

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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**AMENDED MOTION TO SPECIALLY SEQUENCE HEARINGS**

Comes now, William Stansbury, claimant and interested person in the Estate of Simon L. Bernstein, and moves this Court to specially sequence hearings on certain motions pending in this Estate, and as grounds therefore would state as follows:

1. On April 27, 2017, this Honorable Court entered its Order Denying Appointment of Ted Bernstein as Administrator Ad Litem, among other rulings (**D.E. 611**).

2. In the Order, the Court specifically made the finding: "...the Court cannot ignore the fact that the Estate and Ted are adverse in the Illinois lawsuit."

3. There is presently pending before this Court a Motion filed by Brian O'Connell as Personal Representative of the Estate to approve the Settlement Agreement reached between the parties in the Illinois litigation (**D.E. 679**). That Motion is not yet set for hearing, on Wednesday, November 15, 2017 at 9:30 a.m. (**D.E. 687**).

4. In light of the finding by the Court, referenced in paragraph 2 above, and in light of the fact that Ted Bernstein remains as the Successor Trustee of the Simon Bernstein Trust (the "Trust"), which is the sole monetary beneficiary of this Estate, it would be error and inappropriate for this Court to rule on the Motion to Approve the Settlement in the Illinois litigation, when Ted Bernstein is simultaneously acting in the capacity of Plaintiff in the Illinois litigation and Trustee of the Simon Bernstein Trust, the sole monetary beneficiary of this Estate.

5. Under the terms of the Illinois Settlement Agreement, Ted Bernstein receives money personally if the Illinois Settlement is approved, thereby diminishing the recovery by the Estate and therefore the Trust. At the same time, Ted Bernstein holds the position of Successor Trustee of the Trust, which is the sole monetary beneficiary of this Estate. So is Ted the Illinois Plaintiff saying to Ted the Trust Trustee, the Settlement is fair? Fair to which Ted? The two positions are clearly in conflict.

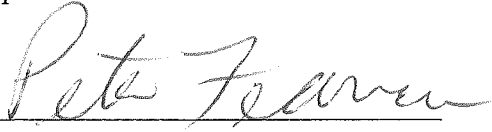
6. On February 15, 2017, Stansbury filed his Corrected Request for Priority Hearing Setting on the Motion to Ratify and Confirm Appointment of Ted S. Bernstein as Successor Trustee (since withdrawn by Ted) and his Request for Court Intervention Under Florida Statute §736.0706(1), (D.E. 533) requesting that this Court, on its own initiative, rule on the propriety of Ted Bernstein serving as Successor Trustee, while, at the same time, he is suing the Estate. Numerous other grounds for his removal are also alleged in that Motion for the Court's consideration.

7. As such, the Court should determine first, whether Ted Bernstein can serve as Successor Trustee of the Trust as the sole monetary beneficiary of this Estate, while at the same time suing the Estate personally, when the outcome of that litigation where Ted Bernstein is a Plaintiff directly impacts the financial position of the Simon Bernstein Trust, the sole monetary beneficiary of the Estate of Simon Bernstein.

8. The Court should not hear the Motion to Approve Settlement until Ted Bernstein's apparent conflict is judicially resolved.

WHEREFORE, William E. Stansbury, "Interested Person" in the Estate of Simon Bernstein, requests this Honorable Court to specially sequence the hearings on the two motions pending in this Estate so that any apparent conflict of Ted Bernstein is resolved before the Court

considers whether to approve or disapprove of the Settlement Agreement in the Illinois litigation, and for such other and further relief as deemed 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 8<sup>th</sup> day of August, 2017.

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