

IN THE CIRCUIT COURT FOR
PALM BEACH COUNTY, FLORIDA

CASE No.: 502011CP000653XXXXSB

IN RE: ESTATE OF SHIRLEY BERSTEIN,

Deceased.

ELIOT IVAN BERNSTEIN, PRO SE,

Petitioner,

vs.

TESCHER & SPALLINA, P.A., (and all parties
associates and of counsel); ROBERT L. SPALLINA
(both personally & professionally);
THEODORE STUART BERNSTEIN (as alleged
personal representative, trustee, successor trustee)
(both personally and professionally); and JOHN
and JANE DOE'S (1-5000)

Respondents.

ORIGINAL

Transcript of Proceedings
Before the Honorable Martin H. Colin,
Circuit Court Judge

DATE TAKEN: January 2, 2014

TIME: Commenced at 10:03 a.m.
Concluded at 10:08 a.m.

LOCATION: South County Courthouse
200 West Atlantic Avenue
Courtroom 8
Delray Beach, Florida 33444

REPORTED BY: Erica Field,
Stenograph Shorthand Reporter and
Notary Public, State of Florida

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Eliot Ivan Bernstein, Pro Se
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On behalf of the Petitioner,

Mark R. Manceri, Esquire
Mark R. Manceri, P.A.
2929 East Commercial Boulevard
Suite 702
Fort Lauderdale, Florida 33308

On behalf of the Respondents.

I N D E X

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PROCEEDINGS

1
2 MR. MANCERI: Good morning, your Honor.
3 We're here on the estate of Shirley Bernstein. We
4 were here on a status conference that your JA
5 called and instructed me to set. I think it's as a
6 result of a letter I sent to Court in respect for a
7 motion to transfer that we had filed in front of
8 Judge French. I sent you a letter.

9 THE COURT: I have the motion to transfer.

10 MR. MANCERI: Your assistant wasn't really
11 sure what you wanted to accomplish today when she
12 instructed me to set this hearing, but as a matter
13 of fact, your Honor, there are two matters relating
14 to two estates. One is the Estate of Shirley
15 Bernstein, which is in front of you, and the Estate
16 of Simon Bernstein, which is in front of Judge
17 French. Eliot Bernstein, who was one of the
18 children of Simon and Shirley Bernstein has filed
19 numerous pleadings in both of the estates, all of
20 them are virtually duplicates of one another, and
21 under the administrative order 2.302, we have filed
22 a motion to transfer and consolidate the two
23 estates of Simon and Shirley Bernstein, who the are
24 parents of Eliot Bernstein and my client, Ted
25 Bernstein, as well as the grandchildren, who are

1 ultimate beneficiaries of both of these estate or
2 the mother load of both of the estates, to transfer
3 both of them to you because you have the lower case
4 number. So we would ask that you consider -- and
5 here is a notice of filing that I did, Judge, which
6 shows -- these are schedules which show all of the
7 various pleadings up through September 25th that
8 are comparative and duplicate between the two
9 estates. As you may remember, your Honor, we're
10 going to ask --

11 THE COURT: You're Eliot?

12 MR. BERNSTEIN: Yes, sir.

13 THE COURT: What do you say about their
14 motion?

15 MR. BERNSTEIN: Well your Honor, the first
16 thing is I think he just said he is representing my
17 brother, Ted, when in fact, I believe Ted filed
18 with you an appearance with Spallina, his client
19 that was his counsel, and Mr. Manceri is
20 representing, I believe, Spallina & Tescher in his
21 notices of appearance with your Court. So I'm not
22 exactly sure -- and one more thing, your Honor,
23 just real quick to set the record straight, the
24 Court fixed the docket -- your docket, and there is
25 a list of respondents. I'd like to just make sure

1 -- take like an attendance of who is here -- who's
2 represented.

3 THE COURT: I don't want you to do that, I
4 just want to know what your position is on their
5 motion.

6 MR. BERNSTEIN: Well what is their motion is
7 the first thing?

8 THE COURT: Basically, there is two estate
9 cases of your parents, one is before me and one is
10 before Judge French. I have the lower case number.
11 They said there is some similar matters that are
12 going on. They want one judge to handle it.

13 MR. BERNSTEIN: That motion that you're
14 talking about was filed in Judge French's Court so
15 you're ruling out Judge French's motion?

16 THE COURT: Sure, yes.

17 MR. BERNSTEIN: Yeah?

18 THE COURT: He's not here.

19 MR. BERNSTEIN: Okay, because that hearing
20 was canceled. So my belief is that we shouldn't
21 merge the cases at this point. We've got, you
22 know, evidence of forgery and fraud in the Court.

23 THE COURT: I don't want the merits of it. I
24 want to know why, procedurally, we shouldn't have
25 one judge hear the whole thing. It can be me or

1 Judge French, but --

2 MR. BERNSTEIN: Well I filed a motion --

3 THE COURT: -- the lower case number is with
4 me.

5 MR. BERNSTEIN: I filed a motion this morning
6 that it shouldn't be either of you two, that
7 perhaps you guys need to be disqualified because
8 you're centrally involved. The frauds occurred in
9 your Court and on your Court. Your signature is on
10 a bunch of the documents that were used
11 fraudulently to close the estate of my mother,
12 which caused its opening, and it might have to go
13 to two fresh judges, not that I'm saying that
14 anybody's involved, but we have to depose you about
15 signatures, about things in the Court and perhaps
16 officers of the Court.

17 THE COURT: Okay.

18 MR. BERNSTEIN: And further, your Honor --

19 THE COURT: Stop.

20 MR. BERNSTEIN: -- these officers --

21 THE COURT: Stop. I'm cutting you off.

22 MR. BERNSTEIN: Yes, sir.

23 THE COURT: Motion to transfer granted. The
24 cases are not consolidated. They can be two
25 separate cases, they're just both before me.

1 MR. MANCERI: That's correct, Judge. Under
2 the administrative order, that's correct.

3 THE COURT: Okay. What else for today?

4 MR. MANCERI: That's it, Judge.

5 THE COURT: Okay.

6 (The proceedings concluded at 10:08 a.m.)
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CERTIFICATE OF REPORTER

STATE OF FLORIDA:
COUNTY OF PALM BEACH

I, Erica Field, Stenograph Shorthand Reporter, certify that I was authorized to and did stenographically report the foregoing proceedings and that the foregoing Pages 4 through 8, inclusive, are a true and complete record of my stenograph notes.

I further certify that I am not a relative or employee of any of the parties, nor am I a relative or counsel connected with the parties' attorneys or counsel connected with the action, nor am I financially interested in the outcome of the action.

DATED this 7th day of January, 2014.



Erica Field
Stenograph Shorthand Reporter



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