Discovery and Depositions in advance of the Hearings and based upon ongoing severe Medical-Dental issues of Eliot I. Bernstein; (e) Motion to Stay and Freeze all Assets and Discovery; (f) Granting leave to permit Eliot I. Bernstein sufficient time to file comprehensive Motions to Vacate prior Orders and Judgments of Judge Phillips and-or Judge Colin including the Removal of Ted Bernstein in any Fiduciary capacity and removal of PR Brian O'Connell in any fiduciary capacity; (g) and for such other relief as law and justice requires ("the Motion") filed February 16, 2017. The Court, having reviewed the Motion and the record, having

heard argument of counsel and/or the parties, and being otherwise fully advised in the premises,  
hereby ORDERS AND ADJUDGES:

1. The Motion is DENIED.

DONE AND ORDERED in Chambers, North County Courthouse on \_\_\_\_\_, 2017.

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HONORABLE ROSEMARIE SCHER

cc: All parties on the attached service list

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

CASE NO. 502012CP004391XXXXSB  
CP - Probate

IN RE:

ESTATE OF SIMON L. BERNSTEIN,

\_\_\_\_\_ /

**CASE MANAGEMENT ORDER AND REQUIREMENTS**  
**FOR FILING OF NEW CLAIMS**

THIS CAUSE came before the Court on its own initiative on September 15, 2014, at a hearing set on other matters involving these parties. The Court, having reviewed the record and having noted the voluminous number of filings and the size of various filings made in this case, hereby enters the following Order under Rule 5.025 of the Florida Rules of Probate Procedure which shall apply to and govern all estate or trust cases involving Simon or Shirley Bernstein.

1. From this point forward, if any party desires to file an adversary proceeding, which is anything other than the ordinary administration of the estate or the trust, they must do the following. First, the filing party has to set a hearing before the Court. The filing party can prepare the purported pleading but must bring the pleading, unfiled with the clerk, before the Court, and the Court will determine whether it is going to be allowed to be filed with the clerk, and start the process under the rule as an adversary proceeding. That is under Rule 5.025, but the court is modifying the rule because the proposed pleading may not be served in clerk's office because the clerk is getting bombarded here unnecessarily. The Court will look at the lawsuit and see how it is styled, and then

the Court will determine whether it meets the rules for an adversary proceeding by the petitioner versus the respondent in the particular case.

2. Second, the Court directs the parties to comply with Probate Rule 5.020, which provides: "When you plead something, the pleading, called the petition, shall contain a short and plain statement of the relief sought, short statement of the grounds, and short statement of the jurisdiction of the court." The Court also directs the parties avoid filing voluminous exhibits attached to petitions or motions.

3. The Court orders that all filings now pending shall be brought before the Court. The parties are directed not to file anything new in the way of lawsuits, petitions, counterpetitions, adversary proceedings without first bringing them in to the Court unfiled for the Court to review. To the extent anyone involved in this proceeding intends to file a new petition or claim for relief, such party shall first follow the dictates of this Order.

4. If the Court determines that the filing is appropriate, the Court will grant permission and the document thereafter may be filed with the Clerk of Court. Any document filed without compliance with this Order shall be stricken from the record.

DONE AND ORDERED in Chambers, in Palm Beach County, Florida, \_\_\_\_\_ day of August, 2014.

\_\_\_\_\_  
Martin H. Colin  
CIRCUIT COURT JUDGE

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