

IN THE CIRCUIT COURT OF THE 15TH  
JUDICIAL CIRCUIT IN AND FOR PALM  
BEACH COUNTY, FLORIDA  
CASE NO. 502012CP004391XXXXNB (IH)

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

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**RESPONSE TO TRUSTEE'S MOTION FOR  
APPROVAL OF SETTLEMENT AGREEMENT**

COMES NOW William Stansbury, and in response to the Motion for Approval of Settlement Agreement, states as follows:

1. The Successor Trustee of the Simon Bernstein Amended and Restated Trust Agreement dated July 25, 2012, Ted S. Bernstein, on May 8, 2017, noticed for hearing his "Trustee's Motion to (i) approve Compromise and Settlement, (ii) Appoint a Trustee for the Trusts Created for D.B., JA.B. and JO.B, and (iii) Determine Compensation for Guardian *ad Litem*."

2. On May 5, 2017, William Stansbury served his Motion for Summary Judgment on the Successor Trustee's Motion to be Ratified as Successor Trustee, pointing out that the Court had determined that there is a conflict between Ted Bernstein and the Estate of Simon Bernstein and that Ted Bernstein is adverse to the Estate of Simon Bernstein in connection with the pending litigation in Illinois.

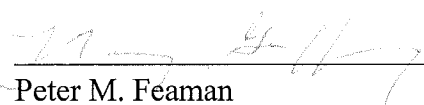
3. In light of the finding by the Court that a conflict exists between Ted Bernstein and the Estate of Simon Bernstein, Stansbury respectfully requests this Court to defer ruling on any Motions by the purported Successor Trustee Ted Bernstein concerning the Simon Bernstein Amended and Restated Trust until such time as the Court determines the propriety of Ted Bernstein serving as Successor Trustee.

4. Moreover, the Trustee's Motion to approve Compromise and Settlement is governed by § 733.708, Fla. Stat., which provides that a Court may enter an order authorizing a compromise only if the Court is "satisfied that the compromise will be for the best interest of the interested parties." Such a determination should not be made on a uniform motion calendar hearing since it requires an evidentiary hearing.

5. The alleged Successor Trustee's Motion to approve Compromise and Settlement also asserts that the settlement is confidential and offers to provide the Court with an in camera review of it. However, unless all interested parties, including Stansbury, as well as the Court, know the details of the settlement, it is impossible to determine whether such compromise is in "the best interest of the interested persons," as required under § 733.708, Fla. Stat.

6. Therefore, any hearing on the Successor Trustee's Motion to approve and Compromise and Settlement should be an evidentiary hearing, and such hearing should be scheduled only after full disclosure of the settlement details to all interested parties, including Stansbury.

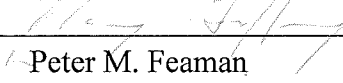
WHEREFORE, in light of the finding by the Court and Stansbury's Motion for Summary Judgment, Stansbury respectfully requests this Court to defer ruling on any Motions by the Successor Trustee concerning the Simon Bernstein Amended and Restated Trust until such time as the Court determines the propriety of Ted Bernstein serving as Successor Trustee, and thereafter after a properly noticed time for an evidentiary hearing before the Court, with full disclosure of the details of the proposed settlement to all interested persons, and such other relief as this Court deems just and proper.

  
\_\_\_\_\_  
Peter M. Feaman

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been forwarded via e-mail service through the Florida E-portal system to those listed on the attached service list, on this 11<sup>th</sup> day of May, 2017.

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