

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

IN RE: CASE NO. 502012CP004391XXXXNBIH

ESTATE OF SIMON L. BERNSTEIN,
_____ /

**ORDER ON MOTION TO APPROVE MEDIATION SETTLEMENT AGREEMENT
WITH TESCHER & SPALLINA, P.A. [D.E. 534]**

THIS CAUSE came before the Court on Friday, April 27, 2018 on Trustee's *Motion to Approve Settlement Agreement with Tescher and Spallina, P.A. (D.E. 534)* (the "Motion") and Joshua Bernstein's *Objection to Motion to Approve Mediation Settlement Agreement with Tescher and Spallina* (the "Objection"). The Court, having reviewed the Motion and the Objection, the record, heard argument of counsel and the parties, having received evidence, and being otherwise fully advised in the premises, hereby ORDERS AND ADJUDGES:

1. The Motion is granted as set forth in this Order.
2. After mediation, a written Mediation Settlement Agreement ("Settlement Agreement") was executed by and between: (i) Ted S. Bernstein, as Trustee of the Simon L. Bernstein Trust (the "Simon Trust"), which is the sole residuary beneficiary of this Estate; and (ii) the trustees or court-appointed representatives of ten trusts created for the benefit of Simon's ten grandchildren under the terms of Simon's Trust, being all of beneficiaries and potential beneficiaries of the Simon Trust.¹

¹ Trusts created for the benefit of Jo. B., Ja. B. and D.B., (the Eliot Children's Trusts) by Diana Lewis as Guardian ad Litem and pending appointment of a Trustee; Trust created for the benefit of J.I. by Jill Iantoni as Trustee; Trusts created for the benefit of Alexandra Bernstein, Eric Bernstein and Michael Bernstein by Ted Bernstein as Trustee; Trust created for the benefit of Molly Simon by Pam Simon as Trustee; and Trust created for the benefit of Max Friedstein and C.F. by Lisa Friedstein as Trustee.

3. The Settlement Agreement is approved and made effective immediately, subject to the terms set forth in the written agreement. Notwithstanding anything to the contrary in the Settlement Agreement, the release ^{r shall} have no effect on the claims, if any, of Joshua Bernstein individually. *Based on that carve-out, which was made on the record, the objection of Joshua Bernstein was withdrawn as moot.*

4. The Court retains jurisdiction to enforce and fully implement the Settlement Agreement.

DONE AND ORDERED in Chambers, North County Courthouse on April 27, 2018,

2018.

Senior Judge John Frusciano

for 
HONORABLE ROSEMARIE SCHER

cc: All parties on the attached service list

SERVICE LIST - CASE NO. 502012CP004391XXXXNBIH

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<p>Lisa Friedstein 2142 Churchill Lane Highland Park, IL 60035 lisa@friedsteins.com Individually and as trustee for her children, and as natural guardian for M.F. and C.F., Minors</p>	<p>Diana Lewis, Esq. ADA & Mediations Services, LLC 2765 Tecumseh Drive West Palm Beach, FL 33409 (561) 758-3017 - Telephone Email: dzlewis@aol.com Guardian <i>Ad Litem</i> for Eliot Bernstein's minor children, Jo.B., Ja.B., and D.B.</p>

<p>Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com Individually and as trustee for her children, and as natural guardian for J.I. a minor</p> <p>Alan B. Rose, Esq. Mrachek, Fitzgerald, Rose, Kopoka, Thomas & Weiss, P.A. 505 South Flagler Drive, Suite 600 West Palm Beach, FL 33401 (561) 655-2250 - Telephone (561) 655-5537 - Facsimile arose@mrachek-law.com; mchandler@mrachek-law.com Attorneys for Ted S. Bernstein</p>	<p>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; jfoglietta@ciklinlubitz.com; service@ciklinlubitz.com; slobdell@ciklinlubitz.com</p>
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