

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA**

ELIOT BERNSTEIN, Individually; ELIOT BERNSTEIN as a Beneficiary of the 2008 SIMON L. BERNSTEIN TRUST AGREEMENT, as Amended and Restated in the SIMON L. BERNSTEIN AMENDED AND RESTATED TRUST AGREEMENT Dated July 25, 2012 and as Legal Guardian of JOSHUA BERNSTEIN, JACOB BERNSTEIN, and DANIEL BERNSTEIN, Case No.: 502015CP001162XXXXNB IJ

Plaintiffs,

v.

THEODORE STUART BERNSTEIN, Individually; THEODORE STUART BERNSTEIN, as Successor Trustee of the 2008 SIMON L. BERNSTEIN TRUST AGREEMENT, as Amended and Restated in the SIMON L. BERNSTEIN AMENDED AND RESTATED TRUST AGREEMENT Dated July 25, 2012; ALEXANDRA BERNSTEIN; ERIC BERNSTEIN; MICHAEL BERNSTEIN; MOLLY SIMON; JULIA IANTONI; MAX FRIEDSTEIN; CARLY FRIEDSTEIN; JOHN AND JANE DOE 1-5000,

Defendants.

\_\_\_\_\_ /

**SUCCESSOR TRUSTEE'S MOTION FOR APPOINTMENT  
OF A GUARDIAN AD LITEM TO REPRESENT  
THE INTERESTS OF ELIOT BERNSTEIN'S CHILDREN**

Successor Trustee, Ted S. Bernstein (the "Trustee"), moves the Court to appoint a guardian ad litem to represent the interest of the children of Eliot Bernstein, D.B., Ja.B. and Jo.B, and states:

1. Plaintiff, Ted S. Bernstein, as Successor Trustee of the Estate of Simon L. Bernstein, seeks the appointment of a guardian ad litem to protect the interests of Eliot Bernstein's three children in the matters involving this Estate and the Simon L. Bernstein Amended and Restated Trust, which is the sole residuary beneficiary of the Estate. On March 1, 2016 this court granted the

Trustee's similar Motion for Appointment of a Guardian Ad Litem to Represent the Interests of Eliot Bernstein's Children as related to the Shirley Bernstein Trust (Case No. 502014CP003698).

2. By its December 16, 2015 Final Judgment relating to the trial held on December 15th, this Court upheld the 2012 Will and Trust of Simon L. Bernstein. As a result of upholding these documents, the Court determined that Eliot Bernstein, individually, is not a beneficiary of either Simon's or Shirley's Trusts or Estates. Instead, Eliot's three sons are among the beneficiaries of both Simon's and Shirley's Trusts, in amounts to be determined by further proceedings. Eliot is not a beneficiary and lacks standing to continue his individual involvement in this case.

3. Based upon the events which have transpired and the pleadings and other papers filed by Eliot in this case, the Trustee does not believe that Eliot is capable of adequately representing the interests of his children or willing to enable the Trustee to carry out Simon's and Shirley's wishes to benefit their grandchildren. Since the December 15<sup>th</sup> trial and resulting Final Judgment, Eliot has increased his attacks on this Court and these proceedings. In addition, Eliot shows no interest in seeing his parents' trusts and estates administered in an economic and efficient process to maximize the distribution among their grandchildren. Instead, he is on a crusade against injustice and corruption among judges, lawyers, fiduciaries, and others, including the Florida Supreme Court and the Florida Bar, as detailed in the Motion filed in the related case (Case No. 502014CP003698).

4. In its Order dated March 1, 2016, in the related case, this Court found that Eliot is not acting in the best interests of his children and, "in fact, is acting adverse and destructive to the children's interests." There is a conflict of interest between the goals and objectives of Eliot Bernstein and the proper goals and objectives which should be pursued on behalf of his children, and he is an inadequate representative for his children.

5. All filings by Eliot Bernstein in his capacity as guardian of his children should be stricken, without prejudice to the Guardian ad Litem.

6. For judicial economy, the Guardian ad Litem appointed by this Court in the Shirley Trust Construction case (Case No. 502014CP003698), should be appointed in the above-styled case, with the same terms and conditions as in the Shirley Trust Construction case.

WHEREFORE, the Trustee respectfully suggests that this Court appoint a Guardian Ad Litem for Eliot's three children and grant such other relief as the Court deems appropriate.

**CERTIFICATE OF SERVICE**

I CERTIFY that a copy of the foregoing has been furnished to parties listed on attached Service List by:  Facsimile and U.S. Mail;  U.S. Mail;  Email Electronic Transmission;  FedEx;  Hand Delivery this 8th day of March, 2016.

MRACHEK, FITZGERALD, ROSE, KONOPKA,  
THOMAS & WEISS, P.A.  
505 South Flagler Drive, Suite 600  
West Palm Beach, FL 33401  
(561) 655-2250 Telephone / (561) 655-5537 Facsimile  
Email: [arose@mrachek-law.com](mailto:arose@mrachek-law.com)  
Secondary: [mchandler@mrachek-law.com](mailto:mchandler@mrachek-law.com)  
Attorneys for Ted S. Bernstein

By: /s/ Alan B. Rose  
Alan B. Rose (Fla. Bar No. 961825)

**SERVICE LIST Case No.: 502015CP001162XXXXNBIJ**

Eliot Bernstein  
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](mailto:iviewit@iviewit.tv))

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](mailto:arose@mrachek-law.com)

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](mailto:john@jmorrisseylaw.com))  
Counsel for Molly Simon, Alexandra Bernstein,  
Eric Bernstein, Michael Bernstein