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May 18, 2017

The Honorable Rosemarie Scher
North County Courthouse
3188 PGA Boulevard
Palm Beach Gardens, FL 33410

Re: *Estate of Simon L. Bernstein*
Case No.: 502012CP004391XXXXNBIH

Dear Judge Scher:

I am writing to bring your attention a *Motion for Entry of Standing Order Governing Hearings* [D.E. 612] motion which has been filed in this case by Trustee, Ted S. Bernstein.

I believe the Court rule on that motion without a hearing or, alternatively, request the Court set the matter for hearing during one of the upcoming hearings on June 2nd or June 28th. A copy of the Motion and a proposed order either granting or denying the Motion is attached for Your Honor's reference.

Respectfully submitted,

Alan B. Rose

cc: All parties on attached service list

May 18, 2017

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

CASE NO. 502012CP004391XXXXNBIH
CP - Probate

IN RE:

ESTATE OF SIMON L. BERNSTEIN,
_____ /

TRUSTEE'S MOTION FOR ENTRY OF STANDING ORDER
GOVERNING HEARINGS

Trustee, Ted S. Bernstein, moves for entry of a standing order to govern future hearings in this case, and states:

1. From time to time, this Court sets hearings on various matters. The scheduling and coordination of hearings is cumbersome given the number of different parties who are involved in this probate proceeding.

2. At several recently scheduled hearings, which were set at a length of time in the future and at great expense to the parties, Eliot Bernstein has complained that he is not available beyond the amount of time scheduled by the Court. In other words, if the Court sets a one-hour hearing to start at 3:30 p.m., Eliot Bernstein at 4:30 p.m. claims that the hearing is concluded and he must leave, and that any further hearing be delayed. Eliot Bernstein made the same statement at a hearing held on April 27, 2017, which was a 30-minute hearing set to start at 4:30 p.m. Promptly at 5:00 p.m., Eliot Bernstein claimed he needed to leave immediately.

3. To prevent this same thing from reoccurring, we seek the entry of a standing order that follows:

When the Court schedules a hearing to start at a particular time and/or has reserved a particular amount of time for a hearing, the parties and their counsel all are advised that a hearing may start later than expected and/or may run later than planned, at the discretion of the Court and based upon the Court's schedule. No party should assume that any particular hearing will end automatically at a given time, or last only a precise amount of time. All parties and their counsel should reasonably plan accordingly.

WHEREFORE, Trustee requests the Court enter a standing order that will govern all future hearings in this matter.

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing has been furnished to parties listed on attached Service List by: Facsimile **and** U.S. Mail; U.S. Mail; E-mail Electronic Transmission; FedEx; Hand Delivery this 28th day of April, 2017.

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By: /s/ Alan B. Rose
Alan B. Rose (Fla. Bar No. 961825)

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**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 ON TRUSTEE'S MOTION FOR
ENTRY OF STANDING ORDER GOVERNING HEARINGS**

THIS CAUSE came before the Court on Trustee's *Motion for Entry of Standing Order Governing Hearings* [D.E. 612] ("the Motion"). The Court, having reviewed the Motion and the record, and being otherwise fully advised in the premises, hereby ORDERS AND ADJUDGES:

1. The Motion is GRANTED / DENIED.
2. The parties are advised, as to all future hearings, when the Court schedules a hearing to start at a particular time and/or has reserved a particular amount of time for a hearing, the hearing may start later than expected and/or may run later than planned, at the discretion of the Court and based upon the Court's schedule. No party should assume that any particular hearing will end automatically at a given time, or last only a precise amount of time. All parties and their counsel should reasonably plan accordingly.

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

HONORABLE ROSEMARIE SCHER

cc: All parties on the attached service list

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