

IN THE CIRCUIT COURT IN AND FOR THE 15TH JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

IN RE: ESTATE OF:

PROBATE DIVISION

SIMON L. BERNSTEIN,

FILE NO: 502012CP4391XXXXNB/IH

Deceased.

**FIRST SUPPLEMENT TO RESPONSE AND OBJECTION TO PETITION FOR FEES
AND COSTS OF ATTORNEY FOR SUCCESSOR PERSONAL REPRESENTATIVE**

COMES NOW, Brian M. O'Connell, Esq., as Successor Personal Representative of the Estate of Simon L. Bernstein ("Successor Personal Representative," and "Estate," respectively), by and through undersigned counsel, and hereby files this First Supplement to Response and Objection to Petition for Fees and Costs of Attorney for Successor Personal Representative, filed herein by the law firm of Ciklin Lubitz, ("Petitioner"), and in support thereof, states as follows:

1. On May 2, 2019 the law firm of Ciklin Lubitz, served formal notice of the Petition for Fees and Costs of Attorney for Successor Personal Representative (the "Petition").

2. The Successor Personal Representative filed the Response and Objection to Petition for Fees and Costs of Attorney for Successor Personal Representative on May 22, 2019 (the "Response and Objection").

3. Paragraph 3 of the Response and Objection should have stated: As stated in the Petition, some of the attorneys currently at O'Connell & Crispin Ackal, PLLC, formerly worked at Ciklin Lubitz, and same worked on the instant case during that time. Typically, at Ciklin Lubitz, before filing a petition for fees and costs, the undersigned would review the time billed and make appropriate reductions as needed. If the undersigned were still at Ciklin Lubitz, same would have only petitioned for **\$106,657.50 (a reduction of \$50,629.50)** after reviewing the time billed and

reducing it, as further stated in the objections on the attached Billing Records [to the Response and Objection to Petition for Fees and Costs of Attorney for Successor Personal Representative].

4. Additionally, to the extent Petitioner seeks fees for fees, Petitioner is not entitled to same, as the fees sought in the Petition are substantially unreasonable, and Petitioner should have consulted with the Successor Personal Representative, who was a former partner at Ciklin Lubitz, before filing any such fee petition. Ciklin Lubitz' failure to do so should forfeit any such fee request.

WHEREFORE, Brian M. O'Connell, Esq., as Successor Personal Representative of the Estate of Simon L. Bernstein, by and through his undersigned counsel, files this First Supplement to Response and Objection to Petition for Fees and Costs of Attorney for Successor Personal Representative filed by the law firm of Ciklin Lubitz.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent by e-service, e-mail service or U.S. Postal Service on the 23rd day of May, 2019 to the parties on the attached Service List.

/s/ Joielle A. Foglietta
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