

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT, 1525 PALM BEACH LAKES BLVD.,  
WEST PALM BEACH, FL 33401

CASE NO. 4D16-4120  
L.T. No.: 502012CA013933XXXXMB

ELIOT IVAN BERNSTEIN v. WILLIAM E. STANSBURY, et al.

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Appellant / Petitioner(s) Appellee / Respondent(s)

**MOTION FOR PERMISSION TO FILE A SUR REPLY TO ALAN ROSE'S  
RESPONSE OBJECTIONS ALLEGEDLY ON BEHALF OF THE ESTATE  
OF SIMON BERNSTEIN**

1. I am the Appellant pro se in this case.
2. I file this Motion for Permission to file a Sur Reply after speaking to 4th District Court of Appeals Clerk Holly Davis.
3. This Sur Reply would be to address the Response-Objections filed by attorney Alan Rose allegedly on behalf of the Estate of Simon Bernstein.
4. Appellant has reviewed the entirety of the response-objections filed by Attorney Alan Rose and the Appendix attached thereto and has reviewed the entire docket of the Lower Tribunal case and filings under L.T. Case No.: 502012CA013933XXXXMB.
5. A Sur Reply should be granted in this case as it is just and proper and corrects the Record of the Lower Tribunal case below and serves to avoid further and continuing Frauds upon the Court in the cases herein.

6. Attorney Alan Rose again misleads this Court in his filings and said filing essentially amounts to a further Fraud upon the Court.
7. The filing in Response by attorney Alan Rose fails to address the parties Donald Tescher and Robert Spallina by “breezing over them” in the entirety and not mentioning these Parties by name at all in his response.
8. The Response further misleads this Court by affirmatively claiming in Paragraph 3 that “the sole remaining defendants are (i) the Estate of Simon L. Bernstein (“Estate”) and Bernstein Family Realty, LLC (“BFR”).”
9. Yet, as shown by the Docket in the Court below and documents filed therein, both the “Amended Complaint” filed in the Lower Tribunal by Plaintiff William Stansbury on Feb. 14, 2013 ( Docket Entry No. 47 ) ADDED as Parties to the proceedings “Donald Tescher and Robert Spallina, as co-personal representatives of the Estate of Simon Bernstein and as co-trustees of the Shirley Bernstein Trust Agreement dated May 20, 2008” and these Parties are further continued in the Second Amended Complaint filed Sept. 4, 2013 ( Docket Entry No. 154 ).
10. The Lower Tribunal Docket Entries further show these “Parties”, Donald Tescher and Robert Spallina, were issued Summons filed Feb. 22, 2013 ( Docket No. 53 - Exhibit 1 ) as Personal Representatives of the Estate of Simon Bernstein with Verified Return of Service filed on March 1, 2013 ( Docket No. 57 - Exhibit 2 ).

11. Further, Summons for these “Parties” Donald Tescher and Robert Spallina as Co-Trustees of the Shirley Bernstein Trust were filed on April April 19, 2013 ( Docket No. 77 - Exhibit 3 ) with Service Return filed on April 23, 2013 ( Docket No. 81 - Exhibit 4 ).

12. The Docket in the Lower Tribunal below shows these parties were represented by Counsel Mark Manceri who filed Notices of Appearance and the parties actively participated in the litigation.

13. Contrary to Attorney Rose’s filings in Response to this Court, none of the filings referencing a Settlement and Stipulation and Order dismissing parties referenced or reflected any Dismissal whatsoever against Donald Tescher or Robert Spallina in any capacity. ( See, Rose filing: Stansbury filed a Notice of Dropping Parties [App. 2; DE 212] and a Stipulation for Dismissal with Prejudice. [App. 3; DE 213] The trial court entered an "Order of Dismissal with Prejudice of Certain Parties and Claims," rendered on June 23, 2014 [App. 4; DE 213] ).

14. To the contrary, the Lower Court Docket further reflects that as recently as a few months ago and years after the alleged “Settlement”, Plaintiff Stansbury was Noticing both Parties Donald Tescher and Robert Spallina for Depositions and Subpoenas being issued. See, Docket Number Entries 233-236.

15. These “Parties” Donald Tescher and Robert Spallina appear in the Caption of the Motion filed by Attorney Rose allegedly for the Estate of Simon Bernstein in the very Motion to Alter the Caption filed on Nov. 4, 2016 under Docket Entry No. 285 and yet **nowhere in the Motion are these Parties Donald Tescher or Robert Spallina mentioned by attorney Rose, nor is there any Order or Stipulation which Dismissed these parties from the litigation.**

16. Thus, contrary to the Response by Attorney Rose, this Court has Jurisdiction under Florida Rule of Appellate Procedure 9.110(k) “Review of Partial Final Judgments” which provides that “ If a partial final judgment totally disposes of an entire case as to any party, it must be appealed within 30 days of rendition.”

17. The Order appealed from even if not expressly stating it certainly purports to Dismiss and Remove the Parties Donald Tescher and Robert Spallina not just from the Service List but further Dismissed from the Action altogether even though no Stipulation nor Order nor motion ever sought such relief or granted such relief and thus this Appeal and Statement of Jurisdiction by Appellant is not frivolous.

18. Appellant, does, however, move to correct the original Statement of Jurisdiction by filing such Sur Reply and corrects the prior submission in noting that other parties originally mentioned in the Statement of Jurisdiction as the parties mentioned in said Statement in Paragraph 6 being LIC Holdings, Inc., and

Arbitrage International Holdings, LLC, do appear from the Docket to have been removed years before Appellant and his wife were added to the case as “Owners” of BFR and thus any Appeal on those parties would have to await Final Judgment or some other action in the Lower Tribunal on a motion to vacate.

19. Appellant further clarifies the original Statement of Jurisdiction by showing that the Sept. 8, 2016 Order of Judge Oftedal not only added Appellant and his wife as parents and Guardians of the minor children who “own” BFR but further named Appellant and his Wife as “owners” stating “all papers to be served upon BFR shall be served upon its owners, Eliot and Candice Bernstein, as parents and natural guardians of Joshua, Jake and Daniel Bernstein, 2753 N.W. 34th Street, Boca Raton, FL 33434-3459;” See Sept. 8, 2016 Order.

20. While Appellant and his wife have Objected to the process which forced this responsibility of BFR on Appellant and his wife and even sought to appeal which was denied without prejudice by this Court as premature as a Non-final order, clearly this Order affords Appellant “Standing” to file the Notice of Appeal and Statement of Jurisdiction herein at minimum on behalf of the minor children who are beneficiaries and owners with standing.

21. Further, it is Attorney Alan Rose’s ability to act on Appeal which should be in question if anything as not only did the Plaintiff below move for a Stay on Oct. 26, 2016 ( See Docket Entry No. 283 ) as Plaintiff moved to Disqualify Attorney

Rose based on conflicts of interest with the Estate, but the Court below granted a Stay on Dec. 8, 2016 on such grounds under Docket No. 299 which reflects in the Docket “ORDER ON CASE MANAGEMENT CONFERENCE CASE WILL BE SET FOR TRIAL DISCOVERY STAYED UNTIL THE PROBATE COURT RULES ON THE DISQUALIFICATION OF COUNSEL FOR THE ESTATE DTD 12/07/16 C CARACUZZO”.

22. It does not appear that Alan Rose has filed a Notice of Appearance in the case either and been accepted to make any pleadings to this Court or the Lower Court and represents further a Pattern and Practice of Sharp Practices and more by Rose.

23. The Probate Court has scheduled hearings to Disqualify Attorney Rose and other hearings for February of the upcoming year 2017.

24. Thus, clearly there is both Jurisdiction to hear such appeal and standing and this Appeal should go forward and Sur Reply granted and filings by Alan Rose stricken.

WHEREFORE, it is respectfully prayed for an Order granting the Sur Reply herein and further permitting the Appeal to go forward and for such other and further relief as may be just and proper.

Respectfully submitted,

Dated December 24, 2016

/s/ Eliot Ivan Bernstein  
Eliot Ivan Bernstein  
2753 NW 34th St.  
Boca Raton, FL 33434  
561-245-8588  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the within has been served upon all parties on the attached Service List by E-Mail Electronic Transmission, Court ECF on this 24th day of December, 2016.

/s/ Eliot Ivan Bernstein  
Eliot Ivan Bernstein  
2753 NW 34th St.  
Boca Raton, FL 33434  
561-245-8588  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

### **SERVICE LIST**

Peter M. Feaman, Esq.  
3695 W. Boynton Beach Blvd., Suite 9  
Boynton Beach, FL 33436  
[service@feamanlaw.com](mailto:service@feamanlaw.com)  
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515 N. Flagler Drive, 201 Floor  
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Bernstein Family Realty, LLC  
Oppenheimer Trust Company  
CIO Steven Lessne  
Counsel for Janet Craig

GUNSTER, YOAKLEY & STEWART, P.A.  
Counsel for Oppenheimer Trust Company of Delaware  
4855 Technology Way, Suite 630  
Boca Raton, FL 33431  
Telephone: (561) 961-8085  
Steven A. Lessne, Esq.  
Florida Bar No. I 07514  
[slessne@gunster.com](mailto:slessne@gunster.com)

Alan B. Rose, Esq.  
MRACHEK, FITZGERALD, ROSE, KONOPKA,  
THOMAS & WEISS, P.A.  
505 South Flagler Drive, Suite 600  
West Palm Beach, FL 3340 I  
[arose@mrachek-law.com](mailto:arose@mrachek-law.com)

Eliot and Candice Bernstein,  
as parents and natural guardians of  
Joshua, Jake and Daniel Bernstein  
2753 N. W. 34111 Street  
Boca Raton, FL 33434  
[iviewit@ivewit.tv](mailto:iviewit@ivewit.tv)  
[iviewit@gmail.com](mailto:iviewit@gmail.com)  
[tourcandy@gmail.com](mailto:tourcandy@gmail.com)

**EXHIBIT 1**

Donald Tescher and Robert Spallina Summons filed Feb. 22, 2013 ( Docket No. 53  
1 ) as Personal Representatives of the Estate of Simon Bernstein

IN THE CIRCUIT COURT OF THE  
15<sup>TH</sup> JUDICIAL CIRCUIT IN AND FOR  
PALM BEACH COUNTY, FLORIDA

WILLIAM E. STANSBURY,  
Plaintiff,

CASE NO: 50 2012 CA 013933 MB AA

v.

TED S. BERNSTEIN; DONALD TESCHER and  
ROBERT SPALLINA, as co-personal  
representatives of the ESTATE OF SIMON L.  
BERNSTEIN and as co-trustees of the SHIRLEY  
BERNSTEIN TRUST AGREEMENT dated  
May 20, 2008; LIC HOLDINGS, INC.;  
ARBITRAGE INTERNATIONAL MANAGEMENT, LLC,  
f/k/a ARBITRAGE INTERNATIONAL  
HOLDINGS, LLC; BERNSTEIN FAMILY  
REALTY, LLC,

Defendants.

SUMMONS

**THE STATE OF FLORIDA**

**To All and Singular the Sheriffs of said State:**

**TO: DONALD R. TESCHER or ROBERT L. SPALLINA**  
Personal Representative of the Estate of Simon L. Bernstein  
Tescher and Spallina, P.A.  
4855 Technology Way, Suite 720  
Boca Raton, FL 33431

IMPORTANT

An Amended Complaint has been filed by the Plaintiff, WILLIAM E. STANSBURY, in the above-styled case. You have twenty (20) calendar days after this Summons is served on you to file a written response to the attached Amended Complaint with the Clerk of this Court. A phone call will not protect you. Your written response, including the case number given above and the names of the parties, must be filed if you want the Court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money, and property may thereafter be taken without further warning from the Court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response to the Court you must also mail or take a copy of your written response to the

SHARON R. BOCK  
Clerk & Comptroller  
P.O. Box 4667  
West Palm Beach, Florida  
33402-4667

PETER M. FEAMAN, ESQUIRE  
PETER M. FEAMAN, P.A.  
*Attorney for Plaintiff, WILLIAM E. STANSBURY*  
3615 West Boynton Beach Boulevard  
Boynton Beach, FL 33436  
(561) 734-5552  
Florida Bar No. 0260347

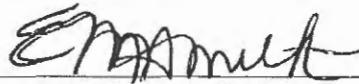
**THE STATE OF FLORIDA: TO EACH SHERIFF OR AUTHORIZED PROCESS SERVER OF THE STATE OF FLORIDA:**

You are commanded to serve this Summons and a copy of the Amended Complaint in this lawsuit on the above-named Defendant by serving it at the above-stated address.

**DATED ON** February 2, 2013.



SHARON R. BOCK  
CLERK, PALM BEACH COUNTY

By:   
Deputy Clerk

**IMPORTANTE**

Usted ha sido demandado legalmente. Tiene 20 Dias, contados a partir del recibo de esta notificacion, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefonica no lo protegera. Si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el numero del caso y los nombres de las partes interesadas. Si usted no contesta la demanda a tiempo, pudiese perder el caso y podria ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparecen en la guia telefonica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, debera usted enviar por correo o entregar una copia de su respuesta a la persona denominada abajo como "Defendant's Attorney" (Demandante o Abogado del Demandante).

**IMPORTANT**

Des poursuites judiciaires ont ete entreprises contre vous. Vous avez 20 jours consécutifs à partir de la date de l'assignation de cette citation pour déposer une réponse écrite à la plainte ci-jointe auprès de ce tribunal. Un simple coup de téléphone est insuffisant pour vous protéger. Vous

etes oblige de deposer votre reponse ecrise, avec mention du numero de dossier ci-dessus et du nom des parties nommees ici, si vous souhaitez que le tribunal entende votre cause. Si vous ne deposez pas votre reponse ecrise dans le relai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent etre saisis par la suite, sans aucun preavis ulterieur du tribunal. Il y a d'autres obligations juridiques et vous pouvez requerir les services immediats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez telephoner a un service de reference d'avocats ou a un bureau d'assistance juridique (figurant a l'annuaire de telephones).

Si vous choisissez de deposer vous-meme une reponse ecrise, il vous faudra egalement, en meme temps que cette formalite, faire parvenir ou expedier une copie de votre reponse ecrise au "Defendant's Attorney" (Plaignant ou a son avocat) nomme ci-dessous.

pre ako ki fet avek Americans With Disabilities Act, tout moun ki ginyin yun bezwen espesiyal pou akomodasiyon pou yo patisipe nan pwogram sa-a dwe, nan yun tan rezonab avan ninpot aranjman kapab fet, you dwe kontakte Administrative Office of the Court, telefon nan se oubyen 1-800-995-8771 (V) an pasan pa Florida Relay Service.

En accordance avec la Loi des "Americans With Disabilities." Les personnes en besoin d'une accommodation speciale pour participer a ces procedures doivent, dans un temps raisonnable, avant d'entreprendre aucune autre demarche, contacter l'office administrative de la Court, le telephone (V) Via Florida Relay Service 1-800-995-8771 (TDD) or 1-800-995-8770 (V), via Florida Relay Service.

De acuerdo con el Acto o Decreto de los Americanos con Impedimentos Inhabilitados, personas en necesidad del servicio especial para participar en este procedimiento deberan, dentro de un tiempo razonable, antes de cualquier procedimiento, ponerse en contacto con la oficina Administrativa de la Corte, 1-800-955-8771 (TDD), 1-800-955-8770 (V) Via Florida Relay Service.

**EXHIBIT 2**

Verified Return of Service filed on March 1, 2013 ( Docket No. 57 )

## VERIFIED RETURN OF SERVICE

State of FLORIDA

County of PALM BEACH

Circuit Court

Case Number: 50 2012 CA 13933 XXXX MB AA

Plaintiff:

**WILLIAM E. STANSBURY,**

vs.

Defendant:

**TED S. BERNSTEIN, et al.,**

For:

Peter M. Feaman  
PETER M. FEAMAN, P.A.,  
3615 West Boynton Beach Blvd.  
Boynton Beach, FL 33436

Received by LARGO INVESTIGATIONS, INC. on the 22nd day of February, 2013 at 5:00 pm to be served ON THE ESTATE OF SIMON L. BERNSTEIN, C/O DONALD R. TESCHER OR ROBERT L. SPALLINA AS PERSONAL REPRESENTATIVE, TESCHER AND SPALLINA, P.A., 4855 TECHNOLOGY WAY, SUITE 720, BOCA RATON, FL 33431.

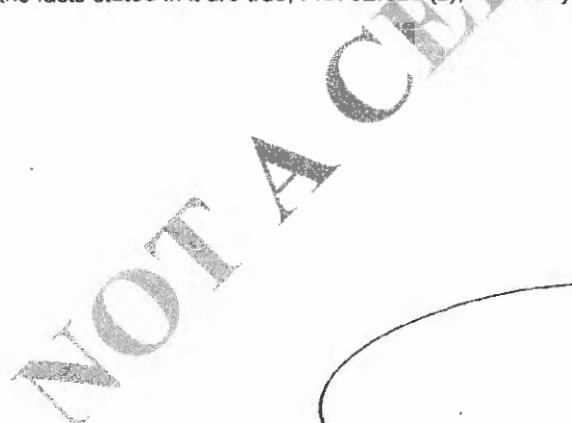
I, RUTH AMISIAL, do hereby affirm that on the 25th day of February, 2013 at 9:24 am, I:

served an AUTHORIZED entity by delivering a true copy of the SUMMONS AND AMENDED COMPLAINT WITH EXHIBITS with the date and hour of service endorsed thereon by me, to: ALEXA COLLEVECHIO as SECRETARY AUTHORIZED TO ACCEPT FOR DONALD TESCHER at the address of: 4855 TECHNOLOGY WAY, SUITE 720, BOCA RATON, FL 33431, who stated they are authorized to accept service for THE ESTATE OF SIMON L. BERNSTEIN, and informed said person of the contents therein, in compliance with state statutes.

**Additional Information pertaining to this Service:**

ALEXA COLLEVECHIO RECEIVED PERMISSION TO ACCEPT THIS SUMMONS ON BEHALF OF DONALD TESCHER & ROBERT SPALLINA AS PERSONAL REPRESENTATIVES OF THE ESTATE OF SIMON L. BERNSTEIN.

I Acknowledge that I am authorized to serve process. In good standing in the jurisdiction wherein this process was served and I have no interest in the above action. Under penalties of perjury, I declare that I have read the foregoing documents and that the facts stated in it are true, F.S. 92.525 (2), no Notary is required.

  
RUTH AMISIAL  
C.P.S. # 1506

LARGO INVESTIGATIONS, INC.  
9369 Aegean Drive  
Boca Raton, FL 33496  
(561) 482-5757

Our Job Serial Number: LII-2013000622



622  
WILLIAM E. STANSBURY,  
Plaintiff,

v.

TED S. BERNSTEIN; DONALD TESCHER and  
ROBERT SPALLINA, as co-personal  
representatives of the ESTATE OF SIMON L.  
BERNSTEIN and as co-trustees of the SHIRLEY  
BERNSTEIN TRUST AGREEMENT dated  
May 20, 2008; LIC HOLDINGS, INC.;  
ARBITRAGE INTERNATIONAL MANAGEMENT, LLC,  
f/k/a ARBITRAGE INTERNATIONAL  
HOLDINGS, LLC; BERNSTEIN FAMILY  
REALTY, LLC,

Defendants.

IN THE CIRCUIT COURT OF THE  
15<sup>TH</sup> JUDICIAL CIRCUIT IN AND FOR  
PALM BEACH COUNTY, FLORIDA

CASE NO: 50 2012 CA 013933 MB AA

*ALEXA COLLEVECHIO*

*2-25-13 9:24A*

*TRUTH AMISIAL*

*C.P.S.#1506*

SHARON R. BOCK, CLERK  
PALM BEACH COUNTY  
CIRCUIT CIVIL / PROBATE

2013 FEB 22 PM 4:18

**FILED**

**SUMMONS**

**THE STATE OF FLORIDA**

**To All and Singular the Sheriffs of said State:**

**TO: DONALD R. TESCHER or ROBERT L. SPALLINA**  
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Tescher and Spallina, P.A.  
4855 Technology Way, Suite 720  
Boca Raton, FL 33431

**IMPORTANT**

An Amended Complaint has been filed by the Plaintiff, WILLIAM E. STANSBURY, in the above-styled case. You have twenty (20) calendar days after this Summons is served on you to file a written response to the attached Amended Complaint with the Clerk of this Court. A phone call will not protect you. Your written response, including the case number given above and the names of the parties, must be filed if you want the Court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money, and property may thereafter be taken without further warning from the Court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

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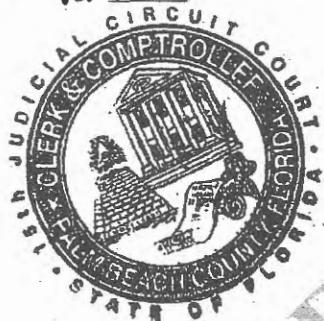
SHARON R. BOCK  
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*Attorney for Plaintiff, WILLIAM E. STANSBURY*  
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**DATED ON February 2, 2013, 2013.**



SHARON R. BOCK  
CLERK, PALM BEACH COUNTY

By: Erin M. Bock  
Deputy Clerk

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**EXHIBIT 3**

Summons Donald Tescher and Robert Spallina as Co-Trustees of the Shirley Bernstein Trust filed on April 19, 2013 ( Docket No. 77 )

IN THE CIRCUIT COURT OF THE  
15<sup>TH</sup> JUDICIAL CIRCUIT IN AND FOR  
PALM BEACH COUNTY, FLORIDA

WILLIAM E. STANSBURY,  
Plaintiff,

CASE NO: 50 2012 CA 013933 MB AA

v.

TED S. BERNSTEIN; DONALD TESCHER and  
ROBERT SPALLINA, as co-personal  
representatives of the ESTATE OF SIMON L.  
BERNSTEIN and as co-trustees of the SHIRLEY  
BERNSTEIN TRUST AGREEMENT dated  
May 20, 2008; LIC HOLDINGS, INC.;  
ARBITRAGE INTERNATIONAL MANAGEMENT, LLC,  
f/k/a ARBITRAGE INTERNATIONAL  
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REALTY, LLC,  
Defendants.

SUMMONS

**THE STATE OF FLORIDA**

*To All and Singular the Sheriffs of said State:*

**TO: DONALD R. TESCHER**  
Co-Trustees of the Shirley Bernstein Trust  
Agreement of May 20, 2008  
Tescher and Spallina, P.A.  
4855 Technology Way, Suite 720  
Boca Raton, FL 33431

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2013 APR 19 PM 3:00  
FILED  
SHARON R. BOCK, CLERK  
PALM BEACH COUNTY, FL  
CIRCUIT CIVIL 3

PETER M. FEAMAN, ESQUIRE  
PETER M. FEAMAN, P.A.  
*Attorney for Plaintiff, WILLIAM E. STANSBURY*  
3615 West Boynton Beach Boulevard  
Boynton Beach, FL 33436  
(561) 734-5552  
Florida Bar No. 0260347

SHARON R. BOCK  
Clerk & Comptroller  
P.O. Box 4667  
West Palm Beach, Florida  
33402-4667

**THE STATE OF FLORIDA: TO EACH SHERIFF OR AUTHORIZED PROCESS SERVER OF THE STATE OF FLORIDA:**

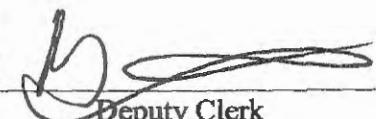
You are commanded to serve this Summons and a copy of the Amended Complaint in this lawsuit on the above-named Defendant by serving it at the above-stated address.

**DATED ON April \_\_\_\_\_, 2013.**

**APR 19 2013**



SHARON R. BOCK  
CLERK, PALM BEACH COUNTY

  
Deputy Clerk  
**BELVA HAMILTON**

Usted ha sido demandado legalmente. Tiene 20 Dias, contados a partir del recibo de esta notificacion, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefonica no lo protegera. Si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el numero del caso y los nombres de las partes interesadas. Si usted no contesta la demanda a tiempo, pudiese perder el caso y podria ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparecen en la guia telefonica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, debera usted enviar por correo o entregar una copia de su respuesta a la persona denominada abajo como "Defendant's Attorney" (Demandante o Abogado del Demandante).

**IMPORTANT**

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pre ako ki fet avek Americans With Disabilities Act, tout moun ki ginyin yun bezwen espesiyal pou akomodasiyon pou yo patisipe nan pwogram sa-a dwe, nan yun tan rezonab avan ninpot aranjman kapab fet, you dwe kontakte Administrative Office of the Court, telefon nan se oubyen 1-800-995-8771 (V) an pasan pa Florida Relay Service.

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**EXHIBIT 4**  
Service Return filed on April 23, 2013 ( Docket No. 81 )

## VERIFIED RETURN OF SERVICE

State of FLORIDA

County of PALM BEACH

Circuit Court

Case Number: 50 2012 CA 13933 XXXX MB AA

Plaintiff:

**WILLIAM E. STANSBURY,**

vs.

Defendant:

**TED S. BERNSTEIN, et al.,**

For:

Peter M. Feaman  
PETER M. FEAMAN, P.A.,  
3615 West Boynton Beach Blvd.  
Boynton Beach, FL 33436

Received by LARGO INVESTIGATIONS, INC. on the 19th day of April, 2013 at 4:00 pm to be served on C0-TRUSTEES OF THE SHIRLEY BERSTEIN TRUST C/O DONALD R. TESCHER, TESCHER AND SPALLINA, P.A., 4855 TECHNOLOGY WAY - SUITE 720, BOCA RATON, FL 33431.

I, Tyler Largo, do hereby affirm that on the 22nd day of April, 2013 at 2:00 pm, I:

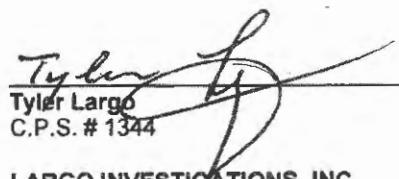
served an AUTHORIZED entity by delivering a true copy of the SUMMONS AND COMPLAINT WITH EXHIBITS with the date and hour of service endorsed thereon by me, to: KIMBERLY MORAN as SECRETARY TO DONALD TESCHER at the address of: TESCHER AND SPALLINA, P.A., 4855 TECHNOLOGY WAY - SUITE 720, BOCA RATON, FL 33431, who stated they are authorized to accept service for C0-TRUSTEES OF THE SHIRLEY BERSTEIN TRUST, and informed said person of the contents therein, in compliance with state statutes.

**Additional Information pertaining to this Service:**

Kimberly Moran received permission to accept this summons on behalf of Donald Tescher.

I Acknowledge that I am authorized to serve process. In good standing in the jurisdiction wherein this process was served and I have no interest in the above action. Under penalties of perjury, I declare that I have read the foregoing documents and that the facts stated in it are true, F.S. 92.525 (2), no Notary is required.

2013 APR 23 PM 3:37  
SHARON R. BUCK, CLERK  
PALM BEACH COUNTY, FL  
SOUTH CITY BRANCH-FILED

  
Tyler Largo  
C.P.S. # 1344

LARGO INVESTIGATIONS, INC.  
9369 Aegean Drive  
Boca Raton, FL 33496  
(561) 482-5757

Our Job Serial Number: LII-2013001184

IN THE CIRCUIT COURT OF THE  
15<sup>TH</sup> JUDICIAL CIRCUIT IN AND FOR  
PALM BEACH COUNTY, FLORIDA

WILLIAM E. STANSBURY,  
Plaintiff,

CASE NO: 50 2012 CA 013933 MB AA

v.

TED S. BERNSTEIN; DONALD TESCHER and  
ROBERT SPALLINA, as co-personal  
representatives of the ESTATE OF SIMON L.  
BERNSTEIN and as co-trustees of the SHIRLEY  
BERNSTEIN TRUST AGREEMENT dated  
May 20, 2008; LIC HOLDINGS, INC.;  
ARBITRAGE INTERNATIONAL MANAGEMENT, LLC,  
f/k/a ARBITRAGE INTERNATIONAL  
HOLDINGS, LLC; BERNSTEIN FAMILY  
REALTY, LLC,  
Defendants.

SUMMONS

**THE STATE OF FLORIDA**

*To All and Singular the Sheriffs of said State:*

**TO: DONALD R. TESCHER**  
Co-Trustees of the Shirley Bernstein Trust  
Agreement of May 20, 2008  
Tescher and Spallina, P.A.  
4855 Technology Way, Suite 720  
Boca Raton, FL 33431

IMPORTANT

An Amended Complaint has been filed by the Plaintiff, WILLIAM E. STANSBURY, in the above-styled case. You have twenty (20) calendar days after this Summons is served on you to file a written response to the attached Amended Complaint with the Clerk of this Court. A phone call will not protect you. Your written response, including the case number given above and the names of the parties, must be filed if you want the Court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money, and property may thereafter be taken without further warning from the Court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response to the Court you must also mail or take a copy of your written response to the Plaintiff's attorney named below.

42213  
2:00p  
1L-BH344  
FILED  
2013 APR 19 PM 3:00  
SHARON R. EOCK, CLERK  
PALM BEACH COUNTY, FL  
CIRCUIT CIVIL 3

PETER M. FEAMAN, ESQUIRE  
PETER M. FEAMAN, P.A.  
*Attorney for Plaintiff, WILLIAM E. STANSBURY*  
3615 West Boynton Beach Boulevard  
Boynton Beach, FL 33436  
(561) 734-5552  
Florida Bar No. 0260347

SHARON R. BOCK  
Clerk & Comptroller  
P.O. Box 4667  
West Palm Beach, Florida  
33402-4667

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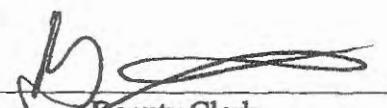
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