

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

PROBATE DIVISION IH  
CASE NO. 502014CP003698XXXXNB

Eliot Ivan Bernstein et al.,

Appellant,

v.

**NOTICE OF APPEAL OF A NON FINAL  
ORDER**

TED BERNSTEIN, AS TRUSTEE  
OF THE SHIRLEY BERNSTEIN TRUST  
TRUST AGREEMENT DATED MAY 20, 2008  
AS AMENDED,

Appellee

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.,

Appellee(s).

\_\_\_\_\_ /

**NOTICE IS GIVEN** that Eliot Ivan Bernstein, Appellant-Petitioner, appeals to the Fourth ( 4th ) District Court of Appeals from the Order of Palm Beach County Judge John L. Phillips sitting in the Probate Division dated September 01, 2016. A conformed copy of order is attached hereto, the nature of the order is a titled “ORDER ON SUCCESSOR TRUSTEE'S MOTION TO APPROVE AGREEMENT BETWEEN TED S. BERNSTEIN, TRUSTEE OF THE SHIRLEY BERNSTEIN TRUST, AND BRIAN O'CONNELL, AS PR OF THE ESTATE” (EXHIBIT 1) and hereby appeals from each and every part of said Order.

Dated: September 27, 2016

**/s/Eliot Ivan Bernstein**

Eliot Ivan Bernstein  
2753 NW 34th St  
Boca Raton, FL 33434  
561-245-8588  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

**CERTIFICATE OF SERVICE**

I CERTIFY that a copy of the foregoing has been furnished to parties listed on attached Service List by E-mail Electronic Transmission; Court ECF; this 27th day of September, 2016.

By: /s/ Eliot Ivan Bernstein  
 Eliot Ivan Bernstein  
 2753 NW 34th St.  
 Boca Raton, FL 33434  
 561-245-8588  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

**SERVICE LIST - CASE NO. SC15-1077 & LOWER CASES DEFENDANTS, RESPONDENTS, COUNTER DEFENDANTS**

<p>John P. Morrissey, Esq.        330 Clematis Street, Suite 213        West Palm Beach, FL 33401        (561) 833-0766-Telephone        (561) 833-0867 -Facsimile        Email: John P. Morrissey        (iohn@jrmoiTisseylaw.com)</p>	<p>Lisa Friedstein        2142 Churchill Lane Highland Park, IL 60035  <a href="mailto:lisa@friedsteins.com">lisa@friedsteins.com</a></p>
<p>Peter M. Feaman, Esq.        Peter M. Feaman, P.A.        3695 West Boynton Beach Blvd., Suite 9        Boynton Beach, FL 33436        (561) 734-5552 -Telephone        (561) 734-5554 -Facsimile        Email: <a href="mailto:service@feamanlaw.com">service@feamanlaw.com</a>:  <a href="mailto:mkoskey@feamanlaw.com">mkoskey@feamanlaw.com</a></p>	<p>Jill Iantoni        2101 Magnolia Lane Highland Park, IL 60035  <a href="mailto:jilliantoni@gmail.com">jilliantoni@gmail.com</a></p>
<p>Gary R. Shendell, Esq.        Kenneth S. Pollock, Esq.        Shendell &amp; Pollock, P.L.        2700 N. Military Trail,        Suite 150        Boca Raton, FL 33431        (561)241-2323 - Telephone (561)241-2330-Facsimile        Email: <a href="mailto:gary@shendellpollock.com">gary@shendellpollock.com</a>  <a href="mailto:ken@shendellpollock.com">ken@shendellpollock.com</a>  <a href="mailto:estella@shendellpollock.com">estella@shendellpollock.com</a>  <a href="mailto:britt@shendellpollock.com">britt@shendellpollock.com</a>  <a href="mailto:grs@shendellpollock.com">grs@shendellpollock.com</a></p>	<p>Counter Defendant        Robert Spallina, Esq.        Donald Tescher, Esq.        Tescher &amp; Spallina        925 South Federal Hwy., Suite 500        Boca Raton, Florida 33432</p>
<p>Brian M. O'Connell, Esq.        Joielle A. Foglietta, Esq.        Ciklin Lubitz Martens &amp; O'Connell        515 N. Flagler Dr., 20th Floor        West Palm Beach, FL 33401        561-832-5900-Telephone        561-833-4209 - Facsimile</p>	<p>Counter Defendant        John J. Pankauski, Esq.        Pankauski Law Firm PLLC        120 South Olive Avenue        7th Floor        West Palm Beach, FL 33401  <a href="mailto:courtfilings@pankauskilawfirm.com">courtfilings@pankauskilawfirm.com</a></p>

<p>Email: boconnell@ciklinlubitz.com;  ifoglietta@ciklinlubitz.com;  service@ciklinlubitz.com;  slobdell@ciklinliibitz.com</p>	<p>john@pankauskilawfirm.com</p>
<p>Counter Defendant  Mark R. Manceri, Esq., and  Mark R. Manceri, P.A.,  2929 East Commercial Boulevard  Suite 702  Fort Lauderdale, FL 33308  mrmlaw@comcast.net</p>	<p>Counter Defendant  Donald Tescher, Esq.,  Tescher &amp; Spallina, P.A.  Wells Fargo Plaza  925 South Federal Hwy Suite 500  Boca Raton, Florida 33432  dtescher@tescherspallina.com</p>
<p>Theodore Stuart Bernstein  880 Berkeley  Boca Raton, FL 33487  tbernstein@lifeinsuranceconcepts.com</p>	<p>Counter Defendant  TESCHER &amp; SPALLINA, P.A..  Wells Fargo Plaza  925 South Federal Hwy Suite 500  Boca Raton, Florida 33432  dtescher@tescherspallina.com</p>
<p>Theodore Stuart Bernstein  Life Insurance Concepts, Inc.  950 Peninsula Corporate Circle  Suite 3010  Boca Raton, FL 33487  tbernstein@lifeinsuranceconcepts.com</p>	<p>Counter Defendant  Alan B. Rose, Esq.  PAGE, MRACHEK, FITZGERALD, ROSE,  KONOPKA, THOMAS &amp; WEISS, P.A.  505 South Flagler Drive, Suite 600  West Palm Beach, Florida 33401  561-355-6991  arose@pm-law.com  arose@mrachek-law.com</p>
<p>Pamela Beth Simon  950 N. Michigan Avenue  Apartment 2603  Chicago, IL 60611  psimon@stpcorp.com</p>	<p>Counter Defendant  L. Louis Mrachek, Esq.  PAGE, MRACHEK, FITZGERALD, ROSE,  KONOPKA, THOMAS &amp; WEISS, P.A.  505 South Flagler Drive, Suite 600  West Palm Beach, Florida 33401  561-355-6991  lmrachek@mrachek-law.com</p>
<p>Jill Iantoni  2101 Magnolia Lane  Highland Park, IL 60035  jilliantoni@gmail.com</p>	<p>Counter Defendant  Pankauski Law Firm PLLC  120 South Olive Avenue  7th Floor  West Palm Beach, FL 33401</p>
<p>Lisa Sue Friedstein  2142 Churchill Lane  Highland Park, IL 60035  lisa.friedstein@gmail.com  lisa@friedsteins.com</p>	<p>Dennis McNamara  Executive Vice President and General Counsel  Oppenheimer &amp; Co. Inc.  Corporate Headquarters  125 Broad Street  New York, NY 10004  800-221-5588  Dennis.mcnamara@opco.com  info@opco.com</p>

<p>Dennis G. Bedley  Chairman of the Board, Director and Chief Executive Officer  Legacy Bank of Florida  Glades Twin Plaza  2300 Glades Road  Suite 120 West – Executive Office  Boca Raton, FL 33431  info@legacybankfl.com  DBedley@LegacyBankFL.com</p>	<p>Hunt Worth, Esq.  President  Oppenheimer Trust Company of Delaware  405 Silverside Road  Wilmington, DE 19809  302-792-3500  hunt.worth@opco.com</p>
<p>James Dimon  Chairman of the Board and Chief Executive Officer  JP Morgan Chase &amp; CO.  270 Park Ave. New York, NY 10017-2070  Jamie.dimon@jpmchase.com</p>	<p>Neil Wolfson  President &amp; Chief Executive Officer  Wilmington Trust Company  1100 North Market Street  Wilmington, DE 19890-0001  nwolfson@wilmingtontrust.com</p>
<p>William McCabe  Oppenheimer &amp; Co., Inc.  85 Broad St Fl 25  New York, NY 10004  William.McCabe@opco.com</p>	<p>STP Enterprises, Inc.  303 East Wacker Drive  Suite 210  Chicago IL 60601-5210  psimon@stpcorp.com</p>
<p>Charles D. Rubin  Managing Partner  Gutter Chaves Josepher Rubin Forman Fleisher Miller  PA  Boca Corporate Center  2101 NW Corporate Blvd., Suite 107  Boca Raton, FL 33431-7343  crubin@floridatax.com</p>	<p>Ralph S. Janvey  Krage &amp; Janvey, L.L.P.  Federal Court Appointed Receiver  Stanford Financial Group  2100 Ross Ave, Dallas, TX 75201  rjanvey@kjllp.com</p>
<p>Kimberly Moran  Tescher &amp; Spallina, P.A.  Wells Fargo Plaza  925 South Federal Hwy Suite 500  Boca Raton, Florida 33432  kmoran@tescherspallina.com</p>	<p>Lindsay Baxley aka Lindsay Giles  Life Insurance Concepts  950 Peninsula Corporate Circle  Suite 3010  Boca Raton, FL 33487  lindsay@lifeinsuranceconcepts.com</p>
<p>Gerald R. Lewin  CBIZ MHM, LLC  1675 N Military Trail  Fifth Floor  Boca Raton, FL 33486</p>	<p>CBIZ MHM, LLC  General Counsel  6480 Rockside Woods Blvd. South  Suite 330  Cleveland, OH 44131  ATTN: General Counsel  generalcounsel@cbiz.com  (216)447-9000</p>

<p>Albert Gortz, Esq.  Proskauer Rose LLP  One Boca Place  2255 Glades Road  Suite 421 Atrium  Boca Raton, FL 33431-7360  agortz@proskauer.com</p>	<p>Heritage Union Life Insurance Company  A member of WiltonRe Group of Companies  187 Danbury Road  Wilton, CT 06897  cstroup@wiltonre.com</p>
<p>Estate of Simon Bernstein  Brian M O'Connell Pa  515 N Flagler Drive  West Palm Beach, FL 33401  boconnell@ciklinlubitz.com</p>	<p>Counter Defendant  Steven Lessne, Esq.  Gray Robinson, PA  225 NE Mizner Blvd #500  Boca Raton, FL 33432  steven.lessne@gray-robinson.com</p>
<p>Byrd F. "Biff" Marshall, Jr.  President &amp; Managing Director  Gray Robinson, PA  225 NE Mizner Blvd #500  Boca Raton, FL 33432  biff.marshall@gray-robinson.com</p>	<p>Steven A. Lessne, Esq.  Gunster, Yoakley &amp; Stewart, P.A.  777 South Flagler Drive, Suite 500 East  West Palm Beach, FL 33401  Telephone: (561) 650-0545  Facsimile: (561) 655-5677  E-Mail Designations:  slessne@gunster.com  jhoppel@gunster.com  eservice@gunster.com</p>
<p>T&amp;S Registered Agents, LLC  Wells Fargo Plaza  925 South Federal Hwy Suite 500  Boca Raton, Florida 33432  dtescher@tescherspallina.com</p>	<p>David Lanciotti  Executive VP and General Counsel  LaSalle National Trust NA  CHICAGO TITLE LAND TRUST COMPANY, as  Successor  10 South LaSalle Street  Suite 2750  Chicago, IL 60603  David.Lanciotti@ctt.com</p>
<p>Joseph M. Leccese  Chairman  Proskauer Rose LLP  Eleven Times Square  New York, NY 10036  jleccese@proskauer.com</p>	<p>Brian Moynihan  Chairman of the Board and Chief Executive Officer  100 N Tryon St #170, Charlotte, NC 28202  Phone:(980) 335-3561</p>

EXHIBIT 1 - ORDER

**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.

---

**ORDER ON SUCCESSOR TRUSTEE'S MOTION TO APPROVE AGREEMENT  
BETWEEN TED S. BERNSTEIN, TRUSTEE OF THE SHIRLEY BERNSTEIN TRUST,  
AND BRIAN O'CONNELL, AS PR OF THE ESTATE**

THIS CAUSE came before the Court on Successor Trustee's *Trustee's Motion to Approve Agreement Between Ted S. Bernstein, Trustee and Brian O'Connell, as Pr of The Estate of Simon Bernstein, Regarding the Estate's Personal Property Sold with Trust's Real Estate* ("the Motion").

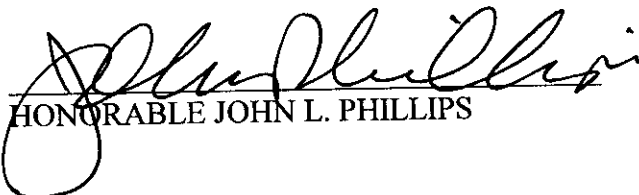
The Court, having reviewed the Motion and the record, and having been advised that no one else



objected to the Motion or this proposed Order, and being otherwise fully advised in the premises,  
hereby ORDERS AND ADJUDGES:

1. The Motion is GRANTED.
2. The Shirley Trust will pay the Personal Representative of Simon's Estate \$12,457 for the sold personal property, and there will be no further or outstanding obligations between those parties.

DONE AND ORDERED in Chambers, North County Courthouse on 9-1, 2016.

  
HONORABLE JOHN L. PHILLIPS

cc: All parties on the attached service list

**SERVICE LIST Case No.: 502014CP003698XXXXNBIJ**

Diana Lewis, Esq.  
ADA & Mediations Services, LLC  
2765 Tecumseh Drive  
West Palm Beach, FL 33409  
(561) 758-3017 - Telephone  
Email: [dzlewis@aol.com](mailto:dzlewis@aol.com)  
Guardian *Ad Litem* for  
Eliot Bernstein's minor children,  
Jo.B., Ja.B., and D.B.

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

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](mailto:lisa.friedstein@gmail.com)

Jill Iantoni, individually and as trustee for her  
children, and as natural guardian for J.I. a minor  
[jilliantoni@gmail.com](mailto:jilliantoni@gmail.com)

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)

Pamela Beth Simon  
303 E. Wacker Drive, Suite 2725  
Chicago, IL 60601  
Email: [psimon@stpcorp.com](mailto:psimon@stpcorp.com)

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](mailto:boconnell@ciklinlubitz.com);  
[jfoglietta@ciklinlubitz.com](mailto:jfoglietta@ciklinlubitz.com);  
[service@ciklinlubitz.com](mailto:service@ciklinlubitz.com);  
[slobdell@ciklinlubitz.com](mailto:slobdell@ciklinlubitz.com)

**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.

---

**ORDER ON SUCCESSOR TRUSTEE'S MOTION TO APPROVE AGREEMENT  
BETWEEN TED S. BERNSTEIN, TRUSTEE OF THE SHIRLEY BERNSTEIN TRUST,  
AND BRIAN O'CONNELL, AS PR OF THE ESTATE**

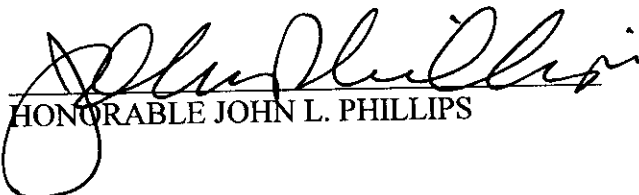
THIS CAUSE came before the Court on Successor Trustee's *Trustee's Motion to Approve Agreement Between Ted S. Bernstein, Trustee and Brian O'Connell, as Pr of The Estate of Simon Bernstein, Regarding the Estate's Personal Property Sold with Trust's Real Estate* ("the Motion").

The Court, having reviewed the Motion and the record, and having been advised that no one else

objected to the Motion or this proposed Order, and being otherwise fully advised in the premises,  
hereby ORDERS AND ADJUDGES:

1. The Motion is GRANTED.
2. The Shirley Trust will pay the Personal Representative of Simon's Estate \$12,457 for the sold personal property, and there will be no further or outstanding obligations between those parties.

DONE AND ORDERED in Chambers, North County Courthouse on 9-1, 2016.

  
HONORABLE JOHN L. PHILLIPS

cc: All parties on the attached service list

**SERVICE LIST Case No.: 502014CP003698XXXXNBIJ**

Diana Lewis, Esq.  
ADA & Mediations Services, LLC  
2765 Tecumseh Drive  
West Palm Beach, FL 33409  
(561) 758-3017 - Telephone  
Email: [dzlewis@aol.com](mailto:dzlewis@aol.com)  
Guardian *Ad Litem* for  
Eliot Bernstein's minor children,  
Jo.B., Ja.B., and D.B.

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

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](mailto:lisa.friedstein@gmail.com)

Jill Iantoni, individually and as trustee for her  
children, and as natural guardian for J.I. a minor  
[jilliantoni@gmail.com](mailto:jilliantoni@gmail.com)

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)

Pamela Beth Simon  
303 E. Wacker Drive, Suite 2725  
Chicago, IL 60601  
Email: [psimon@stpcorp.com](mailto:psimon@stpcorp.com)

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](mailto:boconnell@ciklinlubitz.com);  
[jfoglietta@ciklinlubitz.com](mailto:jfoglietta@ciklinlubitz.com);  
[service@ciklinlubitz.com](mailto:service@ciklinlubitz.com);  
[slobdell@ciklinlubitz.com](mailto:slobdell@ciklinlubitz.com)