

In the Matter Of:

ESTATE OF SIMON L. BERNSTEIN

502012CP004391XXXXNBIH

HEARING

May 18, 2017



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

4 IN RE:

5 ESTATE OF SIMON L. BERNSTEIN

6 CASE NO.
7 502012CP004391XXXXNBIH

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10 PROCEEDINGS BEFORE THE  
11 HONORABLE ROSEMARIE SCHER

12  
13  
14 Thursday, May 18, 2017  
15 8:48 a.m. - 9:08 a.m.

16  
17  
18 3188 PGA Boulevard  
19 Courtroom 4  
20 Palm Beach Gardens, Florida 33410

21  
22  
23 COLLEEN M. GRUFF-BROWN  
24 Notary Public, State of Florida  
25

1 APPEARANCES OF COUNSEL

2 On behalf of Ted Bernstein:

3 MRACHEK FITZGERALD  
4 ALAN B. ROSE, ESQ.  
5 505 South Flagler Drive  
6 Suite 600  
7 West Palm Beach, Florida 33401  
8 (561) 355-6991  
9 (561) 655-5537 - Fax  
10 arose@mrachek-law.com

11 On behalf of Eliot Bernstein:

12 ELIOT BERNSTEIN, Pro Se  
13 2753 NW 34th Street  
14 Boca Raton, Florida  
15 (561) 245-8588  
16 (561) 245-8644  
17 iviewit@iviewit.tv

18 On behalf of William Stansbury:

19 PETER M. FEAMAN, P.A.  
20 PETER M. FEAMAN, ESQ.  
21 3695 West Boynton Beach Boulevard  
22 Suite 9  
23 Boynton Beach, Florida 33436  
24 (561) 734-5552  
25 mkoskey@feamanlaw.com

On behalf of Eliot Bernstein's minor children:

ADA & MEDIATIONS SERVICES, LLC  
DIANA LEWIS, ESQ.  
2765 Tecumseh Drive  
West Palm Beach, Florida 33409  
(561) 758-3017  
dzlewis@aol.com

On behalf of Simon Bernstein Estate as PR:

CIKLIN LUBITZ  
BRIAN M. O'CONNELL, ESQ.  
515 North Flagler Drive  
20th Floor  
West Palm Beach, Florida 33401  
(561) 832-5900  
boconnell@ciklinlubitz.com

1 Proceedings in the Matter of Estate of Simon Bernstein

2 Thursday, May 18, 2013

3  
4 THE COURT: All right.

5 I received a notebook from Mr. Rose on notices of  
6 hearing, copy of the mediation settlement agreement and  
7 a few other things.

8 Mr. Rose, go ahead.

9 MR. ROSE: Good morning, Your Honor.

10 THE COURT: Good morning.

11 MR. ROSE: This case, we're here on Ted Bernstein  
12 as trustee versus Alexandra Bernstein, case number  
13 50-2014-CP-3698.

14 Judge Philips held a trial on Count II of the  
15 amended complaint, the parties have settled Count I of  
16 the amended complaint. And as an aside which we've  
17 pointed out to Your Honor, this Court's final judgment  
18 on Count II has been affirmed by the 4th District Court  
19 Appeal by PCA entered three weeks ago.

20 So there are several different motions, but the  
21 one that we certainly can do today is the motion to  
22 approve the settlement of the remaining claims in this  
23 particular case, all the beneficiaries have entered  
24 into an agreement.

25 Now, if I may approach just briefly.

1 THE COURT: This is for.

2 MR. ROSE: Shirley Bernstein.

3 Judge, may I approach, here's the statutes and all  
4 we're talking about is the settlement between the  
5 beneficiaries, we're not traveling under -- the first  
6 page we can quickly ignore, we're not traveling under  
7 733 because we're not talking about an estate, we're  
8 talking about the trust.

9 If you go to the second page, we're traveling  
10 under the second page which is a nonjudicial settlement  
11 agreement.

12 Now, this Court has already entered an order that  
13 Eliot Bernstein has no standing --

14 THE COURT: In the Shirley.

15 MR. ROSE: In the Shirley Bernstein trust, it's  
16 not appealed, it's final and if you look at the things  
17 I've highlighted, these are the types --

18 THE COURT: Let me interrupt you.

19 For the Court Reporter for the record let's have  
20 everybody make their appearances.

21 MR. O'CONNELL: Good morning, Your Honor.

22 Brian O'Connell here solely as the personal  
23 representative of the Simon Bernstein estate.

24 THE COURT: I understand.

25 MR. BERNSTEIN: Eliot Bernstein, pro se

1 representing --

2 THE COURT: Eliot Bernstein.

3 MR. FEAMAN: Peter Feaman, Your Honor,  
4 representing William Stansbury.

5 THE COURT: Thank you.

6 MR. BERNSTEIN: And here is Diana Lewis.

7 MS. LEWIS: And I'm here for the Eliot Bernstein  
8 children.

9 THE COURT: Thank you.

10 MR. ROSE: So we would ask Your Honor to, and we  
11 may need to do this case in baby steps, but the first  
12 baby step is to approve the settlement that's been  
13 signed off by the 10 beneficiaries who have been  
14 determined by this Court and who have been affirmed by  
15 the 4th District Court of Appeals, and then within the  
16 settlement agreement we'd ask you to reserve  
17 jurisdiction to appoint a trustee because there are 10  
18 trusts who are beneficiaries, seven of them have a  
19 trustee.

20 THE COURT: I understand.

21 MR. ROSE: Three of them don't.

22 THE COURT: Right.

23 MR. ROSE: And so we're going to need a trustee,  
24 but for today, in this one simple issue, we need an  
25 order that's appropriate for approving the settlement

1 and if you're not going to approve the settlement I  
2 want to set the case for trial because my client's duty  
3 is to resolve the issues of the trust construction case  
4 which has been resolved by agreement of the  
5 beneficiaries.

6 I, and I think I would stop there and if there's  
7 time for any other motions --

8 THE COURT: I want to hear what everybody's  
9 position is.

10 I understand that, I'm not sure who has standing  
11 here with regard, except for potentially you are the PR  
12 of the Simon estate.

13 MR. O'CONNELL: Correct, Your Honor. I'm not  
14 involved in this particular --

15 THE COURT: This aspect at all.

16 MR. O'CONNELL: Correct, Your Honor.

17 THE COURT: Okay.

18 And Mr. Eliot, my understanding is the Shirley  
19 trust has already been found, and affirmed.

20 MR. BERNSTEIN: Well, you're my hero, Your Honor.

21 In your order you contradicted pretty much what  
22 Mr. Rose has sold this Court, the 4th DCA and the  
23 Illinois Federal Court whereby he claimed I wasn't a  
24 beneficiary with standing in Simon's estate.

25 He put that in 1924 (sic) pleadings that he's

1 filed which were all appealed and vacated and all of  
2 that so that takes care of Simon's estate, but you  
3 should be reporting under Cannon III his misconduct,  
4 I'm going to be reporting it to State and Federal  
5 authorities currently and I sent you an e-mail this  
6 morning --

7 THE COURT: Well, we need to talk -- you can't  
8 e-mail me.

9 It has to be e-mailed to all parties.

10 MR. BERNSTEIN: I did.

11 THE COURT: But we don't accept it on e-mail, you  
12 either file the pleading --

13 MR. BERNSTEIN: Okay. I did that too.

14 THE COURT: Okay. I just wanted you to know  
15 because you really can't show it to me if it's a  
16 communication, and that would mean Mr. Rose can't do it  
17 either and --

18 MR. BERNSTEIN: Well, they're all doing it so I  
19 did it.

20 THE COURT: For scheduling they can send me a  
21 pleading.

22 MR. BERNSTEIN: Okay.

23 THE COURT: Anyway, continue.

24 So as I remember you are a beneficiary of the  
25 Estate of the --



1 MR. BERNSTEIN: Of Simon.

2 THE COURT: But of anything that's not in the  
3 trust --

4 MR. BERNSTEIN: The tangible personal property.

5 THE COURT: The tangible personal property.

6 MR. BERNSTEIN: Correct.

7 And Mr. Rose has pled improperly knowingly false  
8 statements to multiple Courts here.

9 One of those statements as well is Shirley's trust  
10 where I'm a named beneficiary in the document  
11 supposedly validated by this Court.

12 So if you look at Shirley's trust, I'm one of  
13 three named beneficiaries.

14 His client, Ted Bernstein has been disinherited,  
15 there's never been a construction hearing so that  
16 document stands.

17 So this is more fraud you're being, forced upon  
18 you that he somehow got this through with Judge Philips  
19 and he made a bunch of false, fraudulent pleadings to  
20 the Court, it got ruled on, we're moving to vacate it  
21 with the 4th DCA -- they filed right before you filed  
22 your order confirming the prior, but now we're filing  
23 to appeal and all that to vacate all that.

24 Also, some of these guys know Judge Blakely  
25 (phonetic) dismissed me in a case in a Federal Court

1 where he actually cites that Eliot Bernstein is not a  
2 beneficiary with standing according to Mr. Rose in the  
3 Simon estate.

4 So I've been denied wholly out of that case,  
5 thrown out of that like I was here for a year in  
6 Simon's estate, Shirley's trust, et cetera.

7 But if you go look at the documents that are  
8 validated in every instance, I'm a named beneficiary,  
9 every instance.

10 So, by the way, saying I don't have standing when  
11 I'm a natural born son of my parents is going to be a  
12 precedent setting thing that's going to really hold up  
13 high here because this was all a sham.

14 There was a validity hearing, one count was heard  
15 to validate the documents.

16 Mr. Rose got some order that went way beyond his  
17 scope of that hearing, there's nowhere in that order  
18 that says that I'm not a beneficiary with standing,  
19 that comes in another hearing, a UMC which was  
20 inappropriately scheduled on standing where Mr. Rose  
21 convinced the judge that he had ordered that I wasn't a  
22 beneficiary with standing so he put that in that order.

23 That's why it's so misleading, but we're breaking  
24 down the fraud, we're notifying the proper State and  
25 Federal authorities and he'll be arrested too for this

1 nonsense.

2 THE COURT: Let me interrupt you for a second.

3 I have a very short amount of time here today.

4 I am bound by anything the 4th DCA has said with  
5 regards to Shirley's trust.

6 MR. BERNSTEIN: Not if you know there's fraud that  
7 occurred.

8 THE COURT: No, no. I am.

9 MR. BERNSTEIN: If he's misrepresenting to the  
10 Court --

11 THE COURT: Let me be clear with you.

12 I don't misrepresent. I want to tell you that if  
13 the 4th DCA has ruled on this, pursuant to my  
14 acceptance and oath as a Judge, I have to follow that.

15 Now that being said, I do you have a proposed  
16 order and I'll take it under advisement.

17 I want to hear from Mr. Feaman.

18 MR. BERNSTEIN: I've got two adult children that  
19 haven't been noticed in Shirley's trust that they're  
20 beneficiaries, they've never been given any one of  
21 these 10 trusts that don't exist according to Mr. Rose  
22 in his own letters, and in Shirley's trust, just so you  
23 know, Your Honor, Mr. Rose has sued the improper  
24 parties so my children have never gotten notice that  
25 they're beneficiaries.

1           One of them has a guardianship that was put on  
2 like you as a child after he was 18 already, so there  
3 was no adult guardianship hearing.

4           They're all aware of this, he's never been  
5 notified. He should be here today, he should have been  
6 served process.

7           I have another adult son, Ms. Lewis is  
8 fraudulently appearing with guardianships that she  
9 knows she does not have consent from my children for  
10 anything because they're going to be coming to the  
11 Court saying the same thing I am that there's a mass  
12 fraud here.

13           So you can ignore that for now and move forward in  
14 the Shirley trust case and we'll keep vacating and  
15 playing this game, but sooner or later you'll see this  
16 whole thing is a fraud.

17           So that's my closing on it.

18           THE COURT: Thank you.

19           MR. BERNSTEIN: I filed papers this morning that  
20 fully explain that too.

21           THE COURT: Mr. Feaman.

22           MR. FEAMAN: I want to make sure I understand for  
23 the record that there are two motions to approve a  
24 compromise and settlement, is that correct, Your Honor?

25           THE COURT: I thought we were dealing with one,

1 with Shirley.

2 MR. ROSE: There's a motion filed in both matters,  
3 but we're dealing with the first one first and your  
4 order that you enter contends that there's no affect on  
5 the Simon Bernstein until you have a hearing on that.

6 THE COURT: Yeah.

7 MR. ROSE: And I'll state that on the record.

8 THE COURT: This is only for the Shirley that I'll  
9 be hearing argument on today.

10 My understanding was, and this is, I'm glad you're  
11 all here, I know on June 2nd we had Mr. Stansbury and  
12 we'll, I thought I had directed someone to do an order  
13 or notice.

14 MR. FEAMAN: I do have an order and notice.

15 THE COURT: For that case?

16 MR. FEAMAN: A blank ready to go.

17 THE COURT: Okay. Because I worked on one and  
18 just e-mailed it to Harriet this morning.

19 Then --

20 MR. FEAMAN: Maybe our e-mail wasn't functioning  
21 right.

22 THE COURT: Trust me, I know.

23 So the other one I think we discussed setting a  
24 hearing on because of -- well, you tell me.

25 MR. ROSE: Oh, no. I --

1 THE COURT: Right now we just dealt with  
2 Shirley.

3 MR. ROSE: Right.

4 So if I can just briefly respond if you care to  
5 have any response.

6 THE COURT: Sure.

7 MR. ROSE: Okay.

8 What Judge Philips, after determining the validity  
9 of the documents, he determined that because Simon's  
10 Will was valid and exercised a power of appointment  
11 that's what determined the beneficiaries of the Shirley  
12 Bernstein trust.

13 That order, that particular order was never  
14 appealed. The judgment determining the validity was  
15 appealed and that's what resulted in the PC.

16 The timing issue that I have is there's, this  
17 needs to be done first, the thing we're not doing  
18 today, we're not going to do the Simon Bernstein side  
19 of it today, it needs to be done before we do other  
20 things, we're talking about ratifying the trustee  
21 because the only basis to ratify the trustee comes out  
22 of the settlement agreement.

23 And we've got other hearings that other people are  
24 trying to set before we get this approved and, you  
25 know --

1 THE COURT: Well, the only one I've got set so  
2 far --

3 MR. ROSE: Right.

4 THE COURT: Is the, does Mr. Stansbury keep --

5 MR. ROSE: That has nothing to do with why we're  
6 here today.

7 THE COURT: That's what I'm saying.

8 MR. ROSE: Yes. I agree. Exactly.

9 THE COURT: So the next one I want to set is under  
10 tab, it's actually under Tab A which is the trustee's  
11 motion to approve compromise and settlement, appoint  
12 trustee for the trusts and determine compensation for  
13 the guardian ad litem in Simon.

14 MR. ROSE: I think you have that set for August  
15 the 18th at 10 o'clock in the morning for what's been  
16 noticed to be the rest of the day by Mr. Feaman for  
17 hearings on a motion to ratify and I think the things  
18 we have to set should go before the motion to ratify on  
19 that date and that would be --

20 THE COURT: Give me one second.

21 MR. FEAMAN: Mr. Rose is correct.

22 MR. ROSE: Can make that, for the Court Reporter  
23 to take note of that.

24 THE COURT: I don't have on the 18th, on August  
25 18th did you say?

1 MR. FEAMAN: Yes. At 10 a.m. We had tentatively  
2 reserved that one day for the --

3 THE COURT: No.

4 MR. FEAMAN: -- motion to ratify and confirm  
5 appointment of Ted Bernstein as successor/trustee.

6 THE COURT: We do have to hear this first, I agree  
7 that we have to do this one first.

8 August 18th is not -- no. But --

9 MR. ROSE: I think you had given us the date and I  
10 had to check on --

11 MR. BERNSTEIN: Can we schedule this at a time  
12 where we all get a time and can check our schedules, I  
13 have three kids.

14 THE COURT: Does everybody have their schedule  
15 right now?

16 MR. FEAMAN: I don't.

17 THE COURT: That's why --

18 MR. BERNSTEIN: I have three kids, I didn't know I  
19 was coming here for scheduling.

20 THE COURT: It does say status conference to  
21 schedule additional hearings.

22 All right.

23 So here's what I want, we're going to do B first,  
24 what's under -- I'm saying Tab B, that's the settlement  
25 agreement.



1           It's under Tab A which is trustee's motion to  
2 approve compromise and settlement, appoint trustee for  
3 the trust, we're going to do that first.

4           Now, I know that --

5           MR. BERNSTEIN: Which motion was that?

6           THE COURT: This is the Estate of Simon Bernstein,  
7 trustee's motion to approve compromise and settlement,  
8 appoint a trustee for the trust created for DB, JAB and  
9 JOB, I know those are the children, and determine  
10 compensation for guardian ad litem.

11           That will be the first motion scheduled.

12           MR. BERNSTEIN: When exactly are we scheduling it?

13           THE COURT: I haven't set a date.

14           MR. BERNSTEIN: Okay.

15           THE COURT: Any thoughts, Harriet?

16           THE CLERK: My computer's down.

17           THE COURT: Of course it is.

18           THE CLERK: They're remoting in.

19           THE COURT: Oh, how about that.

20           Oh no, is that the whole day? No, 1:30.

21           I'm thinking Tuesday, June 27th, 9:30 till noon.

22           MR. ROSE: June 27 at 9:30 to 12.

23           THE COURT: So how's June 27th, 9:30 to noon.

24           MR. O'CONNELL: Your Honor, only the Shirley?

25           THE COURT: No. Estate of Simon, trustee's motion

1 to approve compromise and settlement.

2 MR. O'CONNELL: Unfortunately I have to be in New  
3 York for some depositions that day, sorry -- but I can  
4 send someone else from my office.

5 MR. BERNSTEIN: I need Mr. O'Connell as a witness  
6 in that hearing. He's a definite witness so let's  
7 reschedule to a date --

8 MR. ROSE: Just for clarity of, that motion is  
9 only to approve a settlement between 10  
10 beneficiaries.

11 THE COURT: I know.

12 MR. ROSE: It is not, it has no impact on the  
13 rights of the estate or any party that's not a  
14 beneficiary of the trust which is why I thought you  
15 could do it today, but we'll do it, that day's fine.

16 I don't think it's an evidentiary hearing, I think  
17 it's five minutes, however long it takes Mr. Eliot  
18 Bernstein to make a record.

19 MR. BERNSTEIN: It's going to be evidentiary, Your  
20 Honor, we have witnesses, evidence, et cetera.

21 See, it would have been nice if Mr. Rose had  
22 brought --

23 THE COURT: Stop. Stop. You know I don't  
24 tolerate that so let's just keep going.

25 Okay. I'm not going to sit here and do this, I

1 don't have the time.

2 MR. ROSE: Can we set the other motions after that  
3 if there's time, the motion to ratify or you want to do  
4 one at a time.

5 THE COURT: I'm just trying to figure out --

6 MR. ROSE: We're glad to work on a schedule  
7 without Your Honor, if it's authorized to have that  
8 time we can work on a schedule for what hearings can be  
9 heard or --

10 THE COURT: On the 27th, yes. I'll give you 9:30  
11 to 12, figure out what's going to be heard.

12 Can we do that?

13 MR. ROSE: There's a motion that Mr. Feaman's  
14 filed that he wants to have heard before that, summary  
15 judgment on the motion to ratify that I think should be  
16 put on way after that rather than come back for another  
17 8:45.

18 MR. FEAMAN: We have already scheduled  
19 Mr. Stansbury's motion for summary judgment.

20 THE COURT: When.

21 MR. FEAMAN: Denying Ted Bernstein's motion to  
22 ratify for June 15 at the motion calendar at 8:30.

23 That notice of hearing --

24 THE COURT: I'm not going to hear, do a motion for  
25 summary judgment on UMC though. Not in this case. I

1 can't even schedule -- a motion for summary judgment is  
2 not going to happen at UMC.

3 MR. FEAMAN: Normally that's true, Your Honor.

4 If I may --

5 THE COURT: Absolutely it's true.

6 MR. FEAMAN: In this case it's simply based on a  
7 finding that you have already made as a result of the  
8 previous evidentiary hearings you held so I thought I  
9 could do it now in five minutes.

10 THE COURT: I totally appreciate where you're  
11 coming from, the same way Mr. Rose set this thinking I  
12 could do it, but you see what I'm saying, like in most  
13 cases -- I'm not at all, how can I say this, don't take  
14 it critically, just, I don't see that happening here.  
15 But we can tack that on the June 27th hearing.

16 MR. ROSE: Your Honor, I don't want to tack that  
17 to June 27 because you first have to decide if you're  
18 going to approve the settlement or not, the motion is  
19 dependent on the settlement.

20 THE COURT: How do I respond to he wants Mr., let  
21 me have Mr. O'Connell respond to that.

22 Does Mr. Eliot have a right to call you as a  
23 witness without a subpoena?

24 MR. O'CONNELL: No.

25 MR. BERNSTEIN: I'll subpoena him, you, but he's

1 not going to be in town so I need a different date  
2 there.

3 MR. O'CONNELL: I'd be willing to have my  
4 deposition taken in advance.

5 THE COURT: Okay. Why don't you do that.

6 MR. ROSE: It's not a settlement that involves  
7 Mr. O'Connell so you're putting the cart before the  
8 horse.

9 THE COURT: I don't believe the settlement  
10 involves Mr. O'Connell.

11 MR. BERNSTEIN: It does, it involves the Estate of  
12 Simon.

13 THE COURT: But he's the PR.

14 MR. BERNSTEIN: And I also need to know if Diana  
15 Lewis will be here --

16 MR. ROSE: Your Honor --

17 THE COURT: All right. All right. All right.

18 I need to base, I need to stop for a second. I'm  
19 not going to spend another 15 minutes on scheduling. I  
20 will set it for 9:30 on June 27th and you'll have the  
21 opportunity to take Mr. O'Connell's deposition before  
22 then.

23 Is anyone objecting to the use of the deposition  
24 at the hearing?

25 MR. BERNSTEIN: I am. I'd rather have him as a

1 witness on the stand.

2 THE COURT: I'm not sure though that he would,  
3 based on what the Court's being told, if the Court  
4 makes -- let's just get another date for that one.

5 The reason is I'm not going to keep delaying this  
6 for other things and I have no evidentiary basis to  
7 include him, I'm telling you sitting here now I don't  
8 know if there was an objection, I don't have a motion  
9 for protective order, I don't have the actual --  
10 knowing that you're not going to be available then,  
11 when are you available.

12 MR. O'CONNELL: Probably the next day. The  
13 28th.

14 THE COURT: Okay. So here's what I'm going to  
15 do.

16 I'm going to give you, Harriet's going to reach  
17 over and pummel me, I'm going to give you guys June 28  
18 for that motion at 9:30 to 12 and she will move my June  
19 28 trial to June 27 so that day has opened up.

20 This way we get it timely heard and that's all I'm  
21 going to deal with for right now, that's all I'm going  
22 to deal with for right now.

23 June 28, I'm handing Harriet this notebook so  
24 she'll look up the docket entry in the Estate of Simon  
25 Bernstein, trustee's motion to approve compromise and

1 settlement, case number 2012-CP-4391, appoint a trustee  
2 for the trust created and to determine compensation.

3 All right. Thank you.

4 MR. ROSE: If Mr. Bernstein's children --

5 THE COURT: You're going to give me a proposed  
6 order, she'll give me the notebook for today's hearing  
7 and I will review everything with regards to the  
8 Shirley trust.

9 MR. ROSE: And Mr. Bernstein's children, I'd ask  
10 that he give me the addresses for his children if they  
11 wish to be noticed because he can't appear for them.

12 THE COURT: I know. You're not a lawyer, he can't  
13 appear for them.

14 MR. ROSE: But I'll be glad if he will provide  
15 anyone with addresses for them and we'll copy them  
16 and --

17 MR. BERNSTEIN: I have one last thing.

18 What rule did you refer to that you're bound to  
19 follow orders no matter if you --

20 THE COURT: It's the law. I must.

21 MR. BERNSTEIN: Do you have the statute.

22 THE COURT: What is the statute?

23 MR. BERNSTEIN: Yeah.

24 THE COURT: It's common law. Gosh.

25 When, the Florida Supreme Court is the ultimate

1 ruling so they, if the Supreme Court overruled the,  
2 overruled the 4th, I follow the Supreme, the 4th  
3 controls me.

4 MR. BERNSTEIN: Okay.

5 THE COURT: I can't give you legal advise or --

6 MR. BERNSTEIN: I get it.

7 The last thing I want to know --

8 THE COURT: I'm concluding this now.

9 MR. BERNSTEIN: No, no, wait.

10 I have one question.

11 THE COURT: I know, but you're not listening.

12 MR. ROSE: May I approach to get the order I back  
13 I handed you --

14 THE COURT: Order approving settlement. I have  
15 it.

16 MR. ROSE: You want to give me the other ones back  
17 for the next time.

18 MR. BERNSTEIN: Your Honor, I wanted to know if  
19 now that you've noticed and become aware that Mr. Rose  
20 has misled the Court in hearings under oath on the  
21 stand, if you would notify State and Federal  
22 authorities of --

23 THE COURT: Mr. Eliot, you're outside your  
24 acceptable range right here. You don't get to question  
25 the Court.



1 MR. BERNSTEIN: Even though you've noticed fraud  
2 on the Court.

3 THE COURT: You do not and this hearing is  
4 concluded.

5 Thank you very much.

6 If you would pass those up, the, or I think I just  
7 gave you back every order.

8 Did I keep the one, correct order?

9 I want to make sure that's the one I have.

10 Mr. ROSE: I have the order for June 2nd.

11 THE COURT: Okay. So you do have the order for  
12 June 2nd, did I give that to you?

13 I don't have that, but you have that.

14 MR. ROSE: That's the correct order for this  
15 hearing.

16 THE COURT: That's what I thought.

17 MR. ROSE: And I put on the record the order will  
18 not apply to any case other than the one that was  
19 noticed for today.

20 Thank you, Your Honor.

21 THE COURT: Thank you everyone.

22 (Whereupon, the hearing was concluded at 9:08  
23 a.m.)

24

25

CERTIFICATE

STATE OF FLORIDA        )  
COUNTY OF PALM BEACH    )

I, COLLEEN M. GRUFF-BROWN, 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 3rd day of June, 2017.



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Colleen M. Gruff-Brown

|                                                     |                                                         |                                                                   |                                                                                |                                                                  |
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|                                                                                                                                                 |                                                    |                                                                                             | <b>pleading</b>                     | <b>proposed</b><br>10:15<br>22:5 |
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|                                                              |                                    |                                                                                                                                                                                                                                                          |                                                                                |                                                                                    |
|--------------------------------------------------------------|------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| <b>provide</b><br>22:14                                      | <b>record</b><br>4:19<br>11:23     | <b>response</b><br>13:5                                                                                                                                                                                                                                  | <hr/> <b>s</b> <hr/>                                                           | 11:24<br>13:22<br>14:11                                                            |
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| <b>putting</b><br>20:7                                       | <b>remaining</b><br>3:22           | <b>review</b><br>22:7                                                                                                                                                                                                                                    | <b>scheduling</b><br>7:20<br>15:19<br>16:12<br>20:19                           | <b>she'll</b><br>21:24<br>22:6                                                     |
| <hr/> <b>Q</b> <hr/>                                         | <b>remember</b><br>7:24            | <b>rights</b><br>17:13                                                                                                                                                                                                                                   | <b>scope</b><br>9:17                                                           | <b>Shirley</b><br>4:2,14,15<br>6:18<br>11:14<br>12:1,8<br>13:2,11<br>16:24<br>22:8 |
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|                          |                     |
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