

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

Ted Bernstein, as trustee
of the Shirley Bernstein Trust Agreement
dated May 20, 2008, as amended,

PROBATE DIVISION

FILE NO: 502014CP003698XXXXSB

Plaintiff,

vs.

Alexandra Bernstein; Eric Bernstein;
Michael Bernstein; Molly Simon;
Pamela B. Simon, Individually and as Trustee
f/b/o Molly Simon under the Simon L. Bernstein
Trust Dtd 9/13/12; Elliot Bernstein, individually,
as Trustee f/b/o D.B., Ja. B. and Jo. B. under the
Simon L. Bernstein Trust Dtd 9/13/12, and on
behalf of his minor children D.B., Ja. B. and Jo. B.;
Jill Iantoni, Individually, as Trustee f/b/o J.I.
under the Simon L. Bernstein Trust Dtd 9/13/12, and
on behalf of her minor child J.I.; Max Friedstein;
Lisa Friedstein, Individually, as Trustee f/b/o
Max Friedstein and C.F., under the Simon L.
Bernstein Trust Dtd 9/13/12, and on behalf of her
minor child, C.F.,

Defendants.

MOTION TO INTERVENE

BRIAN M. O'CONNELL, as Successor Personal Representative of the Estate of SIMON L. BERNSTEIN ("Mr. O'Connell" or "Personal Representative"), moves this Court for the entry of an order allowing him to intervene as a party defendant in the above-styled action, and states as follows:

1. There is currently pending in the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County, Florida, case styled Ted Bernstein, as trustee of the Shirley

Bernstein Trust Agreement dated May 20, 2008, as amended vs. Alexandra Bernstein, Eric Bernstein, Michael Bernstein, Molly Simon, Pamela B. Simon, Individually and as Trustee f/b/o Molly Simon under the Simon L. Bernstein Trust Dtd 9/13/12, Elliot Bernstein, individually, as Trustee f/b/o D.B., Ja. B. and Jo. B. under the Simon L. Bernstein Trust Dtd 9/13/12, and on behalf of his minor children D.B., Ja. B. and Jo. B., Jill Iantoni, Individually, as Trustee f/b/o J.I. under the Simon L. Bernstein Trust Dtd 9/13/12, and on behalf of her minor child J.I., Max Friedstein, Lisa Friedstein, Individually, as Trustee f/b/o Max Friedstein and C.F., under the Simon L. Bernstein Trust Dtd 9/13/12, and on behalf of her minor child, C.F. – Case number 502014CP003698XXXXSB (“Shirley Trust litigation”).

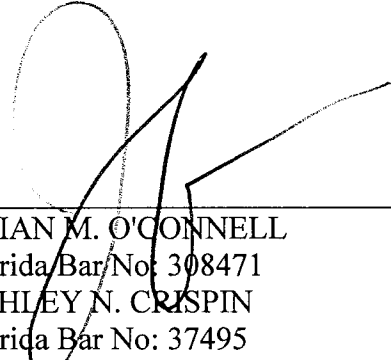
2. “Ted Bernstein, as trustee of the Shirley Bernstein Trust Agreement dated May 20, 2008, as amended” (“Plaintiff” and “Shirley Trust,” respectively) filed an Amended Complaint in the Shirley Trust litigation against [and to] provid[e] notice to those interested in the Shirley Trust and in the testamentary documents of Simon L. Bernstein and Shirley Bernstein” (hereinafter referred to as “Amended Complaint”).

3. On July 24, 2014, Mr. O’Connell was appointed as successor personal representative of the Estate of Simon L. Bernstein, and as such, is interested as described above. A copy of the Successor Letters of Administration is attached hereto as Exhibit “A.”

4. In addition, the Amended Complaint seeks, among other things, “a declaration and other relief or intervention by this Court as to whether and to what extent Simon L. Bernstein’s exercise of his limited or special power of appointment pursuant to his will should be given effect,” and seeks a “declaratory judgment to determine the validity, authenticity and enforceability of certain wills and trusts executed by Simon Bernstein and Shirley Bernstein.”

5. Due to the relief sought in the Amended Complaint, Mr. O'Connell believes it is necessary and in the best interest of the Estate of Simon L. Bernstein for him to intervene as a party defendant in the Shirley Trust litigation.

WHEREFORE, BRIAN M. O'CONNELL, as Personal Representative of the Estate of SIMON L. BERNSTEIN, moves this Court to intervene in these proceedings as a party defendant and requests attorneys' fees and costs and any other relief deemed just or proper by this Court.



BRIAN M. O'CONNELL
Florida Bar No: 308471
ASHLEY N. CRISPIN
Florida Bar No: 37495
JOIELE A. FOGLIETTA
Florida Bar No: 94238
Ciklin Lubitz Martens & O'Connell
515 N. Flagler Dr., 20th Floor
West Palm Beach, FL 33401
Telephone: 561-832-5900
Facsimile: 561-833-4209
primary e-mail: service@ciklinlubitz.com
secondary e-mail: slobdell@ciklinlubitz.com

SERVICE LIST

<p>Alan B. Rose, Esq. Page, Mrachek, Fitzgerald & Rose, PA. 505 S. Flagler Dr., Suite 600 West Palm Beach, FL 33401 (561) 355-6991 arose@mrachek-law.com mchandler@mrachek-law.com Attorney for Ted S. Bernstein</p>	<p>John P. Morrissey, Esq. 330 Clematis St., Suite 213 West Palm Beach, FL 33401 john@jmorrisseylaw.com Attorney for Molly Simon, Alexandra Bernstein, Eric Bernstein, Michael Bernstein</p>	<p>Eliot Bernstein and Joshua, Jacob and Daniel Bernstein, Minors c/o Eliot and Candice Bernstein, Parents and Natural Guardians 2753 N.W. 34th St. Boca Raton, FL 33434 iviewit@iviewit.tv</p>
<p>Lisa Friedstein and Carley Friedstein, Minor c/o Jeffrey and Lisa Friedstein Parent and Natural Guardian 2142 Churchill Lane Highland Park, IL 60035 Lisa@friedsteins.com Lisa.friedstein@gmail.com Beneficiary</p>	<p>Jill Iantoni and Julia Iantoni, a Minor c/o Guy and Jill Iantoni, her Parents & Natural Guardians 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com</p>	<p>Max Friedstein 2142 Churchill Lane Highland Park, IL 60035 Beneficiary</p>
<p>Pamela Beth Simon 950 N. Michigan Ave., Apt. 2603 Chicago, IL 60611 and 303 E. Wacker Drive, Suite 2725 Chicago, IL 60601 psimon@stpcorp.com</p>		