

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.

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**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

**SIGNED & DATED**  
**MAY 04 2015**  
**JUDGE MARTIN H. COLIN**

cc: All parties on the attached service list

## SERVICE LIST

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and Eliot and Candice Bernstein,  
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