

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA
PROBATE DIVISION "IH"

Case No. 50 2012-CP-4391 XXXX NB

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

ORDER STRIKING ELIOT BERNSTEIN'S MOTION CLOSING STATEMENT IN STANSBURY FEE DISCHARGE AND MOTION FOR COURT TO PERFORM MANDATORY OBLIGATIONS UNDER FRAUD UPON THE COURT, STAY, INJUNCTION, DISCOVERY COMPLIANCE, CONFLICT DETERMINATION AND OTHER RELIEF (D.E. #670) AND ELIOT BERNSTEIN'S ESTATE BENEFICIARY WITH STANDING AND INTERESTED PERSON ELIOT I. BERNSTEIN'S OPPOSITION AND RESPONSE TO TRUSTEE'S MOTION FOR STAY OF FURTHER PROCEEDINGS UNTIL DISCOVERY COMPLIANCE, DEPOSITIONS AND CONFLICT OF INTEREST DETERMINED (D.E. #671)

THIS MATTER came to the Court's attention for review. Upon consideration, it is hereby **ORDERED AND ADJUDGED** that:

Eliot Bernstein's Motion Closing Statement in Stansbury fee Discharge and Motion for Court to Perform Mandatory Obligations Under Fraud Upon the Court, Stay, Injunction, Discovery Compliance, Conflict Determination and Other Relief (D.E. #670) and Eliot Bernstein's Estate Beneficiary With Standing and Interested Person Eliot I. Bernstein's Opposition and Response to Trustee's Motion for Stay of Further Proceedings Until Discovery Compliance, Depositions and Conflict of Interest Determined (D.E. #671) are hereby **STRIKEN pursuant to prior Order dated March 3, 2017 signed by the undersigned limiting the pages of filings without Court Order (D.E. #557)** copy attached hereto.

DONE AND ORDERED in chambers, at Palm Beach Gardens, Palm Beach County, Florida
this 24 day of July, 2017.



ROSEMARIE SCHER, CIRCUIT JUDGE

Copies furnished:
See attached service

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

**ORDER SETTING MARCH 16, 2017 HEARING FROM 2:00 TO 4:00 AND
ESTABLISHING PROCEDURE**

THIS MATTER came before the Court February 16, 2017 and March 2, 2017 on the following matters:

1. October 7, 2016, D.E. 496, Stansbury's Motion to Vacate in Part the Court's Ruling on September 7, 2016, and/or Any Subsequent Order, Permitting the Estate of Simon Bernstein to Retain Alan Rose and Page, Mrachek, Fitzgerald, Rose, Konopka, Thomas & Weiss, P.A. as Legal Counsel and Motion for Evidentiary Hearing to Determine Whether Rose and Page, Mrachek are Disqualified from Representing the Estate Due to an Inherent Conflict of Interest.
2. November 28, 2016, D.E. 507, Stansbury's Motion to Disqualify Alan Rose and Page, Mrachek, Fitzgerald, Rose, Konopka, Thomas & Weiss, P.A. as Legal Counsel for the Estate of Simon Bernstein Due to an Inherent Conflict of Interest.

Present before the Court were Peter Feaman, Esquire on behalf of William Stansbury; Alan Rose, Esquire on behalf of Ted Bernstein, Trustee, Brian O'Connell as Personal Representative, Eliot Bernstein as interested party.

At the beginning of the February 16, 2017 the Court advised from this point forward pleadings and filings shall consist only of a Motion / Petition; Response; and, Reply. No additional filings shall be presented without leave of court.

At the conclusion of the hearing March 2, 2017 the Court ordered closing arguments of no more than 10 double spaced pages should be submitted to the Court no later than March 9, 2017 on the above two issues.

The Court is also ordering no further pleadings or filings exceed 10 double spaced pages without requesting leave of Court.


In open Court the Court advised that on March 16, 2017 the Court shall hear the following matters:

1. Trustee's Motion to Approve Retention of Counsel and to Appoint Ted S. Bernstein as Administrator Ad Litem to Defend Claim Against Estate by William Stansbury [D.E. 471]
2. Stansbury's Motion of Creditor for Discharge from Further Responsibility for the Funding of the Estate's Participation in the Chicago Life Insurance Litigation and for Assumption of Responsibility by the Estate and for Reimbursement of Advanced Funds [D.E.448], seeking to vacate, alter or amend Judge Colin's Order [D.E. 133: Order Appointing Administrator Ad Litem to Act on Behalf of Estate of Simon Bernstein etc.]

No other matters shall be heard by this Court on March 16, 2017 without Court approval and a revised order being issued.

The Court has previously given all parties and counsel opportunity to provide materials on the above issues to the Court. Since these matters have been set two other times, and the Court has received no less than one large binder from each party, the Court will receive no further filings / pleadings / case law on these matters prior to March 16, 2017.

DONE AND ORDERED in Palm Beach Gardens, Palm Beach County, Florida this 3rd day of March, 2017.

 **15TH JUDICIAL CIRCUIT**
Rosemarie Scher
ADMINISTRATIVE OFFICE OF THE COURT
ROSEMARIE SCHER, Circuit Judge

Copies furnished:

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