

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 IH
HON. ROSEMARIE SCHER
LC NO. 502014CP003698XXXXNB

Plaintiff(s)

v.

ALEXANDRA BERNSTEIN; ET AL.

Defendant(s).

/

NOTICE OF APPEAL

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
RETIRED Senior Judge John Frusciante sitting in for Judge Rosemarie Scher in

the Probate Division dated April 27, 2018 titled “ORDER ON MOTION TO APPROVE MEDIATION SETTLEMENT AGREEMENT WITH TESCHER & SPALLINA, P.A. [D.E. 2451” (EXHIBIT 1) and hereby appeals from each and every part of said Order.

Dated: May 26, 2018

/s/Eliot Ivan Bernstein
Eliot Ivan Bernstein
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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 26th day of May, 2018.

By: /s/ Eliot Ivan Bernstein
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| <p>Joseph M. Leccese Chairman Proskauer Rose LLP</p> | <p>Brian Moynihan Chairman of the Board and Chief Executive Officer 100 N Tryon St #170, Charlotte, NC 28202</p> |

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EXHIBIT 1 – ORDER * 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,

CASE NUMBER: 2014CP003698

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 Dated September 13, 2012; ELIOT BERNSTEIN, Individually, As Trustee f/b/o D.B., Ja. B. and Jo. B. Under the Simon L. Bernstein Trust Dated September 13, 2012, 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 Dated September 13, 2012, 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 Dated September 13, 2012, and on Behalf of Her Minor Child, C.F.,

Defendants.

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**ORDER ON MOTION TO APPROVE MEDIATION SETTLEMENT AGREEMENT
WITH TESCHER & SPALLINA, P.A. [D.E. 245]**

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. 245) (the "Motion"). The Court, having reviewed the Motion and 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 the 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

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 have no effect on the claims, if any, of Joshua Bernstein individually. *Based on that carve-out, made on the record, the objection 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 Feusciante

for 
HONORABLE ROSEMARIE SCHER

cc: All parties on the attached service list

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.

SERVICE LIST Case No.: 502014CP003698XXXXNBIH

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IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
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Defendants.

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**ORDER ON MOTION TO APPROVE MEDIATION SETTLEMENT AGREEMENT
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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 have no effect on the claims, if any, of Joshua Bernstein individually. *Based on that carve-out, made on the record, the objection was withdrawn as moot.*

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

Senior Judge John Feusciante

for 
HONORABLE ROSEMARIE SCHER

cc: All parties on the attached service list

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.

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