

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  
2753 NW 34th St  
Boca Raton, FL 33434  
561-245-8588  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

**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**

Eliot Ivan Bernstein  
2753 NW 34th St.  
Boca Raton, FL 33434  
561-245-8588  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

**SERVICE LIST**

Alan B Rose	<a href="mailto:arose@mrachek-law.com">arose@mrachek-law.com</a>
	<a href="mailto:mchandler@mrachek-law.com">mchandler@mrachek-law.com</a>

	<a href="mailto:abourget@mrachek-law.com">abourget@mrachek-law.com</a>
John Morrissey, Esq.	<a href="mailto:john@jmorrisseylaw.com">john@jmorrisseylaw.com</a>
Lisa Friedstein	<a href="mailto:lisa.friedstein@gmail.com">lisa.friedstein@gmail.com</a>
Jill Iantoni	<a href="mailto:jilliantoni@gmail.com">jilliantoni@gmail.com</a>
Pamela Beth Simon	<a href="mailto:psimon@stpcorp.com">psimon@stpcorp.com</a>
Brian M. O'Connell, Esq.	<a href="mailto:boconnell@ciklinlubitz.com">boconnell@ciklinlubitz.com</a>
	<a href="mailto:service@ciklinlubitz.com">service@ciklinlubitz.com</a>
Joielle A. Foglietta	<a href="mailto:jfoglietta@ciklinlubitz.com">jfoglietta@ciklinlubitz.com</a>
	<a href="mailto:slobdell@ciklinlubitz.com">slobdell@ciklinlubitz.com</a>
	<a href="mailto:service@ciklinlubitz.com">service@ciklinlubitz.com</a>
Ashley Bourget	<a href="mailto:abourget@mrachek-law.com">abourget@mrachek-law.com</a>
Diana Lewis	<a href="mailto:dzlewis@aol.com">dzlewis@aol.com</a>
Amber McMichael	<a href="mailto:tamara@matrixmediation.com">tamara@matrixmediation.com</a>
Eliot Ivan Bernstein	<a href="mailto:iviewit@iviewit.tv">iviewit@iviewit.tv</a>
	<a href="mailto:iviewit@gmail.com">iviewit@gmail.com</a>
	<a href="mailto:tourcandy@gmail.com">tourcandy@gmail.com</a>
Paul D Turner	<a href="mailto:pturner@pbyalaw.com">pturner@pbyalaw.com</a>
	<a href="mailto:eserviceftl@pbyalaw.com">eserviceftl@pbyalaw.com</a>
	<a href="mailto:eservicemia@pbyalaw.com">eservicemia@pbyalaw.com</a>
Peter M. Feaman	<a href="mailto:service@feamanlaw.com">service@feamanlaw.com</a>
	<a href="mailto:mkoskey@feamanlaw.com">mkoskey@feamanlaw.com</a>
Rodney G Romano	<a href="mailto:rodney@matrixmediation.com">rodney@matrixmediation.com</a>

<p>John P. Morrissey, Esq.  330 Clematis Street, Suite 213  West Palm Beach, FL 33401  (561) 833-0766-Telephone  (561) 833-0867 -Facsimile  Email: John P. Morrissey  (<a href="mailto:iohn@jrnolTisseylaw.com">iohn@jrnolTisseylaw.com</a>)</p>	<p>Lisa Friedstein  2142 Churchill Lane Highland Park, IL 60035  <a href="mailto:lisa@friedsteins.com">lisa@friedsteins.com</a></p>
<p>Peter M. Feaman, Esq.  Peter M. Feaman, P.A.  3695 West Boynton Beach Blvd., Suite 9  Boynton Beach, FL 33436  (561) 734-5552 -Telephone  (561) 734-5554 -Facsimile  Email: <a href="mailto:service@feamanlaw.com">service@feamanlaw.com</a>:  <a href="mailto:mkoskey@feamanlaw.com">mkoskey@feamanlaw.com</a></p>	<p>Jill Iantoni  2101 Magnolia Lane Highland Park, IL 60035  <a href="mailto:jilliantoni@gmail.com">jilliantoni@gmail.com</a></p>

<p>Gary R. Shendell, Esq. Kenneth S. Pollock, Esq. Shendell &amp; Pollock, P.L. 2700 N. Military Trail, Suite 150 Boca Raton, FL 33431 (561)241-2323 - Telephone (561)241-2330-Facsimile Email: gary@shendellpollock.com ken@shendellpollock.com estella@shendellpollock.com britt@shendellpollock.com grs@shendellpollock.com</p>	<p>Counter Defendant Robert Spallina, Esq. Donald Tescher, Esq. Tescher &amp; Spallina 925 South Federal Hwy., Suite 500 Boca Raton, Florida 33432</p>
<p>Brian M. O'Connell, Esq. Joielle A. Foglietta, Esq. Ciklin Lubitz Martens &amp; 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; ifoglietta@ciklinlubitz.com; service@ciklinlubitz.com; slobdell@ciklinliibitz.com</p>	<p>Counter Defendant John J. Pankauski, Esq. Pankauski Law Firm PLLC 120 South Olive Avenue 7th Floor West Palm Beach, FL 33401 courtfilings@pankauskilawfirm.com john@pankauskilawfirm.com</p>
<p>Counter Defendant Mark R. Manceri, Esq., and Mark R. Manceri, P.A., 2929 East Commercial Boulevard Suite 702 Fort Lauderdale, FL 33308 mrmlaw@comcast.net</p>	<p>Counter Defendant Donald Tescher, Esq., Tescher &amp; Spallina, P.A. Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 dtescher@tescherspallina.com</p>
<p>Theodore Stuart Bernstein 880 Berkeley Boca Raton, FL 33487 tbernstein@lifeinsuranceconcepts.com</p>	<p>Counter Defendant TESCHER &amp; SPALLINA, P.A.. Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 dtescher@tescherspallina.com</p>
<p>Theodore Stuart Bernstein Life Insurance Concepts, Inc. 950 Peninsula Corporate Circle Suite 3010 Boca Raton, FL 33487 tbernstein@lifeinsuranceconcepts.com</p>	<p>Counter Defendant Alan B. Rose, Esq. PAGE, MRACHEK, FITZGERALD, ROSE, KONOPKA, THOMAS &amp; WEISS, P.A. 505 South Flagler Drive, Suite 600 West Palm Beach, Florida 33401 561-355-6991 arose@pm-law.com arose@mrachek-law.com</p>
<p>Pamela Beth Simon 950 N. Michigan Avenue Apartment 2603 Chicago, IL 60611 psimon@stpcorp.com</p>	<p>Counter Defendant L. Louis Mrachek, Esq. PAGE, MRACHEK, FITZGERALD, ROSE, KONOPKA, THOMAS &amp; WEISS, P.A. 505 South Flagler Drive, Suite 600</p>

	West Palm Beach, Florida 33401 561-355-6991 lmrachek@mrachek-law.com
Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com	Counter Defendant Pankauski Law Firm PLLC 120 South Olive Avenue 7th Floor West Palm Beach, FL 33401
Lisa Sue Friedstein 2142 Churchill Lane Highland Park, IL 60035 lisa.friedstein@gmail.com lisa@friedsteins.com	Dennis McNamara Executive Vice President and General Counsel Oppenheimer & Co. Inc. Corporate Headquarters 125 Broad Street New York, NY 10004 800-221-5588 Dennis.mcnamara@opco.com info@opco.com
Dennis G. Bedley Chairman of the Board, Director and Chief Executive Officer Legacy Bank of Florida Glades Twin Plaza 2300 Glades Road Suite 120 West – Executive Office Boca Raton, FL 33431 info@legacybankfl.com DBedley@LegacyBankFL.com	Hunt Worth, Esq. President Oppenheimer Trust Company of Delaware 405 Silverside Road Wilmington, DE 19809 302-792-3500 hunt.worth@opco.com
James Dimon Chairman of the Board and Chief Executive Officer JP Morgan Chase & CO. 270 Park Ave. New York, NY 10017-2070 Jamie.dimon@jpmchase.com	Neil Wolfson President & Chief Executive Officer Wilmington Trust Company 1100 North Market Street Wilmington, DE 19890-0001 nwolfson@wilmingtontrust.com
William McCabe Oppenheimer & Co., Inc. 85 Broad St Fl 25 New York, NY 10004 William.McCabe@opco.com	STP Enterprises, Inc. 303 East Wacker Drive Suite 210 Chicago IL 60601-5210 psimon@stpcorp.com
Charles D. Rubin Managing Partner Gutter Chaves Josepher Rubin Forman Fleisher Miller PA Boca Corporate Center 2101 NW Corporate Blvd., Suite 107 Boca Raton, FL 33431-7343 crubin@floridatx.com	Ralph S. Janvey Krage & Janvey, L.L.P. Federal Court Appointed Receiver Stanford Financial Group 2100 Ross Ave, Dallas, TX 75201 rjanvey@kjllp.com
Kimberly Moran	Lindsay Baxley aka Lindsay Giles

<p>Tescher &amp; Spallina, P.A. Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 k Moran@tescherspallina.com</p>	<p>Life Insurance Concepts 950 Peninsula Corporate Circle Suite 3010 Boca Raton, FL 33487 lindsay@lifeinsuranceconcepts.com</p>
<p>Gerald R. Lewin CBIZ MHM, LLC 1675 N Military Trail Fifth Floor Boca Raton, FL 33486</p>	<p>CBIZ MHM, LLC General Counsel 6480 Rockside Woods Blvd. South Suite 330 Cleveland, OH 44131 ATTN: General Counsel generalcounsel@cbiz.com (216)447-9000</p>
<p>Albert Gortz, Esq. Proskauer Rose LLP One Boca Place 2255 Glades Road Suite 421 Atrium Boca Raton, FL 33431-7360 agortz@proskauer.com</p>	<p>Heritage Union Life Insurance Company A member of WiltonRe Group of Companies 187 Danbury Road Wilton, CT 06897 cstroup@wiltonre.com</p>
<p>Estate of Simon Bernstein Brian M O'Connell Pa 515 N Flagler Drive West Palm Beach, FL 33401 boconnell@ciklinlubitz.com</p>	<p>Counter Defendant Steven Lessne, Esq. Gray Robinson, PA 225 NE Mizner Blvd #500 Boca Raton, FL 33432 steven.lessne@gray-robinson.com</p>
<p>Byrd F. "Biff" Marshall, Jr. President &amp; Managing Director Gray Robinson, PA 225 NE Mizner Blvd #500 Boca Raton, FL 33432 biff.marshall@gray-robinson.com</p>	<p>Steven A. Lessne, Esq. Gunster, Yoakley &amp; Stewart, P.A. 777 South Flagler Drive, Suite 500 East West Palm Beach, FL 33401 Telephone: (561) 650-0545 Facsimile: (561) 655-5677 E-Mail Designations: slessne@gunster.com jhoppel@gunster.com eservice@gunster.com</p>
<p>T&amp;S Registered Agents, LLC Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 dtescher@tescherspallina.com</p>	<p>David Lanciotti Executive VP and General Counsel LaSalle National Trust NA CHICAGO TITLE LAND TRUST COMPANY, as Successor 10 South LaSalle Street Suite 2750 Chicago, IL 60603 David.Lanciotti@ctt.com</p>
<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>

Eleven Times Square  
New York, NY 10036  
jleccese@proskauer.com

Phone:(980) 335-3561

**EXHIBIT 1 – ORDER \* 2**



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**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.

\_\_\_\_\_/

**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.<sup>1</sup>

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

<sup>1</sup> 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**

Diana Lewis, Esq.  
ADA & Mediations Services, LLC  
2765 Tecumseh Drive  
West Palm Beach, FL 33409  
(561) 758-3017 - Telephone  
Email: [dzlewis@aol.com](mailto:dzlewis@aol.com)  
Guardian *Ad Litem* for  
Eliot Bernstein's minor children,  
Jo.B., Ja.B., and D.B.

John P. Morrissey, Esq.  
330 Clematis Street, Suite 213  
West Palm Beach, FL 33401  
(561) 833-0866 - Telephone  
(561) 833-0867 - Facsimile  
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)

Alan Rose, Esq.  
Mrachek Fitzgerald Rose  
Konopka Thomas & Weiss, P.A.  
505 S Flagler Drive, Suite 600  
West Palm Beach, FL 33401  
(561) 655-2250 - Telephone  
(561) 655-5537 - Facsimile  
Email: [arose@mrachek-law.com](mailto:arose@mrachek-law.com)  
[mchandler@mrachek-law.com](mailto:mchandler@mrachek-law.com)

Pamela Beth Simon  
303 E. Wacker Drive, Suite 2725  
Chicago, IL 60601  
Email: [psimon@stpcorp.com](mailto:psimon@stpcorp.com)

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](mailto:boconnell@ciklinlubitz.com);  
[jfoglietta@ciklinlubitz.com](mailto:jfoglietta@ciklinlubitz.com);  
[service@ciklinlubitz.com](mailto:service@ciklinlubitz.com);  
[slobdell@ciklinlubitz.com](mailto:slobdell@ciklinlubitz.com)

Eliot Bernstein  
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))

✓

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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.

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

  
HONORABLE ROSEMARIE SCHER

cc: All parties on the attached service list

<sup>1</sup> 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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Diana Lewis, Esq.  
ADA & Mediations Services, LLC  
2765 Tecumseh Drive  
West Palm Beach, FL 33409  
(561) 758-3017 - Telephone  
Email: [dzlewis@aol.com](mailto:dzlewis@aol.com)  
Guardian *Ad Litem* for  
Eliot Bernstein's minor children,  
Jo.B., Ja.B., and D.B.

John P. Morrissey, Esq.  
330 Clematis Street, Suite 213  
West Palm Beach, FL 33401  
(561) 833-0866 - Telephone  
(561) 833-0867 - Facsimile  
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)

Alan Rose, Esq.  
Mrachek Fitzgerald Rose  
Konopka Thomas & Weiss, P.A.  
505 S Flagler Drive, Suite 600  
West Palm Beach, FL 33401  
(561) 655-2250 - Telephone  
(561) 655-5537 - Facsimile  
Email: [arose@mrachek-law.com](mailto:arose@mrachek-law.com)  
[mchandler@mrachek-law.com](mailto:mchandler@mrachek-law.com)

Pamela Beth Simon  
303 E. Wacker Drive, Suite 2725  
Chicago, IL 60601  
Email: [psimon@stpcorp.com](mailto:psimon@stpcorp.com)

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](mailto:boconnell@ciklinlubitz.com);  
[jfoglietta@ciklinlubitz.com](mailto:jfoglietta@ciklinlubitz.com);  
[service@ciklinlubitz.com](mailto:service@ciklinlubitz.com);  
[slobdell@ciklinlubitz.com](mailto:slobdell@ciklinlubitz.com)

Eliot Bernstein  
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))