

Dear Former Judge and Guardian Ad Litem, Diana Lewis,

I represent Joshua Ennio Zander Bernstein, Jacob Noah Archie Bernstein and Daniel Elijah Abe Ottomo Bernstein and it has come to my attention that you are acting as Guardian Ad Litem for them as minor children of Eliot and Candice Bernstein. Their birthdays are as follows, which I am sure you have been aware of since taking custody of them through the courts:

Joshua = August 2, 1997 – SUI JURIS on August 2, 2015

Jacob = January 01, 1999 – SUI JURIS on January 1, 2017

Daniel = November 26, 2002

On March 01, 2016 in CASE NO.: 502014CP003698XXXX (NB) "Shirley Bernstein Trust" styled,

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

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. [emphasis added]; 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.

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in the Florida Probate Court an Order (SEE EXHIBIT 1 – GAL ORDER) was issued for Guardianship based on pleadings filed that represented that the GAL was for minor children of Eliot and Candice. The Order states in part,

“2. Eliot Bernstein's three children are among the class of Trust beneficiaries. Eliot seeks to use his role as parent and natural guardian of three trust beneficiaries to give him standing to continue his involvement in this case. The primary issue now raised is whether Eliot Bernstein should be permitted to continuing representing the interests of his minor children, as their parent and natural guardian, in this Trust Proceeding.” [emphasis added]

“4. ...Eliot's individual interests are in conflict with the interests of his children. Under Florida law, a court should appoint a guardian ad litem when a parent's interest conflicts with the interest of her or her minor child. Mistretta v. Mistretta, 566 So. 2d 836, 83 7-38 (Fla. 1st DCA 1990) (best interests of a minor are not fully protected when adverse to the interests of the parent); Florida Na1. Bank & Trust Co. at Miami v. Blake, 155 So. 2d 798 (Fla. 3d DCA 1963) (court should have appointed a guardian ad litem for minor child when it was apparent that the interests of the minor conflicted with the interests of the mother and father); Gilbertson v. Boggs, 743 So. 2d 123 (Fla. 4th DCA 1999) (guardian ad litem should have been appointed when the parents' interests were adverse to the minor childs).” [emphasis added]

“5. ...Second, Fla. Stat. 731.303 (4) provides: "If the court determines that representation of the interest would otherwise be inadequate, the court may, at any time, appoint a guardian ad litem to represent the interests of ... a minor ... "[emphasis added]

“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.”

On April 04, 2016 you were appointed as the Guardian Ad Litem to represent the interests of Eliot Bernstein's **MINOR** children. See (SEE EXHIBIT 2 –SHIRLEY TRUST GAL Order)

On March 03, 2016 in CASE NO.: 502014CP002815XXXXNB (IH) titled,

“OPPENHEIMER TRUST COMPANY OF DELAWARE,  
in its capacity as Resigned Trustee of the Simon

Bernstein Irrevocable Trusts created for the benefit  
of Joshua, Jake and Daniel Bernstein,

Petitioner,  
vs.

ELIOT AND CANDICE BERNSTEIN,  
in their capacity as parents and natural  
guardians of JOSHUA, JAKE AND  
DANIEL BERNSTEIN, minors, [emphasis added]

Respondents.

in the Florida Probate Court an Order (SEE EXHIBIT 3 – GAL ORDER OPPENHEIMER) was issued. That  
Order states in part the following:

"...(the "Motion") filed by Petitioner, Oppenheimer Trust Company Of Delaware  
("Oppenheimer"), in its capacity as the resigned trustee of three Irrevocable Trusts settled by  
Simon Bernstein on September 7, 2006 for the benefit of his grandchildren, minors, Joshua,  
Jake and Daniel Bernstein (the "Grandchildren Trusts")." [emphasis added]

"1. The sole beneficiaries of the Grandchildren Trusts, and the only real parties in interest in this  
litigation (other than Oppenheimer), are Joshua, Jake and Daniel Bernstein (the "Minor  
Beneficiaries"). Neither Eliot nor Candice Bernstein (the "Bemsteins") were sued in their  
individual capacities by Oppenheimer, nor have they moved for, or been granted, permission to  
intervene in their individual capacities. They have been afforded standing in these proceedings,  
to date, solely as the parents and natural guardians of the Minor Beneficiaries. [emphasis  
added]

"2. The Bernsteins have been shown to have multiple conflicts of interest with the Minor  
Beneficiaries...All of the above, and certainly in combination, render the Bemsteins  
inappropriate and inadequate representatives for the Minor Beneficiaries in this litigation.  
[emphasis added]

On April 07, 2016 you filed a "NOTICE OF ACCEPTANCE OF APPOINTMENT AS GUARDIAN AD LITEM FOR  
Jo.B., Ja.B. AND D.B. IN THE ABOVE STYLED CASE" in the Shirley Trust Construction case (Filing #  
40000163 E-Filed 04/07/2016 04:06:21 PM) (SEE EXHIBIT 4 – NOTICE) which states in part;

"NOTICE OF ACCEPTANCE OF APPOINTMENT AS GUARDIAN AD LITEM FOR Jo.B., Ja.B. AND  
D.B. IN THE ABOVE STYLED CASE COMES NOW Diana Lewis and notifies the court of her  
acceptance of appointment as Guardian ad litem for Eliot Bernstein's minor children, Jo.B.,

Ja.B. and D.B. pursuant to this court's order dated April 4, 2016, and the terms and conditions set forth therein." **[emphasis added]**

Similarly, on April 07, 2016 you filed a "NOTICE OF ACCEPTANCE OF APPOINTMENT AS GUARDIAN AD LITEM FOR JOSHUA, JAKE AND DANIEL BERNSTEIN IN THE ABOVE STYLED CASE" in the Oppenheimer Case (Filing # 39999717 E-Filed 04/07/2016 04:03:08 PM), which states in part;

COMES NOW Diana Lewis and notifies the court of her acceptance of appointment as Guardian ad litem for JOSHUA, JAKE and DANIEL BERNSTEIN **(the "Minor Beneficiaries")** pursuant to this court's order dated April 4, 2016. **[emphasis added]**

We are unaware of any Guardianship Orders entered in the Simon and Shirley Probate Cases ( Case # 502012CP004391XXXXSB – Simon Bernstein Estate and Case # 502011CP000653XXXXSB – Shirley Bernstein Estate) giving you any guardianship powers over Eliot and Candice Bernstein's Adult or Minor children to make any representations or take any actions on their behalf in those case.

The March 01, 2016 Oppenheimer Order states,

"4. For the above reasons, the guardian ad /item appointed in Case No.: 502014CP003698XXXXNB shall be deemed appointed simultaneously as the guardian ad /item for the Minor Beneficiaries in this case, **with sole and exclusive authority to represent the Minor Beneficiaries' interests in this case** .Jo.B., Ja.B. AND D.B. IN THE ABOVE STYLED CASE" **[emphasis added]**

The Shirley Bernstein Trust Order Appointing Guardianship is similarly limited to legal authority of the guardianship in that case only.

As you can see from their birthdays listed above Joshua turned 18 on August 27, 2015 and Jacob turned 18 on January 01, 2017. AT NO TIME IN THESE PROCEEDINGS WAS JOSHUA BERNSTEIN A MINOR AND WAS SUI JURIS WHEN ORDERS WERE ISSUED AND PLEADINGS WERE MADE BY ATTORNEYS AT LAW ALAN B. ROSE and STEVEN LESSNE to gain a predatory guardianship on an Adult in violation of Florida Statutes.

The 2016 Florida Statutes - Title XLIII - DOMESTIC RELATIONS - Chapter 744 - GUARDIANSHIP

744.521 Termination of guardianship.—**When a ward becomes sui juris** or is restored to capacity, when the guardian has been unable to locate the ward through diligent search, or, for a guardian of the property, when the property subject to the guardianship has been exhausted, the guardian shall file a final report and receive his or her discharge. A guardian of the person is discharged without further proceeding upon filing a certified copy of the ward's death certificate. The court may require proof of the removal of incapacity.

History.—s. 1, ch. 74-106; ss. 21, 26, ch. 75-222; s. 4, ch. 86-120; s. 89, ch. 89-96; s. 63, ch. 90-271; s. 1110, ch. 97-102.

Note.—Created from former s. 746.12.

"Minor Ward Reaches 18 Unless the minor is incapacitated, at the age of 18 he or she is no longer a minor and is deemed to be legally old enough to manage his or her own finances or property. The guardianship is terminated and the assets are distributed to the minor."

[https://umshare.miami.edu/web/wda/ethics/guardianship\\_rev1-07.pdf](https://umshare.miami.edu/web/wda/ethics/guardianship_rev1-07.pdf)

No adult Guardianship proceedings under The 2016 Florida Statutes - Title XLIII - DOMESTIC RELATIONS  
GUARDIANSHIP Chapter 744 took place for Joshua Bernstein who was an adult at the time guardianship was sought for and gained and no capacity hearing was held at any time. As you can see from the pleadings and Orders submitted in the case the Guardianship was ILLEGALLY gained over Joshua Bernstein while an adult and who was misrepresented to the Court as a minor by Officers of the Court, Alan B. Rose, Esq. and Steven Lessne, Esq.

Therefore, due to your lack of legal authority over Joshua and Jacob Bernstein now both Sui Juris, immediately;

1. CEASE AND DESIST from any further representations of Joshua Bernstein in any proceedings, settlements or other matters involving Joshua Bernstein.
2. NOTIFY the Florida Court that ALL OF YOUR PRIOR REPRESENTATIONS OF JOSHUA BERNSTEIN are and always have been improper, perhaps illegal (to be determined) and at minimum a KNOWINGLY gross, willful, wanton and reckless violation of your fiduciary duties as a Guardian.
3. WITHDRAW any and all Consent you have given in any matters relating to Joshua Bernstein.

4. CEASE AND DESIST from any further representations of Jacob Bernstein who since January 01, 2017 is now over 18 years of age and Sui Juris at that time in any proceedings, settlements or other matters involving Joshua Bernstein.
5. NOTIFY the Florida Court that ALL OF YOUR PRIOR REPRESENTATIONS OF JACOB BERNSTEIN after January 01, 2017 are improper, perhaps illegal (to be determined) and at minimum a KNOWINGLY gross, willful, wanton and reckless violation of your fiduciary duties as a Guardian.
6. WITHDRAW any and all Consent you have given in any matters relating to Jacob Bernstein since January 01, 2017.
7. FILE a final report, receive discharge and turn over all records and properties regarding their guardianships as required in the Jacob Bernstein cases you are appointed Guardian for.
8. FILE a final report detailing the fact that Joshua Bernstein was placed as an adult illegally in a guardianship for minors and that no legal adult guardianship proceedings were held giving you legal authority from the beginning, receive discharge and turn over all records and properties regarding their guardianships as required.
9. MAKE NO further appearances or state in any pleadings or hearings that you are a Guardian for either Joshua or Jacob Bernstein.
10. NOTIFY ALAN ROSE AND STEVEN LESSNE to similarly take all actions to remove and strike all pleadings, orders, settlements, etc. where Joshua and Jacob Bernstein were acted for on your behalf at a time they were Sui Juris.
11. NOTIFY ALL Courts affected by your actions that you have never had proper guardianship for the Adult Joshua Bernstein and as of January 01, 2017 you have had no legal guardianship for the adult Jacob Bernstein.
12. NOTIFY the Courts that you have made improper representations in pleadings and hearings in the Simon and Shirley Bernstein Estate cases where you have never been granted legal

guardianship over any parties but have made representations that you represent Eliot Bernstein's children. The Courts to be notified that have been affected by the misconduct shall include,

- a. The Florida Probate Court – HONORABLE Judge Rosemarie Scher and HONORABLE JUDGE Cymonie Rowe,
- b. The Florida 4<sup>th</sup> District Court of Appeals – Note – Do not submit any information to Chief Judge Corey Ciklin who is conflicted in these matters already as being a former law partner of Personal Representative of the Estate of Simon Bernstein, Brian O'Connell's law firm, Ciklin Lubitz Martens & O'Connell, where Judge Ciklin already has Sua Sponte removed himself from proceedings he was involved with in these matters and removed his name from several prior issued Orders at that court.
- c. The Florida Supreme Court – Note – Do not submit any information to Chief Judge Jorge Labarga as he is conflicted with the Eliot Bernstein family in these matters.
- d. The United States District Court Northern District of Illinois Case 1:13-cv-03643 Simon Bernstein Irrevocable Insurance Trust Dtd 6/21/95 v. Heritage Union Life Insurance Company – HONORABLE Judge John Robert Blakey and Chief Judge Ruben Castillo.
- e. United States Court of Appeals for the Seventh Circuit - Chief Judge Diane P. Wood in relation to the Lower Court Case 1:13-cv-03643 Simon Bernstein Irrevocable Insurance Trust Dtd 6/21/95 v. Heritage Union Life Insurance Company.

13. TURN OVER all of your professional and individual insurance policies and bonding information as claims will be forthcoming for the massive damages caused to my clients Joshua and Jacob Bernstein from your breaches of fiduciary duties and other misconduct.

14. TURN OVER all records regarding Joshua and Jacob Bernstein to their attention at, 2753 NW 34<sup>th</sup> Street, Boca Raton, FL 33434 their permanent addresses.

I have been notified that on repeated occasions over the past year Eliot and Candice Bernstein have notified you of the Sui Juris status of Jacob and Joshua Bernstein and you have refused to take any actions to end the improper guardianships and continue to make representations, agreements and settlements on my clients behalf, again, IMMEDIATELY CEASE AND DESIST THIS ILLEGAL CONDUCT.

That these Knowingly Gross Willful Wanton and Reckless Acts which appear as Financial Exploitation of Minors and further part of a larger conspiracy against the rights of the Eliot Bernstein family are simultaneously being forwarded to state and federal criminal authorities as well, so please govern yourself accordingly in any future actions you may take in any matters relating to the Eliot Bernstein Family, including on behalf of Daniel Bernstein who you appear to retain guardianship over.

Sincerely,

EXHIBIT 1

**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.: 502014CP003698XXXXNB

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.

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**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**

THIS CAUSE came before the Court for evidentiary hearing on February 25, 2016, on  
Successor Trustee's Motion for Appointment of a Guardian Ad Litem to Represent the Interests of  
Eliot Bernstein's Children etc. (the "Motion"). The Court, having considered the record, heard  
argument of counsel 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 Shirley Bernstein Trust Agreement dated 5/20/2008 (the "Trust") are Simon Bernstein's "then living grandchildren." Under that ruling, Simon's children – including Eliot Bernstein – are not beneficiaries of the Trust. This Court entered a written order dated February 1, 2016, determining Eliot Bernstein lacks standing to participate in this proceeding and striking his individual filings.

2. Eliot Bernstein's three children are among the class of Trust beneficiaries. Eliot seeks to use his role as parent and natural guardian of three trust beneficiaries to give him standing to continue his involvement in this case. The primary issue now raised is whether Eliot Bernstein should be permitted to continuing representing the interests of his minor children, as their parent and natural guardian, in this Trust Proceeding.

3. ~~Despite his status as natural guardian, Eliot will not be permitted to do so, and The~~  Court will appoint a Guardian ad Litem, because there is a conflict of interest between the parent and the children, and because Eliot Bernstein has proven to be an inadequate representative of the best interests of his children.

4. First, as to the conflict, Eliot's position throughout the case and at trial was that he was a beneficiary of the Trust. He continued advancing that position after trial by prosecuting an appeal of the December 16, 2015 Final Judgment. Eliot's individual interests are in conflict with the interests of his children. Under Florida law, a court should appoint a guardian ad litem when a parent's interest conflicts with the interest of her or her minor child. *Mistretta v. Mistretta*, 566 So. 2d 836, 837-38 (Fla. 1st DCA 1990)(best interests of a minor are *not* fully protected when adverse to the interests of the parent); *Florida Nat. Bank & Trust Co. at Miami v. Blake*, 155 So. 2d 798 (Fla. 3d DCA 1963) (court should have appointed a guardian ad litem for minor child when it was

apparent that the interests of the minor conflicted with the interests of the mother and father); *Gilbertson v. Boggs*, 743 So. 2d 123 (Fla. 4th DCA 1999) (guardian ad litem should have been appointed ~~when~~ <sup>when</sup> the parents' interests were adverse to the minor child).

5. Second, Fla. Stat. 731.303(4) provides: "If the court determines that representation of the interest would otherwise be inadequate, the court may, at any time, appoint a guardian ad litem to represent the interests of ... a minor ..."<sup>1</sup> Based upon the evidence presented and the Court's observations at the trial in December 2015 and at the evidentiary hearing on February 25, 2016, and

*✓ 20* based upon the Court's review of various motions filed by Eliot Bernstein since the trial, it is apparent Eliot Bernstein is not an adequate representative of the best interests of his children. *In fact, his actions are adverse & destructive to the children's interest*

6. Eliot Bernstein states that his agenda includes ridding the court system of corruption among judges, lawyers and fiduciaries, regardless of the ~~cost~~ <sup>to</sup> 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,

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<sup>1</sup> In addition, under section 744.3025, the court *may* appoint a guardian ad litem to represent a minor's interest before approving a settlement of the minor's portion of any cause of action in which the gross settlement of the claim exceeds \$15,000 if the court believes a guardian ad litem is necessary to protect the minor's interest, and "shall appoint a guardian ad litem to represent the minor's interest before approving a settlement of the minor's claim in a case in which the gross settlement involving a minor equals or exceeds \$50,000." Here, it is likely that there will be a settlement at some point in which each of minors receives a substantial distribution, and it is likely Eliot will oppose any such settlement.

on behalf of his children, <sup>are</sup> ~~is~~ hereby stricken from the record, without prejudice to the rights of the Guardian Ad Litem to take whatever actions are deemed appropriate.

8. The parties shall attempt to mutually agree on a guardian ad litem. The Court will appoint whomever the parties agree upon within the next three business days. Eliot Bernstein may participate in such discussions. To the extent the parties, including Eliot Bernstein, are unable to agree on a guardian ad litem, ~~upon notice from the Trustee's counsel the Court shall randomly appoint a guardian ad litem for Ja.B., Jo.B. and D.B. or schedule a further hearing to appoint a suitable Guardian Ad Litem. with the Clerk with courtesy copy to the undersigned, no later than 10 days from this date.~~ <sup>each of the parties shall submit a list of three names of potential Guardian Ad Litem, each of whom has agreed to accept the appointment if selected. These lists shall be filed with the Clerk with courtesy copy to the undersigned, no later than 10 days from this date.</sup>

9. The Guardian Ad Litem will have full power and autonomy to represent the interests of the children of Eliot Bernstein, subject to the jurisdiction and review of this Court. The Guardian Ad Litem will be entitled to petition the Court for an award of attorneys' fees to be paid out of the gross proceeds of any recovery, distributions or inheritance to be received by Ja.B., Jo.B, and/or D.B.

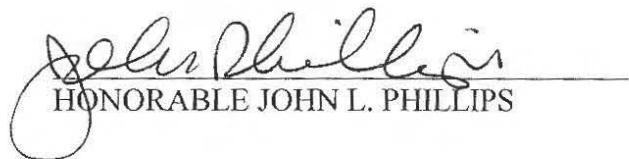
10. To protect the integrity and independence of the guardian, Eliot Bernstein and all persons acting in concert with him: (a) shall ~~not~~ <sup>not</sup> make no effort to contact, email or otherwise communicate with the Guardian Ad Litem except at the request of the Guardian Ad Litem; (b) shall make no statement of any kind about the guardian, nor post information about the guardian on the internet in any fashion; and (c) shall not in any way threaten or harass the guardian. This Court alone shall supervise the guardian, and all information concerning this guardianship shall be treated as private and confidential. Any violation of this order may subject the violator to severe sanctions for contempt of court. The Court will use the full measure of its coercive powers to ensure compliance with this Order.

*proposed*

\* Parties shall furnish an Order appointing G.A.L with the lists. The Court will act without further hearing on the appointment, if possible.

11. The Court reserves jurisdiction to enforce all terms of this Order, and to oversee the service of the guardian ad litem appointed.

DONE and ORDERED in Chambers, North County Courthouse on 3-1-16, 2016.

  
HONORABLE JOHN L. PHILLIPS

cc: Attached service list

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

Eliot Bernstein, individually  
and Eliot and Candice Bernstein,  
as Parents and Natural Guardians of  
D.B., Ja. B. and Jo. B, Minors  
2753 NW 34th Street  
Boca Raton, FL 33434  
(561) 245-8588 - Telephone  
(561) 886-7628 - Cell  
(561) 245-8644 - Facsimile  
Email: Eliot I. Bernstein ([iviewit@iviewit.tv](mailto:iviewit@iviewit.tv))

John P. Morrissey, Esq.  
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West Palm Beach, FL 33401  
(561) 833-0866 - Telephone  
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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)

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[service@ciklinlubitz.com](mailto:service@ciklinlubitz.com);  
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JOHN L. PHILLIPS  
CIRCUIT JUDGE  
NORTH COUNTY COURTHOUSE  
3188 PGA BOULEVARD  
PALM BEACH GARDENS, FL 33410



Eliot Bernstein and Candice Bernstein  
2753 NW 34<sup>th</sup> Street  
Boca Raton, FL 33434





EXHIBIT 2

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.; JILLIANTONI, 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.L.; 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.

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ORDER APPOINTING DIANA LEWIS AS GUARDIAN AD LITEM FOR  
ELIOT BERNSTEIN's CHILDREN, JO.B.; JA. B.; and D.B.

THIS CAUSE came before the Court at an evidentiary hearing held on February 25, 2016,  
on Successor Trustee's Motion for Appointment of a Guardian Ad Litem to Represent the Interests  
of Eliot Bernstein's Children etc. (the "Motion"). Having considered the Motion and the arguments  
of the parties, taken judicial notice of the matters requested in the Motion, and being otherwise duly  
advised in the premises, the Court entered an Order in this matter, and a companion order in Case  
No. 502014CP002815XXXXNB, granting motions to appoint a guardian ad litem for Eliot's

children, Jo.B., Ja.B. and D.B., and setting forth a protocol for selecting a guardian ad litem. Having received the parties' notices contemplated under the companion order, the Court hereby appoints a guardian ad litem as follows:

1. Diana Lewis is hereby appointed as the guardian ad litem for Jo.B., Ja.B. and D.B. in this case, with sole and exclusive authority to represent their interests in this case. The guardian ad litem shall be entitled to petition the Court for reasonable compensation for his/her services, to be paid out of the gross proceeds of any recovery, distributions or inheritance to be received by the Jo.B., Ja.B. and D.B. from the Shirley Bernstein Trust u/a/d May 20, 2008, as amended, the Simon Bernstein Trust, and/or the Estates of Simon or Shirley Bernstein.

2. The guardian ad litem shall file an acceptance of appointment with this Court, with a copy to the parties listed at the end of this Order, within 5 business of the date of this Order; otherwise, the parties shall notify the Court by letter that the appointment has not been accepted, in which case the Court will either appoint an alternate guardian ad litem without further hearing or hold an additional hearing to select an alternate guardian ad litem.

3. The guardian ad litem shall have sufficient time after his/her acceptance of this appointment to within which to prepare necessary court filings and prepare for mediation as ordered by the Court at a hearing held on March 7, in the related case of Estate of Simon Bernstein.

4. Trustee and the guardian ad litem shall confer in good faith regarding a resolution of this matter and/or a time frame within which to try any unresolved issues.

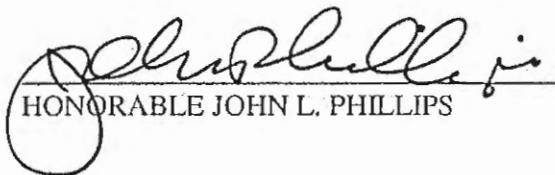
5. Pursuant to the Order dated March 1, 2016, the Guardian Ad Litem will have full power and autonomy to represent the interests of the children of Eliot Bernstein, subject to the jurisdiction and review of this Court. The Guardian Ad Litem will be entitled to petition the Court

for an award of attorneys' fees to be paid out of the gross proceeds of any recovery, distributions or inheritance to be received by Ja.B., Jo.B, and/or D.B.

6. To protect the integrity and independence of the guardian, Eliot Bernstein and all persons acting in concert with him: (a) shall not contact, email or otherwise communicate with the Guardian Ad Litem except at the request of the Guardian Ad Litem; and (b) shall not in any way threaten or harass the guardian. This Court alone shall supervise the guardian. Any violation of this order may subject the violator to severe sanctions for contempt of court. The Court will use the full measure of its coercive powers to ensure compliance with this Order.

7. The guardian ad litem shall notify this Court and Trustee of any actions taken by Eliot and/or Candice Bernstein which interfere with the guardian ad litem's duties hereunder.

DONE and ORDERED in Chambers, North County Courthouse on 4-4-, 2016.



HONORABLE JOHN L. PHILLIPS

cc: Attached service list

**SERVICE LIST** Case No.: 502014CP003698XXXXNBIH

Eliot Bernstein and Candice Bernstein,  
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and C.F., Minors; and Max Friedstein  
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children, and as natural guardian for J.I. a minor  
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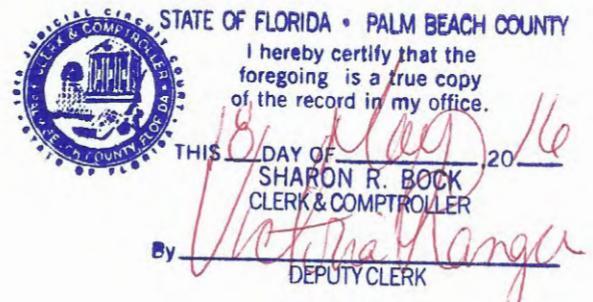


EXHIBIT 3

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

PROBATE DIVISION

CASE NO.: 502014CP002815XXXXNB (IH)

OPPENHEIMER TRUST COMPANY  
OF DELAWARE, in its capacity as  
Resigned Trustee of the Simon Bernstein  
Irrevocable Trusts created for the benefit  
of Joshua, Jake and Daniel Bernstein,

Petitioner,

vs.

ELIOT AND CANDICE BERNSTEIN,  
in their capacity as parents and natural  
guardians of JOSHUA, JAKE AND  
DANIEL BERNSTEIN, minors,

Respondents.

---

**ORDER APPOINTING GUARDIAN *AD LITEM* FOR MINORS,**  
**JOSHUA, JAKE AND DANIEL BERNSTEIN**

THIS CAUSE came before the Court at an evidentiary hearing held on February 25, 2016 upon the *Omnibus Motion (I) To Appoint A Guardian Ad Litem For The Minor Beneficiaries Of The "Grandchildren Trusts;" (II) To Hold Eliot And Candice Bernstein In Contempt Of Court For Their Continued Violation Of A Court Order And Repeated Statements Assaulting The Dignity Of The Court; And (III) To Establish A Schedule And Protocol For Accounting And Turnover Proceedings* (the “Motion”) filed by Petitioner, Oppenheimer Trust Company Of Delaware (“Oppenheimer”), in its capacity as the resigned trustee of three Irrevocable Trusts settled by Simon Bernstein on September 7, 2006 for the benefit of his grandchildren, minors, Joshua, Jake and Daniel Bernstein (the “Grandchildren Trusts”). Having considered the Motion

and the arguments of the parties, taken judicial notice of the matters requested in the Motion, and being otherwise duly advised in the premises, the Court rules as follows:

1. The sole beneficiaries of the Grandchildren Trusts, and the only real parties in interest in this litigation (other than Oppenheimer), are Joshua, Jake and Daniel Bernstein (the “Minor Beneficiaries”). Neither Eliot nor Candice Bernstein (the “Bernsteins”) were sued in their individual capacities by Oppenheimer, nor have they moved for, or been granted, permission to intervene in their individual capacities. They have been afforded standing in these proceedings, to date, solely as the parents and natural guardians of the Minor Beneficiaries.

2. The Bernsteins have been shown to have multiple conflicts of interest with the Minor Beneficiaries. For example, in their pleadings, they repeatedly allege that the trusts created for the Minor Beneficiaries’ benefit are fraudulent and that they, and not their children, are the true beneficiaries. *Counter-Complaint*, ¶¶ 44-50, 52-60, 65, 109-110, 186 and 253; *Objection to Oppenheimer Accountings*, pp. 1 and 20. In addition, the Bernsteins insist that their overarching goal in this litigation “is to bring about a change in the legal system in efforts to root out systemic corruption at the highest levels by a rogue group of criminals disguised as attorneys at law, judges, politicians and more.” *Counter-Complaint*, ¶ 212. No reasonable inference can be drawn that the Minor Beneficiaries have a similar interest or agenda, or that pursuing such an agenda at the risk of dissipating their own inheritance is in their best interest.

3. Eliot Bernstein also has a history of vexatious litigation and public disrespect for and disobedience to the judicial system and its officers, as detailed in Oppenheimer’s Motion. Eliot Bernstein was adjudicated a vexatious litigant by the United States District Court for the Southn Distreict of New York and enjoined from filing further specified claims in any court without its prior permission. Yet, Eliot Bernstein asserted those enjoined claims in his Counter-

Complaint in apparent violation of the injunction. The Bernsteins are in continued violation of a May 4, 2015 Order entered by Judge Martin Colin, which required compliance over nine months ago, and in recent filings with Florida appellate courts, the Bernsteins insist that all orders entered in this case “are void as a matter of law, and are of no legal force and effect.” *Petition for All Writs (dated January 29, 2016)*, ¶ 101. Further, the Bernsteins have repeatedly alleged that multiple judges have committed fraud in their official capacities in these proceedings and that all Florida judges have conflicts of interest which prohibit them from presiding over these proceedings. *Id.*, ¶ 106-107. All of the above, and certainly in combination, render the Bernsteins inappropriate and inadequate representatives for the Minor Beneficiaries in this litigation.

4. For the above reasons, the guardian *ad litem* appointed in Case No.: 502014CP003698XXXXNB shall be deemed appointed simultaneously as the guardian *ad litem* for the Minor Beneficiaries in this case, with sole and exclusive authority to represent the Minor Beneficiaries’ interests in this case. The guardian *ad litem* shall be entitled to petition for reasonable compensation for his/her services, to be paid out of the gross proceeds of any recovery, distributions or inheritance to be received by the Minor Beneficiaries from the Shirley Bernstein Trust u/a/d May 20, 2008, as amended, the Simon Bernstein Trust, and/or the Estates of Simon or Shirley Bernstein.

5. The Answer and Counter-Complaint filed by Eliot and Candice Bernstein (which they purport to file (i) “Individually, PRO SE;” (ii) “as the Natural Guardians of [the Minor Beneficiaries];” (iii) “as Guardians of the members of Bernstein Family Realty, LLC;” and (iii) “as beneficiaries of [sixteen (16) Trusts, two (2) Estates, and multiple] Corporate Entities set up by Simon and Shirley Bernstein”), and the “Objection to Final Accounting; Petition for Formal, Detailed Audited and Forensic Accounting and Document Production” (the “Objection”) filed by

Eliot and Candice Bernstein, "individually and on behalf of [their] minor children, who are alleged qualified beneficiaries of Settlor's Estate and Trusts," are hereby stricken.

6. The guardian *ad litem* shall have 45 days from his/her appointment within which to file a response to Oppenheimer's Petition and objections, if any, to Oppenheimer's accountings.

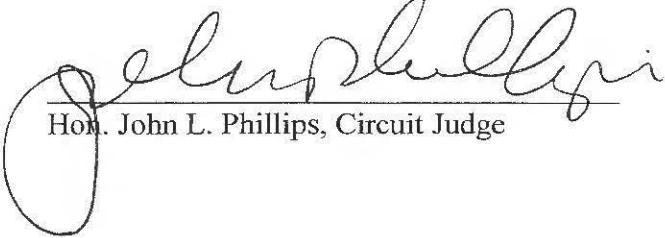
7. Oppenheimer and the guardian *ad litem* shall confer in good faith regarding a resolution of this matter and/or a timeframe within which to try any unresolved issues.

8. Neither Eliot nor Candice Bernstein shall take any action which interferes with the guardian *ad litem*'s duties.

9. *The pending Motion for Contempt as to Eliot and Candice Bernstein are also held to be in contempt of court for their willful violation of Judge Martin Colin's May 4, 2015 Order. The Court withholds coercive sanctions based upon the appointment of a guardian *ad litem* and striking of the Bernsteins' pleadings, which renders the Bernsteins' compliance moot.*

DONE AND ORDERED in Chambers, Palm Beach County, Florida on

3-1-, 2016.

  
Hon. John L. Phillips, Circuit Judge

Copies furnished to:

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Eliot and Candice Bernstein  
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Boca Raton, FL 33434

EXHIBIT 4

**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.

/

**NOTICE OF FILING AND OF SERVING NOTICE OF ACCEPTANCE**

Plaintiff, Ted S. Bernstein (the "Trustee"), as Successor Trustee of the Shirley Bernstein Trust Agreement dated May 20, 2008, as amended, hereby gives notice of filing the attached, *Notice of Acceptance of Appointment as Guardian Ad Litem for Jo.B., Ja.B., and D.B.* as requested by appointed Guardian Ad Litem, Diana Lewis.

## 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 7<sup>th</sup> day of April, 2016.

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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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Counsel for Molly Simon, Alexandra Bernstein,  
Eric Bernstein, Michael Bernstein

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children, and as natural guardian for M.F. and  
C.F., Minors; and Max Friedstein  
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children, and as natural guardian for J.I. a minor  
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IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICAL CIRCUIT IN AND FOR  
PALM BEACH COUNTY, FLORIDA

TED BERNSTEIN, as Trustee  
Of the Shirley Bernstein Trust Agreement  
Dated May 20, 2008, as amended.

Plaintiff,

v.

Probate Division  
Case No.:2014CP003698 (IH)

ALEXANDRA BERNSTEIN; ERIC BERNSTEIN;  
MICHAEL BERNSTEIN; MOLLY SIMO;  
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 of 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  
Friedman and C.F., under the Simon L.  
Bernstein Trust Dtd 9/13/12, and on  
bealf of her minor child, C.F.,

Defendants.

---

**NOTICE OF ACCEPTANCE OF APPOINTMENT AS GUARDIAN AD LITEM FOR  
Jo.B., Ja.B. AND D.B. IN THE ABOVE STYLED CASE**

COMES NOW Diana Lewis and notifies the court of her  
**acceptance** of appointment as Guardian *ad litem* for Eliot  
Bernstein's minor children, Jo.B., Ja.B. and D.B. pursuant to  
this court's order dated April 4, 2016, and the terms and  
conditions set forth therein.

Page Two

Case no.: 2014CP003698 (IH)

**CERTIFICATE OF SERVICE**

I CERTIFY that a true and correct copy of the foregoing has been furnished to the parties by E-mail Electronic Transmission on the attached Service List for Case No.: 2014CP003698 (IH) this 7<sup>th</sup> day of April, 2016.

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By: /s/ Diana Lewis  
Diana Lewis (Fla. Bar No. 351350)  
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**SERVICE LIST** Case No.: 502014CP003698XXXXNBIH

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Counsel for Molly Simon, Alexandra Bernstein,  
Eric Bernstein, Michael Bernstein

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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)

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

OPPENHEIMER TRUST COMPANY OF  
DELAWARE, in its Capacity As Resigned  
Trustee of the Simon Bernstein Irrevocable Trusts  
Created for the Benefit of Jo. B., Ja. B., and D.B.,  
Minors

Probate Division  
Case No.: 502014CP002815XXXXSB(IY)

Petitioner,

v.

ELIOT AND CANDICE BERNSTEIN, in their  
Capacity as Parents and Natural Guardians of Jo. B.,  
Ja. B., and D.B., Minors

Respondents.

/

**NOTICE OF FILING AND OF SERVING NOTICE OF ACCEPTANCE**

Ted S. Bernstein (the "Trustee"), as Successor Trustee of the Shirley Bernstein Trust  
Agreement dated May 20, 2008, as amended, hereby gives notice of filing the attached, *Notice of  
Acceptance of Appointment as Guardian Ad Litem for Jo.B., Ja.B., and D.B.* as requested by  
appointed Guardian Ad Litem, Diana Lewis.

**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 7<sup>th</sup> day of April, 2016.

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

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

OPPENHEIMER TRUST COMPANY OF DELAWARE,  
in its capacity as Resigned Trustee of  
the Simon Bernstein Irrevocable Trusts  
created for the benefit of Joshua, Jake  
and Daniel Bernstein,

Petitioner,

vs.

Probate Division  
Case No.:2014CP002815 (IH)

ELIOT AND CANDICE BERNSTEIN,  
in their capacity as parents and  
natural guardians of JOSHUA, JAKE  
AND DANIEL BERNSTEIN, minors,

Respondents.

/

---

**NOTICE OF ACCEPTANCE OF APPOINTMENT AS GUARDIAN AD LITEM FOR  
JOSHUA, JAKE AND DANIEL BERNSTEIN IN THE ABOVE STYLED CASE**

COMES NOW Diana Lewis and notifies the court of her  
**acceptance** of appointment as Guardian *ad litem* for JOSHUA, JAKE  
and DANIEL BERNSTEIN (the "Minor Beneficiaries") pursuant to  
this court's order dated April 4, 2016.

**CERTIFICATE OF SERVICE**

I CERTIFY that a true and correct copy of the foregoing has  
been furnished to the parties by E-mail Electronic Transmission  
on the attached Service List for Case No.: 2014CP002815 (IH)  
this 7<sup>th</sup> day of April, 2016.

ADR & MEDIATIONS SERVICES, LLC  
Diana Lewis  
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By: /s/ Diana Lewis  
(Fla. Bar No. 351350)

Page Two

**SERVICE LIST Case No.: 2014CP002815**

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Eliot and Candice Bernstein  
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