

February 13, 2015

Via Hand Delivery

The Honorable Martin H. Colin
South County Courthouse, Courtroom 8
200 West Atlantic Avenue
Delray Beach, FL 33444

***Re: Oppenheimer Trust Company of Delaware vs. Eliot and Candice Bernstein, in their capacity as parents and natural guardians of minor beneficiaries, Joshua, Jake and Daniel Bernstein
Case No. 502014CP002815XXXXSB (IY)***

Dear Judge Colin:

I represent the Petitioner, Oppenheimer Trust Company of Delaware, in the above-referenced matter. I am writing to you regarding a scheduling issue.

Recently, Eliot Bernstein served a Notice of Hearing setting his “*Objection to Final Accounting; Petition for Formal, Detailed, Audited and Forensic Accounting and Document Production*” (“Objection”) for a one-hour hearing on March 17, 2015 at 10:00 a.m. It is unclear whether Mr. Bernstein intends this to be an evidentiary or non-evidentiary hearing.

Because Mr. Bernstein’s Objection does not comply with this Court’s November 7, 2014 Order (requiring him to file “form, line-item objections” to Oppenheimer’s final accountings), and for other reasons, Oppenheimer filed a motion to strike the objection and to appoint a guardian *ad litem* to represent the minor beneficiaries in the accounting proceedings. In the event those motions are not granted, Oppenheimer filed an alternate motion to establish a schedule and protocol for the conduct of the accounting proceedings. Because these motions will necessarily need to be heard before the Court substantively considers Mr. Bernstein’s Objection, the undersigned cross-noticed Oppenheimer’s motions for March 17, 2015, in an abundance of caution. The undersigned previously notified Mr. Bernstein that Oppenheimer would be filing these motions, and that a one-hour hearing would be insufficient, but Mr. Bernstein scheduled the one-hour hearing on his Objection nonetheless.

I am writing to you so that you can determine how and when you would like to consider Oppenheimer’s motions and/or Mr. Bernstein’s Objection. I am enclosing copies of the following documents for your ease of reference:

- The three Final Accountings filed by Oppenheimer, together with Oppenheimer's Notice of Filing;
- Eliot Bernstein's Objection to Final Accounting; Petition for Formal, Detailed, Audited and Forensic Accounting and Document Production;
- Oppenheimer's Motion to Strike Objection to Final Accounting and to Appoint Guardian *Ad Litem* to Represent Minor Beneficiaries in Accounting Proceedings; Alternative Motion to Establish Schedule and Protocol for Accounting Proceedings; and
- Oppenheimer's previously-filed Motion to Appoint Guardian *Ad Litem* to Represent Minor Beneficiaries (which is incorporated by reference in Oppenheimer's recently-filed motion directed to the Objection).

Absent word from your Chambers that you would like to proceed differently, I will be prepared to argue Oppenheimer's motions at the March 17 hearing. Thank you for your consideration of this matter.

Respectfully submitted,

/s/ Steven A. Lessne

Steven A. Lessne

SAL/jh
Enclosure

cc: Eliot and Candice Bernstein (*via e-mail w/o enclosure*)