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April 28, 2015

The Honorable Martin H. Colin
South County Courthouse
200 W Atlantic Ave.
Delray Beach, FL 33444

Re: *Ted Bernstein, etc., et al. v. Alexandra Bernstein, et al.*
Case No.: 502014CP003698XXXXSBIY

Dear Judge Colin:

Pursuant to your instructions in Court on April 23, 2015, attached please find original and copies of:

1. Order Determining that Eliot Bernstein's Petition to Remove Ted S. Bernstein is an Adversary Proceeding;
2. Order on Trustee's Motion to Dismiss Eliot Bernstein's Petition to Remove Ted S. Bernstein, Motion to Strike and Motion to Stay; and
3. Order on Motion to Hold Eliot Bernstein in Contempt of Court.

Copies of these three orders were provided to Eliot Bernstein via email late on April 23, 2015, requesting his comments. As of this afternoon, no comments were received from Eliot Bernstein.

If the form of the proposed orders meet with your approval, would you please execute them and have your Judicial Assistant conform the copies and forward to all counsel and parties in the addressed, stamped envelopes enclosed.

Judge Colin
April 28, 2015
Page 2

We appreciate Your Honor's time and attention to this matter.

Respectfully submitted,

Alan B. Rose

Alan B. Rose
(Signed and sent in Mr. Rose's absence to avoid delay.)

ABR/mbc
Enclosure

cc: All parties listed on the Service List

SERVICE LIST

<p>Eliot Bernstein, individually and Eliot and Candice Bernstein, as Parents and Natural Guardians of D.B., Ja. B. and Jo. B, Minors 2753 NW 34th Street Boca Raton, FL 33434 (561) 245-8588 - Telephone (561) 886-7628 - Cell (561) 245-8644 - Facsimile Email: Eliot I. Bernstein (iviewit@iviewit.tv)</p> <p>John P. Morrissey, Esq. 330 Clematis Street, Suite 213 West Palm Beach, FL 33401 (561) 833-0866 - Telephone (561) 833-0867 - Facsimile Email: John P. Morrissey (john@jmorrisseylaw.com) Counsel for Molly Simon, Alexandra Bernstein, Eric Bernstein, Michael Bernstein</p> <p>Lisa Friedstein, individually and as trustee for her children, and as natural guardian for M.F. and C.F., Minors; and Max Friedstein lisa.friedstein@gmail.com</p> <p>Jill Iantoni, individually and as trustee for her children, and as natural guardian for J.I. a minor jilliantoni@gmail.com</p>	<p>Alan Rose, Esq. Mrachek Fitzgerald Rose Konopka Thomas & Weiss, P.A. 505 S Flagler Drive, Suite 600 West Palm Beach, FL 33401 (561) 655-2250 - Telephone (561) 655-5537 - Facsimile Email: arose@mrachek-law.com</p> <p>Pamela Beth Simon 303 E. Wacker Drive, Suite 2725 Chicago, IL 60601 Email: psimon@stpcorp.com</p> <p>Brian M. O'Connell, Esq. Joielle A. Foglietta, Esq. Ciklin Lubitz Martens & O'Connell 515 N. Flagler Dr., 20th Floor West Palm Beach, FL 33401 561-832-5900 - Telephone 561-833-4209 - Facsimile Email: boconnell@ciklinlubitz.com; jfoglietta@ciklinlubitz.com; service@ciklinlubitz.com; slobdell@ciklinlubitz.com</p>
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IN THE CIRCUIT COURT OF THE FIFTEENTH 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
Case No.: 502014CP003698XXXXSB

Plaintiff,

v.

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; ELIOT 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.

**ORDER DETERMINING THAT ELIOT BERNSTEIN'S PETITION
TO REMOVE TED S. BERNSTEIN IS AN ADVERSARY PROCEEDING**

THIS CAUSE came before the Court during hearings held on April 23, 2015, upon consideration of Eliot Bernstein's Petition to Remove Ted S. Bernstein as Successor Trustee of the Shirley Bernstein Trust, Motion to Strike and Motion to Stay Proceedings (the "Petition"). The Court, having reviewed the Petition and the record, having heard argument of counsel and/or the parties, and being otherwise fully advised in the premises, hereby ORDERS AND ADJUDGES:

1. The Petition, seeking the removal of a trustee, is determined to be an adversary proceeding as specified in Florida Probate Rule 5.025(c).

2. These proceedings, as nearly as practicable, must be conducted similar to suits of a civil nature. Interested persons must serve written defenses, if any, within 20 days from the date of the order.

DONE AND ORDERED in Chambers, in Palm Beach County, Florida, this ____ day of April, 2015.

Martin H. Colin
CIRCUIT COURT JUDGE

cc: All parties on the attached service list

SERVICE LIST

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and Eliot and Candice Bernstein,
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dated May 20, 2008, as amended,

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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.

ORDER ON MOTION TO HOLD
ELIOT BERNSTEIN IN CONTEMPT OF COURT

THIS CAUSE came before the Court for hearing for evidentiary hearings on April 23, 2015, upon Ted S. Bernstein's, Successor Trustee of the Shirley Bernstein Trust (the "Trustee"), *Motion to Motion to Hold Eliot Bernstein in Contempt of Court and for Sanctions* (the "Motion"). The Court, having reviewed the Motion and the record, having heard argument of counsel and/or the parties, and being otherwise fully advised in the premises, hereby ORDERS AND ADJUDGES:

1. The Motion is denied.

DONE AND ORDERED in Chambers, in Palm Beach County, Florida, this ____ day of
April, 2015.

Martin H. Colin

CIRCUIT COURT JUDGE

cc: All parties on the attached service list

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dated May 20, 2008, as amended,

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Plaintiff,

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f/b/o Molly Simon under the Simon L. Bernstein
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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.;
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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.

**ORDER ON TRUSTEE'S MOTION TO DISMISS ELIOT BERNSTEIN'S PETITION
TO REMOVE TED S. BERNSTEIN, MOTION TO STRIKE AND MOTION TO STAY**

THIS CAUSE came before the Court for hearing on April 23, 2015, upon Trustee's Motion to Dismiss Eliot Bernstein's Petition to Remove Ted S. Bernstein as Successor Trustee of the Shirley Bernstein Trust, Motion to Strike and Motion to Stay Proceedings (the "Motion"). The Court, having reviewed the Motion and the record, having heard argument of counsel and/or the parties, and being otherwise fully advised in the premises, hereby ORDERS AND ADJUDGES:

Motion to Dismiss

1. As to paragraph 1, the Court orally instructed as to which parties are properly named and which should not have been named. The proper Respondents are:

- a. TED S. BERNSTEIN, as Successor Trustee;
- b. ALEXANDRA BERNSTEIN;
- c. ERIC BERNSTEIN;
- d. MICHAEL BERNSTEIN;
- e. MOLLY SIMON;
- f. PAMELA B. SIMON, Individually and as Trustee f/b/o Molly Simon under the Simon L. Bernstein Trust Dtd 9/13/12;
- g. 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.;
- h. MAX FRIEDSTEIN; and
- i. 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.,

(collectively, the "Respondents"). No other person or entity is properly named as a party to this Petition. The Court has determined that because each of the above Respondents already has been served with process in connection with the Complaint by the Successor Trustee, no further formal service is required upon the Respondents. Except as noted above, paragraph 1 of the Motion is denied.

2. As to paragraphs 2 - 7, for the same reason as the Court ruled in the related case involving the Simon Bernstein Trust, the Court denies the Motion to Dismiss as to these paragraphs.

Motion to Strike

3. As to paragraphs 8, 9, 12 and 13 of the Motion to Strike, for the same reasons as the Court struck portions of the Petition in the related case involving the Simon Bernstein Trust, the Court grants the Motion to Strike as to paragraphs 8, 9, 12, and 13 of the pending Motion.

4. As to paragraph 10, the Motion to Strike is denied.

5. As to paragraph 11, the Court strikes all references to an email which the Court previously has determined to be privileged, and otherwise denies the Motion.

Motion to Stay

6. For the same reasons as expressed in the Simon Bernstein Trust proceeding, the Court denies the Motion to Stay.

Further Proceedings

7. The Court has determined that the Petition shall be treated as an adversary proceeding.

8. The Petition is deemed modified by the rulings set forth above, without the need for Eliot Bernstein to file an amended pleading.

9. Ted S. Bernstein and any other Respondent desiring to plead shall have 20 days from the date of this order to respond to the allegations of the Petition which were not stricken by this Order.

DONE AND ORDERED in Chambers, in Palm Beach County, Florida, this ___ day of April, 2015.

Martin H. Colin
CIRCUIT COURT JUDGE

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