

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

FILE NO.: 502014CA014637XXXXMB

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,

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.

**ORDER ON MOTION TO DISMISS COMPLAINT TO REMOVE
THEODORE BERNSTEIN AS SUCCESSOR TRUSTEE, AND
TO STRIKE ALLEGATIONS CONTAINED IN COMPLAINT**

THIS MATTER came before the Court on the Motion to Dismiss Complaint to Remove
Theodore Bernstein as Successor Trustee, and to Strike Allegations Contained in Complaint filed


by Defendants, MOLLY SIMON, ALEXANDRA BERNSTEIN, ERIC BERNSTEIN and
MICHAEL BERNSTEIN, and the Court having heard argument of counsel and being otherwise
duly advised in the premises, it is

ORDERED and ADJUDGED that the aforementioned Defendants' Motion to Dismiss
Complaint to Remove Theodore Bernstein as Successor Trustee, and to Strike Allegations

Contained in Complaint is GRANTED AS TO PARAGRAPH 1 OF MOTION TO DISMISS
- DENIED AS TO PARAGRAPHS 2+3 OF MOTION TO DISMISS
INASMUCH AS THE REMEDY FOR RELIEF SET FORTH
APPLY TO ALL COURTS AND THE JURISDICTIONAL
RESTRICTIONS APPLY TO ALL COURTS, AS WELL.
- GRANTED AS TO PARAGRAPH 4 OF MOTION TO DISMISS
- DENIED AS TO PARAGRAPHS 5, 6, 7+8 OF MOTION TO DISMISS
- GRANTED AS TO PARAGRAPH 9 OF MOTION TO STRIKE
- DENIED AS TO PARAGRAPH 10 OF MOTION TO STRIKE.
- GRANTED AS TO PARAGRAPHS 11+12 OF MOTION TO
STRIKE.

AS A RESULT, PLAINTIFF SHALL 15 DAYS FROM DATE OF THIS ORDER
TO REPLEAD, TAKING THIS ORDER INTO CONSIDERATION
DONE AND ORDERED at Delray Beach, Palm Beach County, Florida, this 15

day of April, 2015.


The Honorable Martin H. Colin
Circuit Court Judge

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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
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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.

**ORDER ON TRUSTEE'S MOTION TO DISMISS ELIOT BERNSTEIN'S
COMPLAINT TO REMOVE TED S. BERNSTEIN AS
SUCCESSOR TRUSTEE OF THE SHIRLEY BERNSTEIN TRUST**

THIS CAUSE came before the Court for hearing on April 2, 2015, Trustee's *Motion to Dismiss Eliot Bernstein's Complaint to Remove Ted S. Bernstein, as Successor Trustee of the Simon L. Bernstein Amended and Restated Trust* ("the Motion"). The Court, having reviewed the Motion

Order on Trustee's Motion to Dismiss Eliot Bernstein's Complaint to
Remove Ted S. Bernstein, as Successor Trustee of the Simon L. Bernstein
Amended and Restated Trust
Case No. 502015CP001162XXXXSBIY


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. The Motion is DENIED AS TO PARAGRAPHS 1-5 OF MOTION TO DISMISS
GRANTED AS TO PARAGRAPHS 6 & 7 OF MOTION TO DISMISS
GRANTED AS TO PARAGRAPHS 8 & 9 & 10 OF
MOTION TO STRIKE
DENIED AS TO PARAGRAPH 10 OF MOTION TO
STRIKE

PLAINTIFF SHALL HAVE 15 DAYS FROM DATE OF THIS ORDER
TO REPLEAD, TAKING INTO CONSIDERATION THIS ORDER

DONE AND ORDERED in Chambers, in Palm Beach County, Florida, this 11 day of

APRIL 2015.



Martin H. Colin
CIRCUIT COURT JUDGE

cc: All parties on the attached service list

Order on Trustee's Motion to Dismiss Eliot Bernstein's Complaint to
Remove Ted S. Bernstein, as Successor Trustee of the Simon L. Bernstein
Amended and Restated Trust
Case No. 502015CP001162XXXXSBIY

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