

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.: 502015CP001162XXXXSBIY

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.

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**ORDER DISMISSING ACTION FOR LACK OF STANDING**

THIS CAUSE came before the Court for hearing on April 8, 2016, on Successor Trustee's  
(1) *Motion for Appointment of a Guardian Ad Litem to Represent Interests of Eliot Bernstein's  
Children and (2) Successor Trustee's Amended Motion to Dismiss for Lack of Standing or,  
Alternatively, to Appoint a Guardian Ad Litem to Represent the Interests of Eliot Bernstein's*

*Children* ("the Motions"). The Court, having reviewed the Motions 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. This Court determined after a trial held on December 15, 2015 that the beneficiaries of The Simon L. Bernstein Amended and Restated Trust Agreement dated 7/25/12 (the "Trust") are Simon Bernstein's "then living grandchildren." Under that ruling, Simon's children – including Eliot Bernstein – are not beneficiaries of the Trust.

2. Eliot Bernstein lacks standing to prosecute a petition to remove the Successor Trustee. Eliot Bernstein has no standing individually, and the Court already has determined in the related matter that Eliot Bernstein should not be permitted to continue representing the interests of his minor children, because his actions have been adverse and destructive to his children's interest, resulting in appointment of a guardian ad litem.

3. Accordingly, this action is dismissed with prejudice. Eliot Bernstein, individually; as a purported beneficiary of the Trust, and as legal guardian of his children, shall file no further action against the Successor Trustee.

DONE AND ORDERED in Chambers, North County Courthouse on April 8, 2016.

  
HONORABLE JOHN L. PHILLIPS

cc: All parties on the attached service list

## **SERVICE LIST**

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