

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA
CASE NO: 50 2012 CP 004391 XXXX NBIH

IN RE:

ESTATE OF SIMON L. BERNSTEIN.

Hearing before the Honorable Rosemarie Scher

Tuesday, February 6, 2018
North County Courthouse
Palm Beach Gardens, Florida
8:30 a.m.

Reported by:
Donna L. Harshaw, Court Reporter
Notary Public, State of Florida

1 APPEARANCES:

2 On behalf of Ted S. Bernstein:
3 MRACHEK, FITZGERALD, ROSE, KONOPKA, THOMAS
4 & WEISS, P.A.
5 505 S. Flagler Drive, Suite 600
6 West Palm Beach, Florida 33401
7 BY: ALAN B. ROSE, ESQUIRE
8 arose@mrachek-law.com

9 On behalf of Brian O'Connell:
10 CIKLIN, LUBITZ, MARTENS & O'CONNELL
11 515 N. Flagler Drive, 20th Floor
12 West Palm Beach, Florida 33401
13 BY: JOIELLE A. FOGLIETTA, ESQUIRE
14 jfoglietta@ciklinlubitz.com

15 On behalf of Tescher & Spallina:
16 SHENDELL & POLLOCK, P.L.
17 2700 N. Military Trail, Suite 150
18 Boca Raton, Florida 33431
19 BY: PATRICK ZALMAN, ESQUIRE
20 pat@shendellpollock.com

21 On behalf of Eliot Bernstein:
22 ELIOT BERNSTEIN - PRO SE
23 2753 N.W. 34th Street
24 Boca Raton, Florida 33434
25 ivewit@ivewit.tv

On behalf of Joshua Bernstein:
PERLMAN, BAJANDAS, YEVOLI & ALBRIGHT, P.L.
283 Catalonia Avenue, Suite 200
Coral Gables, Florida 33134-6714
BY: CHRISTOPHER PERRE, ESQUIRE
cperre@pbyalaw.com

On behalf of William Stansbury:
PETER M. FEAMAN, P.A.
3695 West Boynton Beach Blvd., Suite 9
Boynton Beach, Florida 33436
BY: JEFFREY ROYER, ESQUIRE
jroyer@feamanlaw.com

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P R O C E E D I N G S

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BE IT REMEMBERED that the following proceedings were had in the above-styled and numbered cause in the North County Courthouse, City of Palm Beach Gardens, County of Palm Beach, in the State of Florida, by Donna L. Harshaw, Court Reporter, before the Honorable Rosemarie Scher, Judge in the above-named Court, on February 6, 2018, to wit:

THE COURT: The first one up is Bernstein.

MR. ROSE: Good morning, Your Honor. Alan Rose on behalf of Ted S. Bernstein as trustee.

09:50:54 MS. FOGLIETTA: Joielle Foglietta on behalf of Brian O'Connell, the personal representative of the Simon Estate.

MR. ZALMAN: Patrick Zalman on behalf of Tescher & Spallina.

09:51:04 MR. BERNSTEIN: Eliot Bernstein, pro se.

MR. PERRE: Christopher Perre on behalf of Joshua Bernstein.

MR. ROYER: Jeffrey Royer on behalf of William Stansbury, interested person in the Estate of Simon Bernstein.

09:51:06

1 MR. ROSE: We have two motions pending.
2 One I think we can do fairly quickly. It's a
3 motion to strike Eliot Bernstein's notice of
4 appeal. He's been ordered by the Fourth
09:51:30 5 District Court of Appeal not to file notices of
6 appeal, and he's filed some. The Fourth
7 District has rejected them, but they're still
8 sitting in the court file, so we would --

9 THE COURT: There is no need for me to do
09:51:40 10 that.

11 Next motion.

12 MR. ROSE: We have a motion to approve
13 settlement. There was an objection that was
14 filed yesterday, so I'm not sure if --

09:51:48 15 THE COURT: I haven't seen it.

16 MR. ROSE: This is a motion to approve a
17 settlement of a claim.

18 THE COURT: Which case? Because I've got
19 both motions. For the record, I believe that's
09:51:58 20 for the Shirley Bernstein case.

21 MR. ROSE: Well, there's a settlement in
22 both cases with the same law firm, differing
23 amounts. A confidential settlement, it was
24 entered into in July of 2016. We've been
09:52:12 25 waiting to have the approval hearing heard.

1 We've been having trouble getting that one set
2 while we did other things first. So, you know,
3 we moved to have the settlement approved.

4 There's an objection. I don't know if you're
09:52:26 5 going to be able to deal with that at an 8:45.

6 THE COURT: Who filed the objection?

7 MR. PERRE: We did, Your Honor. We just
8 came new to the case. We're representing the
9 trust beneficiary, Joshua Bernstein.

09:52:40 10 Our client -- basically, what's happened
11 is that a guardian ad litem was appointed by
12 the Court. At the time that that happened, our
13 client was already 18 years old and had full
14 capacity to represent himself.

09:52:52 15 The reason we're objecting to this motion
16 is that our client had no idea that there was a
17 settlement, had no idea what was going on, was
18 not a part of it, was not consulted by the
19 guardian ad litem. We don't believe his
09:53:06 20 interests are represented here. The motion
21 itself actually says that the guardian ad litem
22 has been consulted, that she has --

23 THE COURT: This is not something we're
24 going to be able to have today. All right. So
09:53:18 25 we'll have to special set.

1 MR. BERNSTEIN: I'll also be objecting.

2 MR. ROSE: Can we get it set for --

3 THE COURT: Not today. I don't have a JA.

4 I'm sorry. I'm sorry if I seem a little off.

09:53:34 5 I got bad news. My JA is in the emergency
6 room, so if I seem a little -- that's why I'm a
7 little stressed, so I apologize.

8 But I'm sorry, Mr. Rose, I cut you off.

9 Please say what you were going to say.

09:53:44 10 MR. ROSE: On the first motion, would you
11 like me to submit an order that the motion is
12 moot?

13 THE COURT: Yes.

14 MR. ROSE: Denied as moot?

09:53:52 15 THE COURT: That's awesome. Thank you.

16 I appreciate it, and that one we'll get a
17 special setting.

18 Obviously, Mr. Rose, I'm sorry. I think
19 you can appreciate I was just a little
09:54:02 20 frazzled.

21 MR. ROSE: No worries. Thank you,

22 Your Honor.

23 THE COURT: So we'll get this special set.

24 Thank you.

09:54:08 25 MR. BERNSTEIN: God bless. Have a good

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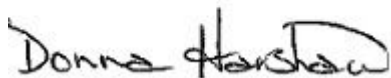
THE COURT: Thank you.

(Thereupon, the hearing was concluded.)

1 C E R T I F I C A T E

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3 STATE OF FLORIDA

4 COUNTY OF PALM BEACH

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6 I, Donna L. Harshaw, Court Reporter, certify
7 that I was authorized to and did stenographically
8 report the foregoing proceeding and that the
9 transcript is a true record.10
11 Dated this 13th day of February, 2018.12
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15 _____
16 Donna L. Harshaw, Court Reporter
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