

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.: 502014CP003698XXXXNBIH

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.

NOTICE TO COURT REGARDING SELECTION OF GUARDIAN AD LITEM

Plaintiff, Ted S. Bernstein (the "Trustee"), as Successor Trustee of the Shirley Bernstein Trust Agreement dated May 20, 2008, as amended, notifies this Court as follows pursuant to the Order entered in this case, and the companion Order entered in Case No. 502014CP002815XXXXNB, on March 1, 2016:

1. The parties have conferred in good faith, including with Eliot and Candice Bernstein, as required by the Court's Order. Eliot and Candice have suggested no one, and have not agreed to

the appointment of retired judge Diana Lewis, the only person the Trustee prefers who is willing to undertake this matter (albeit reluctantly given the internet hostility).

2. Thus, the Trustee proposed that the Court appoint Diana Lewis as guardian ad litem for Eliot's children, Jo.b, Ja.B. and D.B. (the "Beneficiaries").

3. As of the date of this filing, Eliot and Candice Bernstein have not proposed an alternate guardian ad litem.

4. In an effort to comply with this Court's directive for each party to "submit a list of three names of potential guardian ad litem, each of whom has agreed to accept the appointment if selected," *see Order entered in Case No. 502014CP003698XXXXNB, ¶ 8*, Trustee, through the undersigned, contacted a number of former judges, probate lawyers and several other Florida attorneys located in Palm Beach County; however, none of them would agree to accept the appointment if selected. Diana Lewis is willing to undertake this role, but has expressed concerns about the internet blogging issues, which have intensified. <http://tedbernsteinreport.blogspot.com/>

5. Trustee consents to the appointment of retired judge Diana Lewis, or any Florida-licensed lawyer located in Palm Beach County that is selected by the Court, as guardian ad litem. To the extent necessary, the undersigned will continue to search for suitable candidates, and requests should it be necessary that the Court will impose further confidentiality limitations or gag order solely to protect the guardian.

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 15th day of March, 2016.

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SERVICE LIST Case No.: 502014CP003698XXXXNBIH

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