

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.

**PLAINTIFF'S NOTICE OF FILING AND COMPLIANCE WITH ORDER TO SHOW
CAUSE WHY ELIOT BERNSTEIN SHOULD NOT BE HELD IN CONTEMPT OF
COURT AND ORDER RE-SETTING HEARING ENTERED JANUARY 29, 2018**

Plaintiff, Ted S. Bernstein, in compliance with paragraph 3 of the Court's *Order to Show Cause Why Eliot Bernstein Should Not Be Held In Contempt of Court and Order Re-Setting Hearing* entered January 29, 2018 (the "Order"), files the attached Verified Return of Service as proof of personal service on Eliot Bernstein on February 2, 2018, of the Court's Order, and a copy of an email of January 29, 2018, from undersigned counsel to Eliot Bernstein and counsel of record providing a copy of the Court's Order.

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 5th day of February, 2018.

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Attorneys for Ted S. Bernstein

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

SERVICE LIST Case No.: 502014CP003698XXXXNBIH

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Eliot Bernstein
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(561) 886-7628 - Cell
(561) 245-8644 - Facsimile
Email: Eliot I. Bernstein (iviewit@iviewit.tv)

VERIFIED RETURN OF SERVICE

State of Florida

County of Palm Beach

CIRCUIT Court

Case Number: 502014CP003698XXXXNB

Plaintiff:

**TED BERNSTEIN, as Trustee of the Shirley Bernstein Trust Agreement
dated May 20, 2008**

vs.

Defendant:

ALEXANDRA BERNSTEIN; et al,

For:

ALAN B. ROSE, ESQ.
MRACHEK, FITZGERALD, ROSE, KONOPKA, THOMAS & WEISS, P.A.
505 South Flagler Drive, Suite 600
West Palm Beach, FL 33401


Received by Tenacious Process Servers of Florida, LLC on the 29th day of January, 2018 at 4:00 pm to be served on **ELIOT BERNSTEIN, 2753 NW 34TH STREET, BOCA RATON, FL 33434.**

I, Grant K. Clark, do hereby affirm that on the **2nd day of February, 2018 at 6:01 pm, I:**

INDIVIDUALLY/PERSONALLY served by serving a true copy of the **ORDER TO SHOW CAUSE WHY ELIOT BERNSTEIN SHOULD NOT BE HELD IN CONTEMPT OF COURT AND ORDER RE-SETTING HEARING** with the date and hour of service endorsed thereon by me, to: **ELIOT BERNSTEIN** at the address of: **2753 NW 34TH STREET, BOCA RATON, FL 33434**, and informed said person of the contents therein, in compliance with state statutes.

Description of Person Served: Age: 54, Sex: M, Race/Skin Color: WHITE, Height: 5'8", Weight: 220, Hair: SALT & PEPPER, Glasses: N

I certify that I am over the age of 18, have no interest in the above action, and have proper authority in the jurisdiction in which this service was effected. Under the penalty of perjury, I declare I have read the foregoing documents and the facts stated in it are true to the best of my knowledge. I am a Certified Process Server, in good standing, in the judicial circuit in which the process was served and no Notary is required under F.S.S. 92.525 (2).



Grant K. Clark
Process Server #1976

**Tenacious Process Servers of Florida, LLC
P.O. Box 210443
Royal Palm Beach, FL 33421
(561) 798-5518**

Our Job Serial Number: TEN-2018000165

Marie Chandler

From: Alan Rose
Sent: Monday, January 29, 2018 3:12 PM
To: 'John Patrick Morrissey'; Ashley Bourget; 'boconnell@ciklinlubitz.com'; 'dzlewis@aol.com'; 'iviewit@gmail.com'; 'iviewit@iviewit.tv'; 'jfoglietta@ciklinlubitz.com'; 'jilliantoni@gmail.com'; 'lisa.friedstein@gmail.com'; Marie Chandler; 'mkoskey@feamanlaw.com'; 'psimon@stpcorp.com'; 'rodney@matrixmediation.com'; 'service@ciklinlubitz.com'; 'service@feamanlaw.com'; 'slobdell@ciklinlubitz.com'; 'tamara@matrixmediation.com'; 'tourcandy@gmail.com'
Subject: RE: SERVICE OF COURT DOCUMENT CASE No.: 502014CP003698XXXXNB
Attachments: SKM_364e18012911300.pdf

To all, including Eliot Bernstein:

The court entered the attached ORDER RESETTING a hearing.

The Order appears to be nearly identical to an earlier order dated 9/15/17, but changes the date of the hearing from 3-22-18 to 3-27-18 at 1:30 pm.

We will be serving a copy of this order pursuant to the Court's direction.

Alan B. Rose, Esq.
arose@Mrachek-Law.com
561.355.6991



505 South Flagler Drive
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CONFIDENTIALITY NOTE: THE INFORMATION CONTAINED IN THIS TRANSMISSION IS LEGALLY PRIVILEGED AND CONFIDENTIAL, INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU RECEIVE A COPY OF THIS COMMUNICATION IN ERROR, PLEASE **IMMEDIATELY** (1) REPLY BY E-MAIL TO US, AND (2) DELETE THIS MESSAGE.

From: CAD-Division IH [mailto:CAD-DivisionIH@pbcgov.org]
Sent: Monday, January 29, 2018 11:32 AM
To: John Patrick Morrissey; Alan Rose; Ashley Bourget; Alan Rose; boconnell@ciklinlubitz.com; dzlewis@aol.com; iviewit@gmail.com; iviewit@iviewit.tv; jfoglietta@ciklinlubitz.com; jilliantoni@gmail.com;

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rodney@matrixmediation.com; service@ciklinlubitz.com; service@feamanlaw.com; slobdell@ciklinlubitz.com;
tamara@matrixmediation.com; tourcandy@gmail.com

Cc: CAD-Division IH

Subject: SERVICE OF COURT DOCUMENT CASE No.: 502014CP003698XXXXNB

Importance: High

- This email is from the Fifteenth Judicial Circuit
- Case Number: 50-2014-CP-003698-XXXX-NB
- SHIRLEY BERNSTEIN
- Orders Attached:
 - ORDER RESETTING (SKM_364e18012911300.pdf)
- Division IH,

In accordance with the 15th Judicial Circuit's Administrative Order 2.310-4/13, please ensure that primary and secondary email addresses are registered with Court Administration at <https://e-services.co.palm-beach.fl.us/scheduling/>.

For a better translation of this document, contact CAD-ADA@pbcgov.org.

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

CASE NO.: 50-2014-CP-003698-XXXX-NB
PROBATE DIVISION: IH

TED BERNSTEIN, as Trustee
of the Shirley Bernstein Trust Agreement
dated May 20, 2008, as amended,

Plaintiff / Petitioner,

and

ALEXANDRA BERNSTEIN; et. al,
Defendants / Respondent.

_____ /

**ORDER TO SHOW CAUSE WHY ELIOT BERNSTEIN SHOULD NOT BE HELD IN
CONTEMPT OF COURT AND ORDER RE-SETTING HEARING**

THIS CAUSE came before the Court on Ted S. Bernstein, as Successor Trustee of the Shirley Bernstein Trust Motion to Hold Eliot Bernstein in Contempt of Court or Issue Order to Show Cause Against Eliot Bernstein, and for Sanctions (“Motion”) for Eliot’s Bernstein’s violation of Order on Successor Trustee’s Motion to Appoint a Guardian ad Litem; for a Gag Order to Protect the Guardian and Others; and to Strike Eliot Bernstein’s Filings dated March 1, 2016 (the “Order” D.E. 161).

The Court, having reviewed the Motion, the court file, and having been otherwise fully advised in the premises, finds as follows:

1. On March 1, 2017, this Court entered an Order on Successor Trustee’s Motion to Appoint a Guardian ad Litem; for a Gag Order to Protect the Guardian and Others; and to Strike Eliot Bernstein’s Filings dated March 1, 2016 (the “Order” D.E. 161).

2. The Court's Order stated as follows:

6. Eliot Bernstein states that his agenda includes ridding the court system of corruption among judges, lawyers and fiduciaries, regardless of the cost ^{to} the beneficiaries. He appears to have no interest in the swift and efficient administration of the Shirley Bernstein Trust. He has taken actions to hinder and delay the administration of the Trust, and caused waste of Trust assets to respond to his assertions.

7. To the extent not already covered by this Court's Order dated February 1, 2016, Eliot Bernstein is barred from any further participation in this action, whether individually or as purported parent and natural guardian. Any and all pending motions, claims, or other filings by Eliot Bernstein, on behalf of his children, ^{and} is hereby stricken from the record, without prejudice to the rights of the Guardian Ad Litem to take whatever actions are deemed appropriate.

3. Plaintiff / Petitioner's Motion proffers emails sent directly to Diana Lewis, the guardian ad litem, in direct violation of the Order. The Court concludes the Petitioner's / Plaintiff's Motion for Contempt for refusal to obey this Court's Order is well taken. It is therefore

ORDERED AND ADJUDGED, as follows:

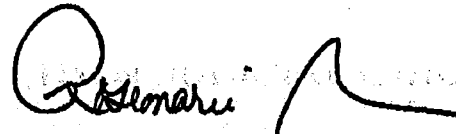
1. ELIOT BERNSTEIN is ordered to personally appear before this Court on **TUESDAY, March 27, 2018 at 1:30 p.m.** in Courtroom 4 of the North County Courthouse, 3188 PGA Blvd., Palm Beach Gardens, Florida 33410, and show cause why she should not be held in contempt of this Court for willful refusal to obey its Order, attached hereto. One hour shall be reserved.

2. FAILURE OF ELIOT BERNSTEIN TO PERSONALLY APPEAR MAY RESULT IN A FINDING OF CONTEMPT OF COURT, AN AWARD OF ATTORNEY'S FEES AND COSTS AGAINST ELIOT BERNSTEIN, THE ISSUANCE OF AN ORDER STRIKING ANY AND ALL FUTURE PARTICIPATION IN THIS CASE AND/OR ANY OTHER SANCTIONS THE COURT DEEMS FIT.

3. Petitioner/Plaintiff's counsel, at his own cost, shall cause a copy of this Order to Show Cause and Order Setting Hearing to be personally served VIA SHERIFF OR PRIVATE PROCESS SERVER upon ELIOT BERNSTEIN and file proof of personal service upon receipt. The Court will reserve to award these fees against ELIOT BERNSTEIN.

4. This Court reserves jurisdiction to award such fees and costs as may be proper to Petitioner/Plaintiff.

DONE AND ORDERED in Chambers at Palm Beach Gardens, Palm Beach County, Florida, this 29th day of January, 2018.



ROSEMARIE SCHER
Circuit Judge

Copies furnished to:

SEE ATTACHED SERVICE LIST

This notice is provided pursuant to Administrative Order No. 2.207-1/15

“If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Tammy Anton, Americans with Disabilities Act Coordinator, Palm Beach County Courthouse, 205 North Dixie Highway West Palm Beach, Florida 33401; telephone number (561) 355-4380 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.”

“Si usted es una persona minusválida que necesita algún acomodamiento para poder participar en este procedimiento, usted tiene derecho, sin tener gastos propios, a que se le provea cierta ayuda. Tenga la amabilidad de ponerse en contacto con Tammy Anton, 205 N. Dixie Highway, West Palm Beach, Florida 33401; teléfono número (561) 355-4380, por lo menos 7 días antes de la cita fijada para su comparecencia en los tribunales, o inmediatamente después de recibir esta notificación si el tiempo antes de la comparecencia que se ha programado es menos de 7 días; si usted tiene discapacitación del oído o de la voz, llame al 711.”

“Si ou se yon moun ki enfim ki bezwen akomodasyon pou w ka patisipe nan pwosedi sa, ou kalifye san ou pa gen okenn lajan pou w peye, gen pwovizyon pou jwen kèk èd. Tanpri kontakte Tammy Anton, kòdonatè pwogram Lwa pou ameriken ki Enfim yo nan Tribinal Konte Palm Beach la ki nan 205 North Dixie Highway, West Palm Beach, Florida 33401; telefòn li se (561) 355-4380 nan 7 jou anvan dat ou gen randevou pou parèt nan tribinal la, oubyen imedyatman apre ou fin resevwa konvokasyon an si lè ou gen pou w parèt nan tribinal la mwens ke 7 jou; si ou gen pwoblèm pou w tande oubyen pale, rele 711.”

SERVICE LIST Case No.: 502014CP003698XXXXNBIH

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Jill Iantoni, individually and as trustee for her
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