

Eliot Ivan Bernstein

From: Eliot Ivan Bernstein <iviewit@iviewit.tv>
Sent: Thursday, August 9, 2018 3:37 PM
To: John L. Prieschl J.D. ~ Professional Compliance Bureau @ Palm Beach County Sheriff
Cc: 'Skender Hoti'; 'Skender Hoti aka Kenneth Obatson'; 'Andrew Dietz @ Rock-It Cargo USA, Inc.'; Barbara Stone; Barbara Stone Gmail; 'CANDICE BERNSTEIN'; Candice Schwager; Candice Schwager; 'Caroline Prochotska Rogers Esq.'; Crystal L Cox; 'Eliot I. Bernstein'; Frank Brady aka Kevin McKeown @ Expose Corrupt Courts; iviewit@gmail.com; JoAnne M. Denison Esq.; 'Michele M. Mulrooney ~ Partner @ Venable LLP'
Subject: Follow Up - Eliot Bernstein and Skender Hoti Complaints with PBSO and Request for meeting
Attachments: EXHIBIT 1 - 20170711 CLEAN COPY FINAL SIGNED Joshua Bernstein Cease and Desist Diana Lewis re Guardian Ad Litem.pdf; EXHIBIT 2 - 20170711 CLEAN COPY FINAL SIGNED Jacob Bernstein Cease and Desist Diana Lewis re Guardian Ad Litem.pdf; EXHIBIT 3 - 20180205 Joshua Objection to Tescher and Spallina Settlement.pdf; EXHIBIT 4 - Certificate Of Completion_Compliance.pdf

Dear Major John L. Prieschl J. D.,

In furtherance of my email sent Wednesday July 18, 2018 @ 9:15 PM on behalf of Skender Hoti and myself, I write today to inform you of the continuing and ongoing Kidnapping of my two sons' legal rights and other crimes being committed against them. Attached as Exhibits 1 & 2 are two Cease and Desist letters written by my sons Joshua and Jacob and sent to a Guardian Ad Litem for minors acting on their behalf. The GAL is a one former defrocked judge Diana Lewis of Palm Beach County. The letters directly demand Lewis to stop acting in any capacity as a GAL for minors on their behalf, as they are adults and she has no legal guardianship for an adult over them. In fact as evidenced in the letters, in my son Joshua's case, he was not a minor when the GAL for minors was placed on him by a misguided Judge John L. Phillips who then took early retirement after holding sham hearings to gain the illegal guardianship and no proper legal guardianship proceedings for an adult were ever had for Joshua. In my son Jacob's case, he has not been a minor since January 01, 2017 and yet Lewis continues to act on his behalf in legal matters. Her actions illegally on their behalf include, but are not limited to, attending legal proceedings on their behalf, destroying trusts in their names, destroying an LLC in their names and entering into settlements on their behalf.

However, despite repeated requests for Lewis to Cease and Desist she remains acting in conspire with others to deprive both of my sons' legal rights in multiple ongoing legal matters. In fact a Motion that was filed in the court on Joshua's behalf by his attorneys at law, Perlman, Bajandas, Yevoli & Albright, P.L., see attached Exhibit 3, explains Lewis' lack of legal authority as a guardian. The legal filing clearly indicates that Joshua's legal rights to property and fair and impartial due process are being illegally interfered with through this simulated legal process and legal abuse through exploitation of a fraudulent GAL Order. Additional evidence of theft from my sons through a fraudulent billing scheme is contained in Exhibit 4, which is a civil court filing by Lewis' co-conspirator, attorney Alan B. Rose, filed in the 15th Judicial Circuit Court with Judge Rosemarie Scher on August 06, 2018, which further shows that they are attempting to fraudulently take monies from Joshua and Jacob for services done by Diana Lewis at times when she had absolutely no legal guardianship over them to bill for. Judge Rosemarie Scher, who replaced Judge Martin Colin who recused himself from my family's cases one day after he denied a mandatory disqualification of himself which alleged a mass of state and federal, criminal and civil, violations of statutes, is also alleged with former Judge John L. Phillips to have knowingly participated in this simulated legal process scheme, acting outside the color of law to deprive my children their legal rights. The exhibits contained herein and in my prior email to you provide the Palm Beach County Sheriff with additional ample Prima Facie evidence of criminal acts that mandate formal investigation and reinvestigation of prior

complaints and this time by investigators who are prescreened for conflicts with these matters, especially where on information and belief, Diana Lewis has a brother who was a senior ranking PBSO IA officer and Judge Colin was already discovered interfering with PBSO investigators to shut down my prior cases, which then had to be reopened by IA.

Both Skender Hoti and I have made repeated attempts to get the original crimes committed against us and the new and ongoing crimes, which allege the murder of several persons, including President Donald Trump's motivational speaker, a one Mitchell Huhem, who was possibly murdered in my parents' home, investigated by PBSO without prejudice and interference. We are hoping that you will be able to achieve this fair and impartial due process of our criminal complaints filed with your offices, where we can present new evidence of the ongoing crimes as well. We suggest due to the complex Public Office Corruption case this represents, involving many judges and lawyers operating in various Florida state courts who are exposed in our complaints that PBSO consider calling in a Federal Monitor to oversight the investigative process going forward. This oversight would ensure that no further mishandling or interference of our complaints occur, especially where members of PBSO may also be involved as alleged. We would like to have a meeting with you in the second week of September so if you can please respond with a few dates we can get back to you with what works for us.

Eliot I. Bernstein

Inventor, really cool shit that changed your world!

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From the Desk of :

Joshua Ennio Zander Bernstein

2753 NW 34th Street, Boca Raton, FL 33434

July 11, 2017

ADR & MEDIATIONS SERVICES, LLC

Diana Lewis

2765 Tecumseh Drive

West Palm Beach, FL 33409

(561) 758-3017 Telephone

dzlewis@aol.com

(Fla. Bar No. 351350)

RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD LITEM OF JOSHUA BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF

Attention Diana Lewis, Esq.,

My name is Joshua Ennio Zander Bernstein and it has come to my attention that you are an attorney and former Judge in Palm Beach County and Officer of the Court, allegedly acting as Guardian Ad Litem for me since since April 07, 2016 allegedly as a “minor child” of Eliot Ivan Bernstein and Candice Michelle Bernstein.

I make this voluntary request for you to now Cease and Desist all actions allegedly as my Guardian Ad Litem, turn over all records, discovery and information obtained in the course of your actions as my alleged Guardian and correct any and all frauds in all Courts or elsewhere impacted by this illegal Guardianship, including but not limited to, the Estate and Trust cases of my deceased grandparents, Simon and Shirley Bernstein.

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As I show in this letter, at all times relevant in these Estate and Trust cases both Ted Bernstein who is my uncle, his lawyer Alan Rose, lawyer Steven Lessne and yourself have all had actual knowledge that I was over the age of 18 before this Guardianship via a Guardian Ad Litem for minors was ever established and thus was never a "Minor". Therefore, since I was over the age of 18 years at the time of the "Guardianship" this could only occur after a "competency hearing" which of course has never occurred and you, Ted Bernstein, Alan Rose, Brian O'Connell and Steven Lessne have at all times had actual knowledge of these facts and the illegality of the Guardianship which appears to have been used as a predatory weapon against my family to interfere in proper rights of Inheritance and to cover up frauds in the cases.

Further, all of you actually know and have known that no "competency hearing" was ever held against me nor have I ever been provided ANY Due Process Notice or been served to appear in any proceeding or have an Opportunity to be heard at any of the relevant proceedings to date.

What is even more egregious about your conduct as a former Judge and done as an "Officer of the Court" is that you not only have continued in your actions as alleged Guardian in this illegal Guardianship despite being specifically advised that I was over the age of 18 years prior to the Guardianship itself, but have even gone as far as to give alleged "Consents" on my behalf to various actions by Ted Bernstein and Alan Rose and entered into "Settlements" on my behalf again giving "Consent" all without my knowledge, without my Consent and without any Notice of Opportunity to be heard provided to myself. In fact, as you actually know, you and I have never even spoken to one another.

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I have come to learn that under Federal law under Title 18 USC Sec.242 it is a Federal Criminal Offense for Civil Rights Violations for 2 or more persons to conspire to Violate my US Constitutional rights, which have been violated by your actions in this case together in common with Attorney Alan Rose and Steven Lessne, Fiduciary Ted Bernstein and with the compliance and acquiescence of attorney Brian O'Connell as current Personal Representative of my grandfather Simon's Estate.

Please take notice that I have copied the US Dept of Justice Civil Rights Division head Tom Wheeler and offices of the FBI and US Attorney on this request.

I have further learned the following from the US Dept. of Justice Website:

“Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

For the purpose of Section 242, acts under "color of law" **include acts not only done by federal, state, or local officials within the their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include police officers, prisons guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim.**

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The offense is punishable by a range of imprisonment up to a life term, or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.” See,

<https://www.justice.gov/crt/deprivation-rights-under-color-law>.

Ted Bernstein, who is my uncle by blood. and his attorney Alan Rose have at all times known my Birthdate particularly in relation to exorbitant and fraudulent legal Fees billed after the passing of my grandfather Simon Bernstein and the refusal to release my car Registration to me, which had been a birthday gift to me from my Grandfather only days before he passed that Ted and others tried to claim was an asset of the Estate of my grandfather. My birthdate was specifically raised in those proceedings and the Guardian Ad Litem proceedings and thus, these parties at all times knew that I was not a “minor” at the time the predatory Guardian Ad Litem was approved.

You apparently accepted Guardian Ad Litem over me as a “minor”, however, I have been Sui Juris since my 18th birthday on August 27, 2015 having been born on August 27, 1997.

Having been over the age of 18 years and thus not a “minor” under Florida law as of August 27, 2015, the Petitions filed on January 04, 2016 in the Shirley Trust case and January 07, 2017 in the Oppenheimer case and the Orders appointing you as Guardian Ad Litem on March 01, 2016 in the Shirley Trust case and March 03, 2016 in the Oppenheimer case, and your Acceptance of the appointments in both cases on April 07, 2016 all were done illegally and with knowledge that I was Sui Juris at the time and therefore every action taken on my behalf through the Guardian Ad Litem must now be corrected to reflect your lack of proper and legal jurisdiction over me.

I have never spoken with you, met with you, granted you any authority over me and in any way enabled or allowed your acting in any capacity and in any matter on my behalf as an adult. This is a Cease and Desist demand to stop all further illegal acts on my behalf.

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On March 01, 2016, while I was Sui Juris, 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.

_____ /

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

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“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 Natl. 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 child(s)**).” **[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]**

On April 04, 2016, while I was Sui Juris, 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, while I was Sui Juris, 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,

RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD LITEM OF JOSHUA BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF

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 "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. [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 Bernsteins inappropriate and inadequate representatives for the **Minor Beneficiaries** in this litigation. [emphasis added]

On April 07, 2016, while I was Sui Juris, 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;

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“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, while I was Sui Juris, 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]

I am unaware of any Guardian Ad Litem 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 me to make any representations or take any actions on my behalf in those cases.

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 and only for MINOR CHILDREN.

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As you can see from my birthday listed above I turned 18 on August 27, 2015 and AT NO TIME IN THESE PROCEEDINGS WAS I A MINOR AND I 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 me while I was an Adult by falsely pleading to the Court that I was a Minor and I have been advised that this guardianship is in violation of Florida Criminal and Civil Statutes and perhaps Federal law.

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/gurardianship_rev1-07.pdf

No adult Guardianship proceedings under The 2016 Florida Statutes - Title XLIII - DOMESTIC RELATIONS GUARDIANSHIP Chapter 744 took place for me as legally required as I was an adult at the time guardianship was sought for and gained over me and no capacity hearing was held at any time. As you can see from the Pleadings and Orders submitted in the case and outlined herein the Guardian Ad Litem was ILLEGALLY gained over me while an adult and I

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was misrepresented to the Court as a minor by Officers of the Court, Alan B. Rose, Esq. and Steven Lessne, Esq. and Fiduciary of the Estates and Trusts of my grandparents Simon and Shirley Bernstein, my uncle Ted Bernstein. I have been made aware that my uncle Ted and all other parties knew at the time my legal age and that I was Sui Juris.

Therefore, due to your lack of legal authority over me despite any Court Orders gained through simulated legal process, immediately;

1. **CEASE AND DESIST** from any further representations of myself, Joshua Bernstein, in any proceedings, settlements or other matters involving me.
2. **NOTIFY** the Florida Court that ALL OF YOUR PRIOR REPRESENTATIONS AND ACTS ON BEHALF OF JOSHUA BERNSTEIN are and always have been improper and illegal and cease and desist this KNOWINGLY, GROSS, WILLFUL, WANTON and RECKLESS criminal violation of your fiduciary duties as a Guardian Ad Litem .
3. **WITHDRAW** any and all Consent you have given in any matters relating to Joshua Bernstein.
4. **FILE** immediately within or without the final report the fact that I, 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 onset of your legal representations on my behalf, receive discharge and turn over all records and properties regarding the guardianships as required.
5. **MAKE NO** further appearances in Court on my behalf or state in any pleadings consent on my behalf or take any any action whatsoever on my behalf claiming that you are a acting as Guardian Ad Litem for me.

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6. **NOTIFY ALAN ROSE AND STEVEN LESSNE** to similarly take all actions to remove and strike all pleadings, orders, settlements, etc. in any court cases made on my behalf as a minor and cease and desist any further acts on my behalf.
7. **NOTIFY ALL COURTS** affected by your actions that you have never had proper guardianship for me as an adult.
8. **NOTIFY ALL COURTS** that you have made improper representations in pleadings and hearings in the Simon and Shirley Bernstein Estate cases and the Oppenheimer cases where you have never been granted a legal guardianship over me. The Courts to be notified and cases related to your actions that have been affected by the misconduct shall include but not be limited to,
 - a. The Florida Probate Court – HONORABLE Judge Rosemarie Scher, cases:
 - i. Case # 502012CP004391XXXXSB – Simon Bernstein Estate
 - ii. Case # 502015CP001162XXXXNB – Simon Bernstein Trust to Remove Ted Bernstein
 1. OLD CASE # Was Civil but Colin transferred to Probate ? 502014CA014637XXXXMB
 - iii. Case # 502011CP000653XXXXSB – Shirley Bernstein Estate
 - iv. Case # 502014CP003698XXXXNB – Shirley Trust Construction
 - v. Case # 502014CP002815XXXXSB – Oppenheimer v. Bernstein Minor Children
 - vi. Case # 502015CP002717XXXX Colin Closed and transferred to Coates Eliot Bernstein v. Simon Estate Case for Claims
 - vii. Case # 502014CA014637XXXXMB BERNSTEIN, ELIOT I VS BERNSTEIN, THEODORE S
 - viii. Case # 50-2010-CP-003128-XXXX-SB – Joshua Bernstein alleged 2010 Trust Case Colin
 - ix. Case # 50-2010-CP-003125-XXXX-SB – Jacob Jake Bernstein alleged 2010 Trust Case Colin
 - x. Case # 50-2010-CP-003123-XXXX-SB– Daniel Danny Bernstein alleged 2010 Trust Case Colin

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LITEM OF JOSHUA BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF**

b. The Florida 15th Judicial Civil Circuit Court and HONORABLE JUDGE

Cymonie Rowe, case:

i. Case # 502012CA013933XXXXMB William E. Stansbury v. Ted S. Bernstein et al. -

c. The Florida 4th 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.

- i. Case 15-3849 ELIOT BERNSTEIN ESTATE OF SIMON BERNSTEIN
- ii. Case 16-1449 ELIOT IVAN BERNSTEIN OPPENHEIMER TRUST CO. OF DELAWARE, ET AL.
- iii. Case 16-1476 ELIOT IVAN BERNSTEIN OPPENHEIMER TRUST CO. OF DELAWARE, ET AL.
- iv. Case 16-2249 ELIOT IVAN BERNSTEIN OPPENHEIMER TRUST CO. OF DELAWARE, ET AL.
- v. Case 16-0222 ELIOT IVAN BERNSTEIN TED BERNSTEIN, AS TRUSTEE, ET AL.
- vi. Case 16-1478 ELIOT IVAN BERNSTEIN TED BERNSTEIN, AS TRUSTEE, ETC., ET AL.
- vii. Case 16-3314 ELIOT IVAN BERNSTEIN TED BERNSTEIN, AS TRUSTEE, ETC., ET AL.
- viii. Case 16-0064 ELIOT IVAN BERNSTEIN TED BERNSTEIN, AS TRUSTEE. ET AL.
- ix. Case 16-3162 ELIOT IVAN BERNSTEIN WILLIAM E. STANSBURY, et al.
- x. Case 16-4120 ELIOT IVAN BERNSTEIN WILLIAM E. STANSBURY, et al.

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- d. 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.
 - i. SC16-29
 - e. 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.
 - i. Case # 13-cv-03643 - Federal Lawsuit in the US District Court of Eastern Illinois
 - f. 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.
 - i. Case No. 17-1461 APPEAL UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT
9. **TURN OVER** all of your professional and individual insurance policies and bonding information to me as claims against you individually and professionally and your firm, will be forthcoming for the massive damages caused to me from your breaches of fiduciary duties and other misconduct. Your firm appears as follows and I believe it was set up specifically for liability purposes for these matters with my family, immediately prior to your acceptance of Guardian Ad Litem for me:

ADR & MEDIATIONS SERVICES, LLC
Diana Lewis
2765 Tecumseh Drive

Page 13 of 22
July 11, 2017



RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD LITEM OF JOSHUA BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF

West Palm Beach, FL 33409
(561) 758-3017 Telephone
Email: dzlewis@aol.com
By: /s/ Diana Lewis
(Fla. Bar No. 351350)

10. **TURN OVER** all records, documents, emails, faxes, information of any kind regarding me obtained by and during these illegal actions to my attention at my permanent address of, 2753 NW 34th Street, Boca Raton, FL 33434.

I have been notified that on repeated occasions over the past year my father and mother Eliot and Candice Bernstein have notified you directly of my Sui Juris status and you have refused to take any actions to end the improper Guardian Ad Litem and continue to make representations, agreements and settlements on my behalf and hopefully this notice will cause you to **IMMEDIATELY CEASE AND DESIST THIS ILLEGAL CONDUCT.**

I have also been made aware that my father and mother, Eliot and Candice Bernstein have notified state and federal authorities of your misconduct on my behalf, including but not limited to acts such as,

1. Dissolving various Trusts in my name set up by my grandparents,
2. Dissolving Bernstein Family Realty, LLC, set up by my grandparents of which I am a 33% owner,
3. Making appearances in various court and legal proceedings illegally on my behalf,
4. Consenting to various legal agreements illegally on my behalf,
5. Consenting to various settlements illegally on my behalf.

I have learned that in Case # 502014CP003698XXXXNB – Shirley Bernstein Trust in the Fifteenth Judicial Probate Court you are acting under an alleged Trust created in my name that I

RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD LITEM OF JOSHUA BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF

was sued as a defendant under with my father, Eliot Bernstein, as Trustee and where I have never received formal notice of any such trust, nor do I believe my parents or any other party, including the courts have received, although I am a beneficiary allegedly under this trust. The Trust I am sued under is titled,

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.

Please provide a copy of the “**Simon L. Bernstein Trust Dtd 9/13/12**” and any subtrusts held thereunder in my name supposedly created on 9/13/12 the date of my grandfather’s death. If you are in possession of any such trust or subtrust OR ANY OTHER TRUST in my name, please instantly turn over all records regarding this legal entity I have been sued under and that you are acting illegally as a Guardian Ad Litem over my person in such legal action under such trust.

I have done preliminary research into your name online since learning of this predatory Guardian Ad Litem placed knowingly upon me as an adult and have learned that you are a FORMER Judge and no longer a Florida Registered Judge who has lost her judgeship to Jennifer Ticktin since on or about 2014^{1 2 3} where I learned from the attached articles, “But Ticktin, a 35-year-old

¹ “Ugly PBC judicial campaign pits Diana Lewis and Jessica Ticktin” By Jane Musgrave - Palm Beach Post Staff Writer

Updated: 12:41 p.m. Friday, August 08, 2014 | Posted: 7:00 a.m. Friday, August 08, 2014

<http://www.mypalmbeachpost.com/news/local-govt--politics/ugly-pbc-judicial-campaign-pits-diana-lewis-and-jessica-ticktin/NczV3oHgQuXksyXpl11Jdl>

² “Race for Palm Beach County Circuit Judge Group 14 seat is personal” July 19, 2014 | By Brittany Shammass, Sun Sentinel

http://articles.sun-sentinel.com/2014-07-19/news/fl-election-palm-circuit-judges-14-20140719_1_lewis-incumbent-judge-ticktin-law-group

RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD LITEM OF JOSHUA BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF

partner at Ticktin Law Group and a Boca Raton resident, says she targeted Lewis for a reason. She cited a 2013 Palm Beach County Bar poll in which Lewis ranked last among 34 circuit court judges in categories including knowledge and application of the law, impartiality and judicial demeanor. "I think that right now we have an issue with the incumbent judge," Ticktin said. "Last time she was given a second chance, and I don't think that she did well with that second chance. I think it's time for change." In noting your bar association number above I believe that as both a former judge and current registered attorney at law I need not educate you on your obligations to notify all tribunals, criminal and civil and all parties with any liabilities resulting from your and others you worked in conspire with actions, as required by both State and Federal - Civil, Criminal and Ethical Rules and Statutes.


That these Knowingly, Gross, Willful, Wanton and Reckless Acts, which appear as Financial Exploitation of an Adult through an ILLEGAL GUARDIAN AD LITEM FOR A MINOR and further appear part of a larger conspiracy against the rights of my father, my mother and my brothers are simultaneously being forwarded to state and federal criminal authorities to investigate and prosecute any prior and future criminal acts, so please **govern yourself accordingly** in any future actions you may take in any matters relating to my family and myself.

³ "Palm Beach Judge Diana Lewis Loses Judicial Seat to Challenger Raising Issues with Demeanor" Florida You Judge Wednesday, August 27th, 2014 at 5:26 pm by admin by Haydee Oropesa
<http://www.floridayoujudge.com/palm-beach-judge-diana-lewis-loses-judicial-seat-to-challenger-raising-issues-with-demeanor/>

**RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD
LITEM OF JOSHUA BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF**


I authorize this Statement and Cease and Desist Request to be filed in any and all state and federal proceedings as relevant and necessary.

Sincerely,

X: 
Joshua Ennio Zander Bernstein
2753 NW 34th Street
Boca Raton, FL 33434

Dated: 7/11/17

Witness:

X: 
Name: Jacob Bernstein
2753 NW 34th Street
Boca Raton, FL 33434

Dated: 7/11/17

**RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD
LITEM OF JOSHUA BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF**

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.


**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^l 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} ~~then~~ 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 ..." ¹ 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

JB based upon the Court's review of various motions filed by Eliot Bernstein since the trial, it is ^{in fact, his actions are adverse & destructive to the children's interest} apparent Eliot Bernstein is not an adequate representative of the best interests of his children. [^]

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.

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,

¹ 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, ^{are} ~~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, ^{each of the parties shall submit a list of three} upon notice from the Trustee's counsel the Court shall randomly

^{names of potential Guardian Ad Litem's, each of whom has agreed to} appoint a guardian ad litem for Ja.B., Jo.B. and D.B. or schedule a further hearing to appoint a

^{accept the appointment if selected. These lists shall be filed} suitable Guardian Ad Litem. ^{with the Clerk with courtesy copy to the} undersigned, no later than 10 days from this date.

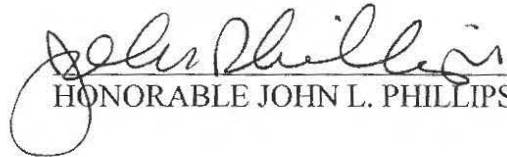
9. The Guardian Ad Litem will have full power and autonomy to represent the interests of the children of Eliot Bernstein, subject to the jurisdiction and review of this Court. The Guardian Ad Litem will be entitled to petition the Court for an award of attorneys' fees to be paid out of the gross proceeds 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} ~~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 GAT} with the lists. The Court will act without further hearing on the ⁴appointment, 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)

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(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

Jill Iantoni, individually and as trustee for her
children, and as natural guardian for J.I. a minor
jilliantoni@gmail.com

Alan Rose, Esq.
Mrachek Fitzgerald Rose
Konopka Thomas & Weiss, P.A.
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Brian M. O'Connell, Esq.
Joielle A. Foglietta, Esq.
Ciklin Lubitz Martens & O'Connell
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561-833-4209 - Facsimile
Email: boconnell@ciklinlubitz.com;
jfoglietta@ciklinlubitz.com;
service@ciklinlubitz.com;
slobdell@ciklinlubitz.com

JOHN L. PHILLIPS
CIRCUIT JUDGE
NORTH COUNTY COURTHOUSE
3188 PGA BOULEVARD
PALM BEACH GARDENS, FL 33410



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Eliot Bernstein and Candice Bernstein
2753 NW 34th Street
Boca Raton, FL 33434



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**RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD
LITEM OF JOSHUA BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF**

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.; 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.

ORDER APPOINTING DIANA LEWIS AS GUARDIAN AD LITEM FOR
ELIOT BERNSTEIN's CHILDREN, J.O.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

RECEIVED, 5/18/2016 4:40 PM, Clerk, Fourth District Court of Appeal

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.

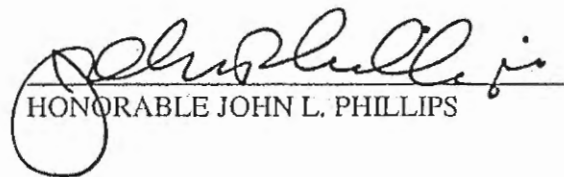
5. Pursuant to the Order dated March 1, 2016, the Guardian Ad Litem will have full power and autonomy to represent the interests of the children of Eliot Bernstein, subject to the jurisdiction and review of this Court. The Guardian Ad Litem will be entitled to petition the Court

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,
as Parents of
D.B., Ja. B. and Jo. B, Minors
2753 NW 34th Street
Boca Raton, FL 33434
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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
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Jill Iantoni, individually and as trustee for her
children, and as natural guardian for J.I. a minor
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Email: boconnell@ciklinlubitz.com;
jfoglietta@ciklinlubitz.com;
service@ciklinlubitz.com;
slobdell@ciklinlubitz.com


 STATE OF FLORIDA • PALM BEACH COUNTY
I hereby certify that the
foregoing is a true copy
of the record in my office.
THIS 18 DAY OF May, 2016
SHARON R. BOCK
CLERK & COMPTROLLER
By Victoria Ranger
DEPUTY CLERK

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 Southern District 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.

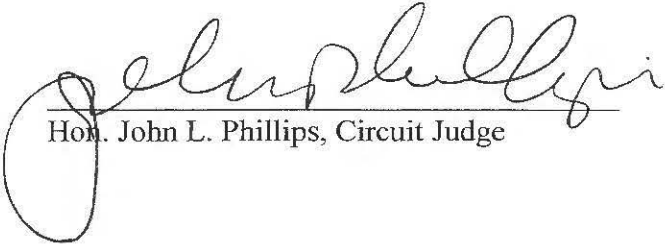
6. The guardian *ad litem* shall have 45 days from his/her appointment within which to file a response to Oppenheimer's Petition and objections, if any, to Oppenheimer's accountings.

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:

Steven A. Lessne, Esq.
Gunster, Yoakley & Stewart, P.A.
4855 Technology Way, Suite 630
Boca Raton, FL 33431

Eliot and Candice Bernstein
2753 N.W. 34th Street
Boca Raton, FL 33434

**RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD
LITEM OF JOSHUA BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF**

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 7th day of April, 2016.

MRACHEK, FITZGERALD, ROSE, KONOPKA,
THOMAS & WEISS, P.A.
505 South Flagler Drive, Suite 600
West Palm Beach, FL 33401
(561) 655-2250 Telephone / (561) 655-5537 Facsimile
Email: arose@mrachek-law.com
Secondary: mchandler@mrachek-law.com
Attorneys for Ted S. Bernstein

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

SERVICE LIST Case No.: 502014CP003698XXXXNBIH

Eliot Bernstein and Candice Bernstein,
as Parents 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
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John P. Morrissey, Esq.
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(561) 833-0866 - Telephone
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(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

Jill Iantoni, individually and as trustee for her
children, and as natural guardian for J.I. a minor
jilliantoni@gmail.com

Alan Rose, Esq.
Mrachek Fitzgerald Rose
Konopka Thomas & Weiss, P.A.
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Brian M. O'Connell, Esq.
Joielle A. Foglietta, Esq.
Ciklin Lubitz Martens & O'Connell
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West Palm Beach, FL 33401
561-832-5900 - Telephone
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Email: boconnell@ciklinlubitz.com;
jfoglietta@ciklinlubitz.com;
service@ciklinlubitz.com;
slobdell@ciklinlubitz.com

**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.

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 7th day of April, 2016.

ADR & MEDIATIONS SERVICES, LLC
Diana Lewis
2765 Tecumseh Drive
West Palm Beach, FL 33409
(561) 758-3017 Telephone
Email: dzlewis@aol.com

By: /s/ Diana Lewis
Diana Lewis (Fla. Bar No. 351350)
(Mediator No.:32461 R)

SERVICE LIST Case No.: 502014CP003698XXXXNBIH

Eliot Bernstein and Candice Bernstein,
as Parents 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)

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(561) 833-0867 - Facsimile
Email: John P. Morrissey
(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

Jill Iantoni, individually and as trustee for her
children, and as natural guardian for J.I. a minor
jilliantoni@gmail.com

Alan Rose, Esq.
Mrachek Fitzgerald Rose
Konopka Thomas & Weiss, P.A.
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Pamela Beth Simon
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Brian M. O'Connell, Esq.
Joielle A. Foglietta, Esq.
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Email: boconnell@ciklinlubitz.com;
jfoglietta@ciklinlubitz.com;
service@ciklinlubitz.com;
slobdell@ciklinlubitz.com

**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 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 7th day of April, 2016.

MRACHEK, FITZGERALD, ROSE, KONOPKA,
THOMAS & WEISS, P.A.
505 South Flagler Drive, Suite 600
West Palm Beach, FL 33401
(561) 655-2250 Telephone | (561) 655-5537 Facsimile
Email: arose@mrachek-law.com
Secondary: mchandler@mrachek-law.com

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

SERVICE LIST

Eliot Bernstein
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)

Steven A. Lessne, Esq.
GrayRobinson, P.A.
225 N.E. Mizner Blvd., Suite 500
Boca Raton, FL 33432
(561) 368-3808
Email: steven.lessne@gray-robinson.com
Counsel for Petitioner

Alan Rose, Esq.
Mrachek Fitzgerald Rose
Konopka Thomas & Weiss, P.A.
505 S Flagler Drive, Suite 600
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(561) 655-2250 - Telephone
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Email: arose@mrachek-law.com

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 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 7th day of April, 2016.

ADR & MEDIATIONS SERVICES, LLC
Diana Lewis
2765 Tecumseh Drive
West Palm Beach, FL 33409
(561) 758-3017 Telephone
Email: dzlewis@aol.com
By: /s/ Diana Lewis
(Fla. Bar No. 351350)

Page Two

SERVICE LIST Case No.: 2014CP002815

Steven A. Lessne
Gunster, Yoakley & Stuart, P.A.
4855 Technology Way, Suite 630
Boca Raton, FL 33431

Eliot and Candice Bernstein
2753 N.W. 34th Street
Boca Raton, FL 33434

From the Desk of :

Jacob Bernstein

2753 NW 34th Street, Boca Raton, FL 33434

July 11, 2017

ADR & MEDIATIONS SERVICES, LLC

Diana Lewis

2765 Tecumseh Drive

West Palm Beach, FL 33409

(561) 758-3017 Telephone

dzlewis@aol.com

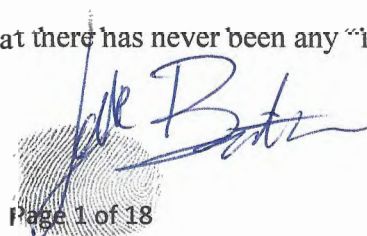
(Fla. Bar No. 351350)

RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD LITEM OF JACOB BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF

Attention Diana Lewis, Esq.,

My name is Jacob Noah Archie Bernstein and it has come to my attention that you are an attorney and former Judge in Palm Beach County and Officer of the Court, allegedly continuing to act as Guardian Ad Litem for me since April 07, 2016 allegedly as a "minor child" of Eliot Ivan Bernstein and Candice Michelle Bernstein.

While I understand that there is likely major legal problems with the proceedings leading up to your Appointment and Acceptance as Guardian ad Litem on my behalf, I turned 18 on January 01, 2017 and have not been a "Minor" for over 6 months and yet you have failed to Discharge the Guardianship and knowingly continue to purport to act on my behalf as a minor and make Court appearances for me and tender "Consents" on my behalf which were never provided to you and you have done this at all times knowing that there has never been any "incapacity" or



Page 1 of 18

RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD LITEM OF JACOB BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF

“competency” Hearing since I turned 18 and thus no basis in law or fact to continue to act on my behalf after my 18th Birthday.

I now make this voluntary request for you to Cease and Desist all actions allegedly as my Guardian Ad Litem, turn over all records, discovery and information obtained in the course of your actions as my alleged Guardian and correct any and all frauds in all Courts or elsewhere impacted by this illegal Guardianship, including but not limited to, the Estate and Trust cases of my deceased grandparents, Simon and Shirley Bernstein.

Since I have been over the age of 18 years since January 01, 2017, you, Ted Bernstein, Alan Rose, Brian O’Connell and Steven Lessne have at all times had actual knowledge of these facts and the requirement to Discharge the Guardianship or conduct a proper Hearing with Due Process Notice and thus have continued to illegally use this Guardianship as a predatory weapon against myself and my family to interfere in proper rights of Inheritance and to cover up frauds in these cases.

Further, all of you actually know and have known that no “competency hearing” was ever held against me in over 6 months since turning the age of majority of 18, nor have I ever been provided ANY Due Process Notice or been served to appear in any proceeding or have an Opportunity to be heard at any of the relevant proceedings to date.

What is even more egregious about your conduct as a former Judge and done as an “Officer of the Court” is that you not only have continued in your actions as alleged Guardian in this illegal Guardianship despite being specifically advised that I was now over the age of 18 years but have also even gone as far as to give alleged “Consents” on my behalf to various actions by Ted

RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD LITEM OF JACOB BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF

Bernstein and Alan Rose and entered into "Settlements" on my behalf again giving "Consent" all without my knowledge, without my Consent and without any Notice of Opportunity to be heard provided to myself. In fact, as you actually know, you and I have never even spoken to one another.

Like my older brother Joshua who was 18 even before the Guardian Ad Litem was created and accepted by you, I have come to learn that under Federal law under Title 18 USC Sec.242 it is a Federal Criminal Offense for Civil Rights Violations for 2 or more persons to conspire to Violate my US Constitutional rights, which have been violated by your actions in this case together in common with Attorney Alan Rose, Fiduciary Ted Bernstein and with the compliance and acquiescence of attorney Brian O'Connell as current Personal Representative of my grandfather Simon's Estate.

Please take notice that I have copied the US Dept of Justice Civil Rights Division head Tom Wheeler and offices of the FBI and US Attorney on this request.

I have further learned the following from the US Dept. of Justice Website:

"Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

For the purpose of Section 242, acts under "color of law" **include acts not only done by federal, state, or local officials within the their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include police officers, prisons guards and**

RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD LITEM OF JACOB BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF

other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim.

The offense is punishable by a range of imprisonment up to a life term, or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.” See, <https://www.justice.gov/crt/deprivation-rights-under-color-law>.

I have never spoken with you, met with you, granted you any authority over me and in any way enabled or allowed your acting in any capacity and in any matter on my behalf as an adult. This is a Cease and Desist demand to stop all further illegal acts on my behalf.

I am unaware of any Guardian Ad Litem 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 me to make any representations or take any actions on my behalf in those cases.

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 and only for MINOR CHILDREN.

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

RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD LITEM OF JACOB BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF

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/gurardianship_rev1-07.pdf

Therefore, due to your lack of legal authority over me despite any Court Orders gained through simulated legal process, I immediately request that you;

1. **CEASE AND DESIST** from any further representations of myself, Jacob Noah Archie Bernstein, in any proceedings, settlements or other matters involving me.
2. **NOTIFY** the Florida Courts and Correct all actions taken on my behalf since turning the age of majority on January 01, 2017, have been improper and illegal and cease and desist this KNOWINGLY, GROSS, WILLFUL, WANTON and RECKLESS criminal violation of your fiduciary duties as a Guardian Ad Litem .
3. **WITHDRAW** any and all Consent you have given in any matters relating to Jacob Bernstein.
4. **FILE** immediately within or without the final report the fact that I, Jacob Bernstein, turned the age of majority on Jan. 01, 2017 and that no legal adult guardianship proceedings were held giving you legal authority from such date to the present,

RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD LITEM OF JACOB BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF

discharge the Guardianship and turn over all records and properties regarding the guardianships as required.

5. **MAKE NO** further appearances in Court on my behalf or state in any pleadings consent on my behalf or take any any action whatsoever on my behalf claiming that you are a acting as Guardian Ad Litem for me.
6. **NOTIFY ALAN ROSE AND STEVEN LESSNE** to similarly take all actions to remove and strike all pleadings, orders, settlements, etc. in any court cases made on my behalf as a minor and correct any and all Court Orders and actions impacted by these defects and cease and desist any further acts on my behalf.
7. **NOTIFY ALL COURTS** affected by your actions since I turned the age of majority of 18 on Jan. 01, 2017.
8. **NOTIFY ALL COURTS** that you have made improper representations in pleadings and hearings in the Simon and Shirley Bernstein Estate and Trust cases and the Oppenheimer cases where you have never been granted a legal guardianship over me. The Courts to be notified and cases related to your actions that have been affected by the misconduct shall include but not be limited to,
 - a. The Florida Probate Court – HONORABLE Judge Rosemarie Scher, cases:
 - i. Case # 502012CP004391XXXXSB – Simon Bernstein Estate
 - ii. Case # 502015CP001162XXXXNB – Simon Bernstein Trust to Remove Ted Bernstein
 1. OLD CASE # Was Civil but Colin transferred to Probate ? 502014CA014637XXXXMB
 - iii. Case # 502011CP000653XXXXSB – Shirley Bernstein Estate
 - iv. Case # 502014CP003698XXXXNB – Shirley Trust Construction
 - v. Case # 502014CP002815XXXXSB – Oppenheimer v. Bernstein Minor Children

**RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD
LITEM OF JACOB BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF**

- vi. Case # 502015CP002717XXXX Colin Closed and transferred to Coates Eliot Bernstein v. Simon Estate Case for Claims
 - vii. Case # 502014CA014637XXXXMB BERNSTEIN, ELIOT I VS BERNSTEIN, THEODORE S
 - viii. Case # 50-2010-CP-003128-XXXX-SB – Joshua Bernstein alleged 2010 Trust Case Colin
 - ix. Case # 50-2010-CP-003125-XXXX-SB -- Jacob Jake Bernstein alleged 2010 Trust Case Colin
 - x. Case # 50-2010-CP-003123-XXXX-SB– Daniel Danny Bernstein alleged 2010 Trust Case Colin
- b. The Florida 15th Judicial Civil Circuit Court and HONORABLE JUDGE Cymonie Rowe, case:
- i. Case # 502012CA013933XXXXMB William E. Stansbury v. Ted S. Bernstein et al. -
- c. The Florida 4th 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.
- i. Case 15-3849 ELIOT BERNSTEIN ESTATE OF SIMON BERNSTEIN
 - ii. Case 16-1449 ELIOT IVAN BERNSTEIN OPPENHEIMER TRUST CO. OF DELAWARE, ET AL.
 - iii. Case 16-1476 ELIOT IVAN BERNSTEIN OPPENHEIMER TRUST CO. OF DELAWARE, ET AL.
 - iv. Case 16-2249 ELIOT IVAN BERNSTEIN OPPENHEIMER TRUST CO. OF DELAWARE, ET AL.
 - v. Case 16-0222 ELIOT IVAN BERNSTEIN TED BERNSTEIN, AS TRUSTEE, ET AL.
 - vi. Case 16-1478 ELIOT IVAN BERNSTEIN TED BERNSTEIN, AS TRUSTEE, ETC., ET AL.

**RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD
LITEM OF JACOB BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF**

- vii. Case 16-3314 ELIOT IVAN BERNSTEIN TED BERNSTEIN,
AS TRUSTEE, ETC., ET AL.
- viii. Case 16-0064 ELIOT IVAN BERNSTEIN TED BERNSTEIN,
AS TRUSTEE. ET AL.
- ix. Case 16-3162 ELIOT IVAN BERNSTEIN WILLIAM E.
STANSBURY, et al.
- x. Case 16-4120 ELIOT IVAN BERNSTEIN WILLIAM E.
STANSBURY, et al.

d. 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.

i. SC16-29

e. 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.

i. Case # 13-cv-03643 - Federal Lawsuit in the US District Court of Eastern
Illinois

f. 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.

i. Case No. 17-1461 APPEAL UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

9. **TURN OVER** all of your professional and individual insurance policies and bonding
information to me as claims against you individually and professionally and your firm,


Page 8 of 18
July 11, 2017

RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD LITEM OF JACOB BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF

will be forthcoming for the massive damages caused to me from your breaches of fiduciary duties and other misconduct. Your firm appears as follows and I believe it was set up specifically for liability purposes for these matters with my family, immediately prior to your acceptance of Guardian Ad Litem for me:

ADR & MEDIATIONS SERVICES, LLC
Diana Lewis
2765 Tecumseh Drive
West Palm Beach, FL 33409
(561) 758-3017 Telephone
Email: dzlewis@aol.com
By: /s/ Diana Lewis
(Fla. Bar No. 351350)

10. **TURN OVER** all records, documents, emails, faxes, information of any kind regarding me obtained by and during these illegal actions to my attention at my permanent address of, 2753 NW 34th Street, Boca Raton, FL 33434.

I have been notified that on repeated occasions over the past year my father and mother Eliot and Candice Bernstein have notified you directly of my Sui Juris status and you have refused to take any actions to end the improper Guardian Ad Litem and continue to make representations, agreements and settlements on my behalf and hopefully this notice will cause you to **IMMEDIATELY CEASE AND DESIST THIS ILLEGAL CONDUCT.**

I have also been made aware that my father and mother, Eliot and Candice Bernstein have notified state and federal authorities of your misconduct on my behalf, including but not limited to acts such as,

1. Dissolving various Trusts in my name set up by my grandparents,

RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD LITEM OF JACOB BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF

2. Dissolving Bernstein Family Realty, LLC, set up by my grandparents of which I am a 33% owner,
3. Making appearances in various court and legal proceedings illegally on my behalf,
4. Consenting to various legal agreements illegally on my behalf,
5. Consenting to various settlements illegally on my behalf.

I have learned that in Case # 502014CP003698XXXXNB – Shirley Bernstein Trust in the Fifteenth Judicial Probate Court you are acting under an alleged Trust created in my name that I was sued as a defendant under with my father, Eliot Bernstein, as Trustee and where I have never received formal notice of any such trust, nor do I believe my parents or any other party, including the courts have received, although I am a beneficiary allegedly under this trust. The Trust I am sued under is titled,

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]

Please provide a copy of the “Simon L. Bernstein Trust Dtd 9/13/12” and any subtrusts held thereunder in my name supposedly created on 9/13/12 the date of my grandfather’s death. If you are in possession of any such trust or subtrust OR ANY OTHER TRUST in my name, please instantly turn over all records regarding this legal entity I have been sued under and that you are acting illegally as a Guardian Ad Litem over my person in such legal action under such trust.

I have done preliminary research into your name online since learning of this predatory Guardian Ad Litem placed knowingly upon me as an adult and have learned that you are a FORMER

RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD LITEM OF JACOB BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF

Judge and no longer a Florida Registered Judge who has lost her judgeship to Jennifer Ticktin since on or about 2014^{1 2 3} where I learned from the attached articles, "But Ticktin, a 35-year-old partner at Ticktin Law Group and a Boca Raton resident, says she targeted Lewis for a reason. She cited a 2013 Palm Beach County Bar poll in which Lewis ranked last among 34 circuit court judges in categories including knowledge and application of the law, impartiality and judicial demeanor. "I think that right now we have an issue with the incumbent judge," Ticktin said. "Last time she was given a second chance, and I don't think that she did well with that second chance. I think it's time for change." In noting your bar association number above I believe that as both a former judge and current registered attorney at law I need not educate you on your obligations to notify all tribunals, criminal and civil and all parties with any liabilities resulting from your and others you worked in conspire with actions, as required by both State and Federal - Civil, Criminal and Ethical Rules and Statutes.

That these Knowingly, Gross, Willful, Wanton and Reckless Acts, which appear as Financial Exploitation of an Adult through an ILLEGAL GUARDIAN AD LITEM FOR A MINOR and further appear part of a larger conspiracy against the rights of my father, my mother and my brothers are simultaneously being forwarded to state and federal criminal authorities to

¹ "Ugly PBC judicial campaign pits Diana Lewis and Jessica Ticktin" By Jane Musgrave - Palm Beach Post Staff Writer

Updated: 12:41 p.m. Friday, August 08, 2014 | Posted: 7:00 a.m. Friday, August 08, 2014

<http://www.mypalmbeachpost.com/news/local-govt-politics/ugly-pbc-judicial-campaign-pits-diana-lewis-and-jessica-ticktin/NczV3oHgQuXksyXpl11JdI>

² "Race for Palm Beach County Circuit Judge Group 14 seat is personal" July 19, 2014 | By Brittany Shammass, Sun Sentinel

http://articles.sun-sentinel.com/2014-07-19/news/fl-election-palm-circuit-judges-14-20140719_1_lewis-incumbent-judge-ticktin-law-group

³ "Palm Beach Judge Diana Lewis Loses Judicial Seat to Challenger Raising Issues with Demeanor" Florida You Judge Wednesday, August 27th, 2014 at 5:26 pm by admin by Haydee Oropesa

<http://www.floridayoujudge.com/palm-beach-judge-diana-lewis-loses-judicial-seat-to-challenger-raising-issues-with-demeanor/>


**RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD
LITEM OF JACOB BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF**

investigate and prosecute any prior and future criminal acts, so please **govern yourself**
accordingly in any future actions you may take in any matters relating to my family and myself.

**RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD
LITEM OF JACOB BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF**


I authorize this Statement and Cease and Desist Request to be filed in any and all state and federal proceedings as relevant and necessary.

Sincerely,

X: 
Jacob Noah Archie Bernstein
2753 NW 34th Street
Boca Raton, FL 33434

Dated: 7-11-17

Witness:

X: 
Name: Joshua Bernstein
2753 NW 34th Street
Boca Raton, FL 33434

Dated: 7/11/17

**RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD
LITEM OF JACOB BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF**

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.


**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^l 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} ~~then~~ 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 ..." ¹ 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

JB based upon the Court's review of various motions filed by Eliot Bernstein since the trial, it is ^{in fact, his actions are adverse & destructive to the children's interest} apparent Eliot Bernstein is not an adequate representative of the best interests of his children. [^]

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.

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,

¹ 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, ^{are} ~~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, ^{each of the parties shall submit a list of three} upon notice from the Trustee's counsel the Court shall randomly

^{names of potential Guardian Ad Litem's, each of whom has agreed to} appoint a guardian ad litem for Ja.B., Jo.B. and D.B. or schedule a further hearing to appoint a

^{accept the appointment if selected. These lists shall be filed} suitable Guardian Ad Litem. ^{with the Clerk with courtesy copy to the} undersigned, no later than 10 days from this date.

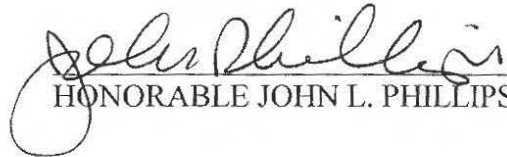
9. The Guardian Ad Litem will have full power and autonomy to represent the interests of the children of Eliot Bernstein, subject to the jurisdiction and review of this Court. The Guardian Ad Litem will be entitled to petition the Court for an award of attorneys' fees to be paid out of the gross proceeds 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} ~~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 GAT} 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)

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(561) 833-0867 - Facsimile
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(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

Jill Iantoni, individually and as trustee for her
children, and as natural guardian for J.I. a minor
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

Pamela Beth Simon
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Chicago, IL 60601
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Brian M. O'Connell, Esq.
Joielle A. Foglietta, Esq.
Ciklin Lubitz Martens & O'Connell
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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

JOHN L. PHILLIPS
CIRCUIT JUDGE
NORTH COUNTY COURTHOUSE
3188 PGA BOULEVARD
PALM BEACH GARDENS, FL 33410



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Eliot Bernstein and Candice Bernstein
2753 NW 34th Street
Boca Raton, FL 33434



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**RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD
LITEM OF JACOB BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF**

**RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD
LITEM OF JACOB BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF**

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.; 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.

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

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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.

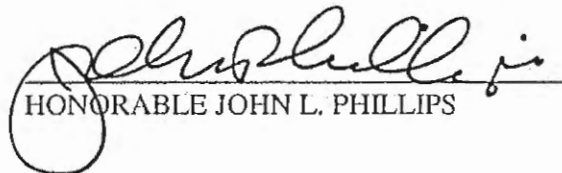
5. Pursuant to the Order dated March 1, 2016, the Guardian Ad Litem will have full power and autonomy to represent the interests of the children of Eliot Bernstein, subject to the jurisdiction and review of this Court. The Guardian Ad Litem will be entitled to petition the Court

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,
as Parents of
D.B., Ja. B. and Jo. B, Minors
2753 NW 34th Street
Boca Raton, FL 33434
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(561) 886-7628 - Cell
(561) 245-8644 - Facsimile
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(561) 833-0867 - Facsimile
Email: John P. Morrissey
(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

Jill Iantoni, individually and as trustee for her
children, and as natural guardian for J.I. a minor
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jfoglietta@ciklinlubitz.com;
service@ciklinlubitz.com;
slobdell@ciklinlubitz.com

STATE OF FLORIDA • PALM BEACH COUNTY
I hereby certify that the
foregoing is a true copy
of the record in my office.
THIS 18 DAY OF May, 2016
SHARON R. BOCK
CLERK & COMPTROLLER
By Victoria Ranger
DEPUTY CLERK

**RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD
LITEM OF JACOB BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF**

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 Southern District 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~~
^{is moot.} 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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Gunster, Yoakley & Stewart, P.A.
4855 Technology Way, Suite 630
Boca Raton, FL 33431

Eliot and Candice Bernstein
2753 N.W. 34th Street
Boca Raton, FL 33434

**RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD
LITEM OF JACOB BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF**

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 7th 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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children, and as natural guardian for M.F. and
C.F., Minors; and Max Friedstein
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Jill Iantoni, individually and as trustee for her
children, and as natural guardian for J.I. a minor
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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.

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 7th day of April, 2016.

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By: /s/ Diana Lewis
Diana Lewis (Fla. Bar No. 351350)
(Mediator No.:32461 R)

SERVICE LIST Case No.: 502014CP003698XXXXNBIH

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as Parents of

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and C.F., Minors; and Max Friedstein
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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 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 7th day of April, 2016.

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

SERVICE LIST

Eliot Bernstein
Candice Bernstein,
as Parents and Natural Guardians of
D.B., Ja. B. and Jo. B, Minors
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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 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 7th day of April, 2016.

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By: /s/ Diana Lewis
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Page Two

SERVICE LIST Case No.: 2014CP002815

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Boca Raton, FL 33431

Eliot and Candice Bernstein
2753 N.W. 34th Street
Boca Raton, FL 33434

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT IN
AND FOR PALM BEACH COUNTY, FLORIDA

IN RE:

CASE NO. 50-2012-CP-004391-XXXX-NB

ESTATE OF SIMON L. BERNSTEIN

/

DECEASED.

**OBJECTION TO MOTION TO APPROVE MEDIATION SETTLEMENT
AGREEMENT WITH TESCHER & SPALLINA, P.A.**

COMES NOW Joshua Bernstein, by and through his undersigned legal counsels, Paul D. Turner, Esq., Christopher Perré, Esq., the law firm of Perlman, Bajandas, Yevoli & Albright, P.L., (“PBY&A”), and Marc J. Soss, Esq. (collectively “Counsel”), hereby files this objection to the Motion to Approve Mediation Settlement Agreement (the “Mediation Agreement”) and states as follows:

Background

1. On or about October 2, 2012, probate proceedings were commenced for the decedent.
2. At the time the proceedings were commenced, Joshua Bernstein (“Joshua”), one of the beneficiaries of the Estate and Trust of Simon L. Bernstein was a minor with a date of birth in August 1997.
3. On March 8, 2016, a Motion for Appointment of a Guardian Ad Litem (“GAL Motion”) to represent the interests of the children of Eliot Bernstein was filed with this Court. At the time the GAL Motion was filed Joshua was over the age of eighteen (18) years and did not require a guardian-ad-litem to be appointed for him.
4. On April 8, 2016, this Court approved the GAL Motion and appointed Diana Lewis, Esquire (“Lewis”), as the guardian-ad-litem for Joshua.
5. On November 9, 2016, a Motion to Approve Compromise and Settlement, Appoint a Trustee for the Trusts created for D.B., Ja.B. & Jo.B and Determine Compensation for Guardian-Ad-Litem was filed with this Court.
6. On October 27, 2017, a Motion to Direct Payments for Benefit of Eliot's Children to Court Registry in lieu of Appointing Trustee; and to Determine Compensation for Guardian Ad Litem and Discharge Guardian was filed with this Court. The matter is scheduled for hearing

on February 6, 2018.

Florida Guardian-Ad-Litem

7. Section 744.102(10) of the Florida Statutes defines the term “Guardian-Ad-Litem” as “a person who is appointed by the court having jurisdiction of the guardianship or a court in which a particular legal matter is pending to represent a ward in that proceeding.”

8. Section 744.3025, Claims of Minors, of the Florida Statutes, further provides:

(1)(a) The court may appoint a guardian ad litem to represent the minor’s interest before approving a settlement of the minor’s portion of the claim in a case in which a minor has a claim for personal injury, property damage, wrongful death, or other 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.

(b) Except as provided in paragraph (e), the court 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.

(c) The appointment of the guardian ad litem must be without the necessity of bond or notice.

(d) The duty of the guardian ad litem is to protect the minor’s interests as described in the Florida Probate Rules.

(e) A court need not appoint a guardian ad litem for the minor if a guardian of the minor has previously been appointed and that guardian has no potential adverse interest to the minor.

(2) Unless waived, the court shall award reasonable fees and costs to the guardian ad litem to be paid out of the gross proceeds of the settlement.

(3) A settlement of a claim pursuant to this section is subject to the confidentiality provisions of this chapter.

9. A Guardian-Ad-Litem is appointed to represent the best interests of either an incapacitated individual or a minor in a legal proceeding.

Basis for Objection

10. At the time that Lewis was appointed to be the guardian ad litem for Joshua, he was neither a minor nor incapacitated. As a result, a guardian ad litem should not have been appointed for Joshua.

11. Between April 8, 2016, the date Lewis was appointed as guardian ad litem for Joshua and the date hereof, Lewis owed a fiduciary duty to Joshua. Notwithstanding said duty, Lewis has never communicated with him, discussed the legal proceedings or made him aware of the alleged settlement reached during the mediation. As of the date of the filing of this objection, Joshua is completely unaware of the terms of the proposed settlement and has never been provided a copy of the mediation settlement agreement.

12. As a result, a guardian ad litem should not have been ever appointed for Joshua, had no authority to bind Joshua to any settlement agreements she may have allegedly entered into on his behalf, and any settlements negotiated and/or entered into on his behalf by Lewis should be deemed void.

Conclusion

WHEREFORE, Joshua Bernstein pray this Honorable Court for an order (i) denying the Motion to Approve Mediation Settlement Agreement and all supplemental matters related thereto; (ii) removing Diana Lewis, Esquire as the guardian-ad-litem for Joshua; and (iii) awarding such other and further relief as deemed just and equitable under the circumstances.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 5, 2018, a true and correct copy of the foregoing document is being served, pursuant to Rule 2.516(b), Fla. R. Jud. Admin., *via* Florida Courts e-Filing Portal to the names and e-mail addresses provided by all parties, counsel of record and *pro se* parties.

Dated: February 5, 2018.

Respectfully submitted,

/s/ Paul Turner

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Christopher T. Perré (FBN 123902)

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Attorneys for Beneficiary, Joshua Bernstein.

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.

**TRUSTEE'S NOTICE OF COMPLIANCE WITH
ORDER DATED DECEMBER 6, 2017**

Plaintiff, Ted S. Bernstein, Successor Trustee of the Shirley Bernstein Trust, gives notice of full compliance with the Court's *Order on Plaintiff, Ted S. Bernstein's Motion to Modify Order Dated May 22, 2017; to Direct Payment for Benefit of Eliot's Children to Court Registry; and to Determine Compensation for Guardian Ad Litem and Discharge Guardian* dated December 6, 2017 (the "Order").

1. In accordance with the Order, the Trustee was directed in paragraph 5 to pay the Court-awarded fees directly to the Guardian Ad Litem ("GAL") from any distribution of funds to

the Eliot Children beneficiaries. Under the Order, the GAL compensation was to be "paid before the distribution of any funds into the Registry." Order, ¶5. In total, the Court awarded the sum of \$30,746.66 to the GAL. For divisibility by three, the GAL agreed to reduce that amount by \$0.02.

2. On August 1, 2018, the Trustee made a partial interim distribution to each of Eliot's Children from the assets of the Shirley Bernstein Trust. This is the same partial interim distribution already made to all of the other beneficiaries of the Shirley Bernstein Trust.¹

3. As required by the Order, the Trustee has first paid the sum of \$30,746.66 directly to the GAL, divided \$10,248.88 (or one-third) from each of the Eliot Children distributions.

4. After making such payments, the Trustee deposited such interim distributions (less the GAL fees) into the Registry of the Court on August 1, 2018, for each of Eliot Children, referenced to the above-styled case number.

5. In addition to the above, the Order on paragraph 6 directs that "any and all funds which would otherwise be paid into the Eliot Children's Trusts, as defined in the Settlement Agreement of any other agreement (including any settlement proceeds from the Illinois insurance litigation), will be deposited or paid into the Registry of the Court, separately for the benefit of each of Eliot's children" In compliance with that part of the Order, the Trustee's counsel has also deposited into the Registry of the Court the three checks received from the attorney handling the Illinois litigation, one each for Eliot's Children. These checks represent the proceeds of the Illinois litigation designated for each of Eliot's Children after Eliot refused to accept his rightful share, in

¹ When the initial partial distributions were being made to the ten beneficiary trusts, the trustees of seven of the trusts accepted the distribution, but Eliot Bernstein refused to accept the distribution into the Eliot Children's Trusts.

accordance with section 10(vi) of the Settlement Agreement, approved by probate court order dated October 19, 2017.

6. Pursuant to paragraph 7 of the Order, "upon the entry of orders approving all pending settlement agreements involving the GAL, the GAL shall be discharged" As of April 27, 2018, all of the settlement agreements have been approved by this Court, and all of those approval orders are now final, non-appealable orders of this Court. Therefore, the GAL has already been discharged under the terms of the Order as of April 27, 2018. Based upon that discharge and the full payment of the court-awarded fee, there is no further need for the GAL's involvement in this matter.

WHEREFORE, the Trustee gives notice of full compliance with the Order.

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 6th day of August, 2018.

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

SERVICE LIST Case No.: 502014CP003698XXXXNBIH

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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 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.

**ORDER ON PLAINTIFF, TED S. BERNSTEIN'S MOTION TO MODIFY
ORDER DATED MAY 22, 2017; TO DIRECT PAYMENT FOR BENEFIT
OF ELIOT'S CHILDREN TO COURT REGISTRY; AND TO DETERMINE
COMPENSATION FOR GUARDIAN AD LITEM AND DISCHARGE GUARDIAN**

THIS CAUSE came before the Court on November 15, 2017 on Ted Bernstein's *Motion to Modify Order Dated May 22, 2017 etc.* ("the Motion"). The Court, having reviewed the Motion and the record, and having been otherwise fully advised in the premises, hereby ORDERS AND ADJUDGES:

1. The Motion is GRANTED, such that the settlement previously approved by Order dated May 22, 2017, is modified as set forth in this Order.

2. One of the issues now before the Court is the selection of a trustee to serve in place of Eliot Bernstein in connection with the three Eliot Children Trusts created under the Simon L. Bernstein Amended and Restated Trust Agreement dated 7-25-12 ("Simon's Trust"), for the ultimate benefit of D.B, Ja. B and Jo. B ("Eliot's Children").

3. In connection with the same issue being decided by this Court in the Simon Bernstein Estate Matter, Case No. 2012CA004391XXXXNBIH ("Simon's Estate"), the Court heard evidence and argument, and separately made rulings on these same issues raised in this Motion. Based on the rulings made in Simon's Estate matter, the Court hereby makes the same rulings in this case for the same reasons, as follows below.

4. Based upon the evidence addressed in the Simon Trust order, and because this Court already has determined (i) Eliot Bernstein's actions were adverse and destructive to his children's interest (in connection with appointment the Guardian Ad Litem), and (ii) it will be difficult or impossible to find a replacement Trustee, the Court reluctantly directs all funds from the Shirley Bernstein Trust to be paid for the benefit of Eliot's Children shall be deposited into the Registry of the Court, under the terms and conditions set forth in this Order.

5. The Court-awarded fees and costs to the GAL were determined in the Simon Estate Order and apply equally here. ^{*} Such compensation will be paid before the distribution of any funds into the Registry. The Court directs the Trustee to pay such fees directly to the GAL.

6. Any and all funds which would otherwise be paid into the Eliot Children's Trust, as defined in the Settlement Agreement or any other agreement (including any settlement proceeds from

* A copy of that order is attached here to as Exhibit A.

the Illinois insurance litigation), will be deposited or paid into the Registry of the Court, separately for the benefit of each of Eliot's Children, and such funds will be released under the following conditions:

a. if the Court at any time appoints a successor trustee for any or all of the Eliot Children's Trust, all funds held in the Registry of the Court will be released to such trustee, to hold in an appropriate trust account solely for the benefit of Eliot's Children, consistent with the terms of Simon's Trust (the relevant parts of which are attached as Exhibit B).

b. if no successor trustee has yet been appointed and any of Eliot's Children requests a distribution consistent with the terms of Simon's Trust, such child could seek such distribution by filing a motion with the Court. Upon the filing of any such motion, this Court will consider such request in light of the terms of Simon's Trust, and will direct the Clerk to release such funds as this Court deems appropriate under the circumstances; and

c. upon each child reaching the age of 35, each such child is entitled to seek the immediate release of all remaining funds held by the Clerk of the Court, upon motion and order.

7. By entry of this order which resolves the need for a new trustee, and upon the entry of orders approving all of the pending settlement agreements involving the GAL, the GAL shall be discharged and her reasonable hourly rate and compensation shall be split equally between the three Eliot Children's Trust.

8. Notwithstanding the discharge of the GAL, the Court's prior *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 dated March 1, 2016¹ (the "Order" [DE 161]) will remain in full force and effect.

9. For the reasons set forth in the Simon Estate Order, based upon the GAL's background, her time and expense records and her testimony, the Court determined the reasonable compensation of the GAL. The amount awarded in the Simon Estate Order covered all matters, including this one, and if needed, the Court would have entered the same award in this case. The amount awarded shall be paid by the Trustee from the funds available for the distributions to Eliot's Children, split 1/3 each.

DONE AND ORDERED in Chambers, North County Courthouse on 12/4, 2017.

A handwritten signature in blue ink, appearing to read "Rosemarie Scher", written over a horizontal line.

HONORABLE ROSEMARIE SCHER

cc: All parties on the attached service list

¹The Order provides at paragraph 10:

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; (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.

SERVICE LIST Case No.: 502014CP003698XXXXNBIJ

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**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 (i) TRUSTEE'S MOTION TO APPROVE COMPROMISE AND SETTLEMENT (ii) APPOINT A TRUSTEE FOR THE TRUSTS CREATED FOR D.B., J.A.B., AND JO.B, AND (iii) DETERMINE COMPENSATION FOR GUARDIAN AD LITEM [D.E. #498]; (iv) MOTION TO DIRECT PAYMENTS FOR BENEFIT OF ELIOT'S CHILDREN TO COURT REGISTRY IN LIEU OF APPOINTING TRUSTEE; AND (v) TO DETERMINE COMPENSATION FOR GUARDIAN AD LITEM AND DISCHARGE GUARDIAN [D.E. 724]

THIS CAUSE came before the Court on Wednesday, November 15, 2017 on Trustee's *Motion to Approve Compromise and Settlement, Appoint a Trustee for the Trusts Created for D.B., J.A.B., and Determine Compensation for Guardian Ad Litem* (D.E. 498) and Trustee's *Motion to Direct Payments for Benefit of Eliot's Children to Court Registry in Lieu of Appointing a Trustee and to Determine Compensation for Guardian Ad Litem and Discharge Guardian* (D.E. 724) (collectively the "Motions"). The Court, having reviewed the Motions 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 Motions are granted in part as set forth in this Order.
2. After mediation, a written Mediation Settlement Agreement ("Settlement") 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

3. The Settlement is approved and made effective immediately, subject to the terms of the Settlement. The Court will retain jurisdiction to enforce and fully implement the Settlement.

4. One of the issues now before the Court is the selection of a trustee to serve in place of Eliot Bernstein in connection with the three Eliot Children Trusts created under the Simon L. Bernstein Amended and Restated Trust Agreement dated 7-25-12 ("Simon's Trust"), for the ultimate benefit of D.B, Ja. B and Jo. B ("Eliot's Children").

5. The Court heard evidence from the Guardian Ad Litem, Diana Lewis. Lewis is an experienced member of The Florida Bar, who testified to having more than 20 years of experience in private practice plus approximately 12 years experience as a circuit court judge in Palm Beach County, including time serving as a judge in this Court's Probate Division.

6. Lewis testified that she would not agree to serve as trustee for the three Eliot's Children's Trust. Further, based on her experience as a lawyer and a judge and the unique circumstances of this case, Lewis testified she believes no corporate trustee would accept an appointment as trustee for the Eliot Children's Trust. Lewis explained her belief that no corporate trustee would likely take an appointment in this matter due to the small asset size of the trusts, the limited fees to be earned, and the unique nature of the parties to this case. A brief

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.

review of the docket establishes a level of contentiousness and litigiousness that is unprecedented. Lewis testified that the Shirley Bernstein Trustee had communicated with Eliot Ivan Bernstein and with Eliot's Children, and received no suggestions for the new trustee. Lewis is not aware of any attorney or other person willing to serve as trustee.

7. Because this Court already has determined that Eliot Bernstein's actions were adverse and destructive to his children's interest (in connection with appointment the Guardian Ad Litem), and given the difficulty or impossibility of finding a trustee, the Court reluctantly directs all funds for the benefit of Eliot's Children to be deposited into the Registry of the Court, under the terms and conditions set forth in this Order.

8. The Court-awarded fees to the GAL as set forth below, will be paid before the distribution of any funds into the Registry. The Court directs the Trustee to pay such fees directly to the GAL.

9. Any and all funds which would otherwise be paid into the Eliot Children's Trust, as defined in the Settlement Agreement or any other agreement (including any settlement proceeds from the Illinois insurance litigation), will be deposited or paid into the Registry of the Court, separately for the benefit of each of Eliot's Children, and such funds will be released under the following conditions:

a. if the Court at any time appoints a successor trustee for any or all of the Eliot Children's Trust, all funds held in the Registry of the Court will be released to such trustee, to hold in an appropriate trust account solely for the benefit of Eliot's Children, consistent with the terms of Simon's Trust (the relevant parts of which are attached as Exhibit A).

b. if no successor trustee has yet been appointed and any of Eliot's Children requests a distribution consistent with the terms of Simon's Trust, such child could seek such distribution by filing a motion with the Court. Upon the filing of any such motion, this Court will consider such request in light of the terms of Simon's Trust, and will direct the Clerk to release such funds as this Court deems appropriate under the circumstances; and

c. upon each child reaching the age of 35, each such child is entitled to seek the immediate release of all remaining funds held by the Clerk of the Court, upon motion and order.

10. By entry of this order which resolves the need for a new trustee, and upon the entry of orders approving all of the pending settlement agreements involving the GAL, the GAL shall be discharged. The GAL's reasonable compensation shall be split equally between the three Eliot Children's Trust.

11. Notwithstanding the discharge of the GAL, the Court's prior *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* dated March 1, 2016² (the "Order" [DE 161]) will remain in full force and effect.

² The Order provides at paragraph 10:

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; (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.

12. As to the issue of determining the reasonable compensation of the GAL, the Court heard further testimony from the GAL and received into evidence time and expense records of the GAL. The time and expense reports from March 4, 2016 showed a total of 122 hours and 16 minutes as of October 27, 2017, not including time preparing for and attending the November 15th hearing and any further proceedings in this case. The GAL also incurred travel expenses of \$179.16 in mileage costs.

13. In addition to authenticating and verifying the accuracy of her time and expense records, the GAL explained that her standard hourly rate for work as an attorney after leaving the bench was \$350 per hour. The Court finds such rate would be reasonable for a lawyer and former circuit judge with the experience held by the GAL as noted above. Notwithstanding her standard hourly rate, the GAL testified that she had agreed to this appointment at a lower rate to be determined by this Court in the best interests of Eliot's Children. The GAL explained her willingness to take a reduced rate given the time and expense that had predated her involvement, the relatively small amount of assets, and the circumstances of this case. The GAL further explained that she had already reduced some of her time entries as a courtesy by not including every single item of work or the full amount of time when she performed services as GAL on behalf of the best interests of Eliot's Children. This Court took the time to review each entry. The GAL's billing was reasonable. It is clear the GAL was specific to the amount of time spent, a few entries were actually billed for only one minute.

14. In this particular case, it is clear that the Guardian's extensive background and knowledge as a lawyer benefitted the interests of the children. In determining a reasonable rate, the Court weighed this against the Guardian's desire to conserve the assets of the children. The

Court notes a professional guardian on the 15th Judicial “wheel” is charged at \$95 an hour. The professional guardians are not required to be lawyers. Lawyers who serve as Guardians Ad Litem in family cases range from pro bono to \$350.00 an hour.³ Based upon the GAL's background, her time and expense records and her testimony that she had agreed to a discounted rate and wished to conserve the assets for the children, the Courts finds as to the reasonable compensation of the GAL:

a. The reasonable hourly rate for the work performed by the GAL in this matter is:

\$_250.00_;

b. The total number of hours reasonably expended by the GAL is:

\$__122.27 hours (122 hours and 16 minutes) through October 27, 2017;

c. Therefore, the total reasonable fee for the work performed by the GAL in this matter (rate x number of hours) is:

\$____30,567.50_;

d. The total costs reasonably expended by the GAL are

\$__179.16_____;

e. Therefore, the total for reasonable fees and costs awarded to the GAL is

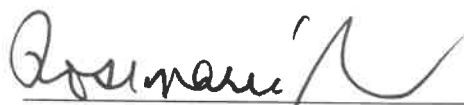
\$____30,746.66_____;

which shall be paid by the Trustee from the funds available for the distributions to Eliot's Children, split 1/3 each.

³ This range is from lists distributed to family judges on Guardian Ad Litem and their rates.

15. The Court has considered the *ore tenus* request by Eliot Bernstein to appoint Candice Schwager as replacement trustee for the Eliot Children's Trust. The Court reviewed a letter presented by Eliot Bernstein, which was purportedly written by Candice Schwager, and found the letter to contain odd prose and an irregular presentation. Schwager is not an attorney licensed to practice law in the State of Florida. Subject to the provisions of paragraph 9(a), the Court denies the *ore tenus* request to appoint Candice Schwager without prejudice.

DONE AND ORDERED in Chambers, North County Courthouse on 12/6/2017,
2017.

A handwritten signature in cursive script, appearing to read "Rosemarie Scher", written over a horizontal line.

HONORABLE ROSEMARIE SCHER

cc: All parties on the attached service list

SERVICE LIST - CASE NO. 502012CP004391XXXXNBIH

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Individually and as trustee for her children, and as
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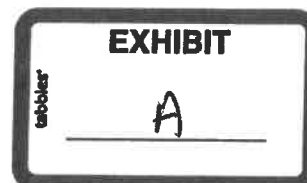
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SIMON L. BERNSTEIN
AMENDED AND RESTATED TRUST AGREEMENT

Prepared by:

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LAW OFFICES
TESCHER & SPALLINA, P.A.

C. **Upon My Death.** Upon my death the Trustee shall collect and add to the trust all amounts due to the trust under any insurance policy on my life or under any death benefit plan and all property added to the trust by my Will or otherwise. After paying or providing for the payment from the augmented trust of all current charges and any amounts payable under the later paragraph captioned "Death Costs," the Trustee shall hold the trust according to the following provisions.

ARTICLE II. AFTER MY DEATH

A. **Disposition of Tangible Personal Property.** If any non-business tangible personal property other than cash (including, but not limited to, my personal effects, jewelry, collections, household furnishings, and equipment, and automobiles) is held in the trust at the time of my death, such items shall be promptly distributed by the Trustee of the trust to such person or persons, including my estate, as to the item or items or proportion specified, as I may appoint, and to the extent that any such items are not disposed of by such appointment, such items shall be disposed of by the Trustee of the trust in exactly the same manner as such items would have been disposed of under the terms and provisions of my Will (including any Codicil thereto, or what the Trustee in good faith believes to be such Will and Codicil) had such items been included in my probate estate. Any such items which are not effectively disposed of pursuant to the preceding sentence shall pass with the other trust assets.

B. **Disposition of Trust Upon My Death.** Upon my death, the remaining assets in this trust shall be divided among and held in separate Trusts for my then living grandchildren. Each of my grandchildren for whom a separate trust is held hereunder shall hereinafter be referred to as a "beneficiary" with the separate Trusts to be administered as provided in Subparagraph II.C.

C. **Trusts for Beneficiaries.** The Trustee shall pay to the beneficiary and the beneficiary's children, such amounts of the net income and principal of such beneficiary's trust as is proper for the Welfare of such individuals. Any income not so paid shall be added to principal each year. After a beneficiary has reached any one or more of the following birthdays, the beneficiary may withdraw the principal of his or her separate trust at any time or times, not to exceed in the aggregate 1/3 in value after the beneficiary's 25th birthday, 1/2 in value (after deducting any amount previously subject to withdrawal but not actually withdrawn) after the beneficiary's 30th birthday, and the balance after the beneficiary's 35th birthday, provided that the withdrawal powers described in this sentence shall not apply to any grandchild of mine as beneficiary of a separate trust. The value of each trust shall be its value as of the first exercise of each withdrawal right, plus the value of any subsequent addition as of the date of addition. The right of withdrawal shall be a privilege which may be exercised only voluntarily and shall not include an involuntary exercise. If a beneficiary dies with assets remaining in his or her separate trust, upon the beneficiary's death the beneficiary may appoint his or her trust to or for the benefit of one or more of any of my lineal descendants (excluding from said class, however, such beneficiary and such beneficiary's creditors, estate, and creditors of such beneficiary's estate). Any part of his or her trust such beneficiary does not effectively appoint shall upon his or her death be divided among and held in separate Trusts for the following persons:



raised from or near the time of birth by a married couple (other than a same sex married couple) through the pendency of such marriage, (ii) one of such couple is the designated ancestor, and (iii) to the best knowledge of the Trustee both members of such couple participated in the decision to have such child. No such child or lineal descendant loses his or her status as such through adoption by another person. Notwithstanding the foregoing, for all purposes of this Trust and the dispositions made hereunder, my children, TED S. BERNSTEIN, PAMELA B. SIMON, ELIOT BERNSTEIN, JILL IANTONI and LISA S. FRIEDSTEIN, shall be deemed to have predeceased me as I have adequately provided for them during my lifetime.

2. Code. "Code" means the Internal Revenue Code of 1986, as amended, and in referring to any particular provision of the Code, includes a reference to any equivalent or successor provision of a successor federal tax law.

3. Disabled. "Disabled" or being under "Disability" means, as to any applicable individual: (1) being under the age of 21 years, (2) having been adjudicated by a court of competent jurisdiction as mentally or physically incompetent or unable to manage his or her own property or personal affairs (or a substantially similar finding under applicable state or national law), or (3) being unable to properly manage his or her personal or financial affairs, or a trust estate hereunder as to a Trustee hereunder, because of a mental or physical impairment (whether temporary or permanent in nature). A written certificate executed by an individual's attending physician or attending psychiatrist confirming that person's impairment will be sufficient evidence of Disability under item (3) above, and all persons may rely conclusively on such a certificate.

4. Education. The term "education" herein means vocational, primary, secondary, preparatory, theological, college and professional education, including post-graduate courses of study, at educational institutions or elsewhere, and expenses relating directly thereto, including tuition, books and supplies, room and board, and travel from and to home during school vacations. It is intended that the Trustee liberally construe and interpret references to "education," so that the beneficiaries entitled to distributions hereunder for education obtain the best possible education commensurate with their abilities and desires.

5. Needs and Welfare Distributions. Payments to be made for a person's "Needs" means payments necessary for such person's health (including lifetime residential or nursing home care), education, maintenance and support. Payments to be made for a person's "Welfare" means discretionary payments by the Trustee, from time to time, for such person's Needs and also for such person's advancement in life (including assistance in the purchase of a home or establishment or development of any business or professional enterprise which the Trustee believes to be reasonably sound), happiness and general well-being. However, the Trustee, based upon information reasonably available to it, shall make such payments for a person's Needs or Welfare only to the extent such person's income, and funds available from others obligated to supply funds for such purposes (including, without limitation, pursuant to child support orders and agreements), are insufficient in its opinion for such purposes, and shall take into account such person's accustomed manner of living, age, health, marital status and any other factor it considers important. Income or principal to be paid for a person's Needs or Welfare may be paid to



such individual or applied by the Trustee directly for the benefit of such person. The Trustee may make a distribution or application authorized for a person's Needs or Welfare even if such distribution or application substantially depletes or exhausts such person's trust, without any duty upon the Trustee to retain it for future use or for other persons who might otherwise benefit from such trust.

6. Per Stirpes. In a division "*per stirpes*" each generation shall be represented and counted whether or not it has a living member.

7. Related or Subordinate Party. A "*Related or Subordinate Party*" to a trust describes a beneficiary of the subject trust or a related or subordinate party to a beneficiary of the trust as the terms "related or subordinate party" are defined under Code Section 672(c).

8. Spouse. A person's "*spouse*" includes only a spouse then married to and living as husband and wife with him or her, or a spouse who was married to and living as husband and wife with him or her at his or her death. The following rules apply to each person who is a beneficiary or a permissible appointee under this Trust Agreement and who is married to a descendant of mine. Such a person will cease to be a beneficiary and will be excluded from the class of permissible appointees upon:

- a. the legal termination of the marriage to my descendant (whether before or after my death), or
- b. the death of my descendant if a dissolution of marriage proceeding was pending when he or she died.

The trust will be administered as if that person had died upon the happening of the terminating event described above.

9. Gender, Number. Where appropriate, words of any gender include all genders and the singular and plural are interchangeable.

F. Powers of Appointment. Property subject to a power of appointment shall be paid to, or retained by the Trustee or paid to any trustee under any will or trust agreement for the benefit of, such one or more permissible appointees, in such amounts and proportions, granting such interests, powers and powers of appointment, and upon such conditions including spendthrift provisions as the holder of such power (i) in the case of a power exercisable upon the death of such holder, appoints in his or her will or in a trust agreement revocable by him or her until his or her death, or (ii) in the case of a power exercisable during the life of such holder, appoints in a written instrument signed by such holder, two witnesses and a notary public, but in either case only if such will, trust agreement, or instrument specifically refers to such power.

G. Limitations on Powers of Trustee. Regardless of anything herein to the contrary, no Trustee shall make or participate in making any distribution of income or principal of a trust to or for the benefit of a beneficiary which would directly or indirectly discharge any legal obligation of such



SIMON L. BERNSTEIN
AMENDED AND RESTATED TRUST AGREEMENT

Prepared by:

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LAW OFFICES
TESCHER & SPALLINA, P.A.

C. **Upon My Death.** Upon my death the Trustee shall collect and add to the trust all amounts due to the trust under any insurance policy on my life or under any death benefit plan and all property added to the trust by my Will or otherwise. After paying or providing for the payment from the augmented trust of all current charges and any amounts payable under the later paragraph captioned "Death Costs," the Trustee shall hold the trust according to the following provisions.

ARTICLE II. AFTER MY DEATH

A. **Disposition of Tangible Personal Property.** If any non-business tangible personal property other than cash (including, but not limited to, my personal effects, jewelry, collections, household furnishings, and equipment, and automobiles) is held in the trust at the time of my death, such items shall be promptly distributed by the Trustee of the trust to such person or persons, including my estate, as to the item or items or proportion specified, as I may appoint, and to the extent that any such items are not disposed of by such appointment, such items shall be disposed of by the Trustee of the trust in exactly the same manner as such items would have been disposed of under the terms and provisions of my Will (including any Codicil thereto, or what the Trustee in good faith believes to be such Will and Codicil) had such items been included in my probate estate. Any such items which are not effectively disposed of pursuant to the preceding sentence shall pass with the other trust assets.

B. **Disposition of Trust Upon My Death.** Upon my death, the remaining assets in this trust shall be divided among and held in separate Trusts for my then living grandchildren. Each of my grandchildren for whom a separate trust is held hereunder shall hereinafter be referred to as a "beneficiary" with the separate Trusts to be administered as provided in Subparagraph II.C.

C. **Trusts for Beneficiaries.** The Trustee shall pay to the beneficiary and the beneficiary's children, such amounts of the net income and principal of such beneficiary's trust as is proper for the Welfare of such individuals. Any income not so paid shall be added to principal each year. After a beneficiary has reached any one or more of the following birthdays, the beneficiary may withdraw the principal of his or her separate trust at any time or times, not to exceed in the aggregate 1/3 in value after the beneficiary's 25th birthday, 1/2 in value (after deducting any amount previously subject to withdrawal but not actually withdrawn) after the beneficiary's 30th birthday, and the balance after the beneficiary's 35th birthday, provided that the withdrawal powers described in this sentence shall not apply to any grandchild of mine as beneficiary of a separate trust. The value of each trust shall be its value as of the first exercise of each withdrawal right, plus the value of any subsequent addition as of the date of addition. The right of withdrawal shall be a privilege which may be exercised only voluntarily and shall not include an involuntary exercise. If a beneficiary dies with assets remaining in his or her separate trust, upon the beneficiary's death the beneficiary may appoint his or her trust to or for the benefit of one or more of any of my lineal descendants (excluding from said class, however, such beneficiary and such beneficiary's creditors, estate, and creditors of such beneficiary's estate). Any part of his or her trust such beneficiary does not effectively appoint shall upon his or her death be divided among and held in separate Trusts for the following persons:



raised from or near the time of birth by a married couple (other than a same sex married couple) through the pendency of such marriage, (ii) one of such couple is the designated ancestor, and (iii) to the best knowledge of the Trustee both members of such couple participated in the decision to have such child. No such child or lineal descendant loses his or her status as such through adoption by another person. Notwithstanding the foregoing, for all purposes of this Trust and the dispositions made hereunder, my children, TED S. BERNSTEIN, PAMELA B. SIMON, ELIOT BERNSTEIN, JILL IANTONI and LISA S. FRIEDSTEIN, shall be deemed to have predeceased me as I have adequately provided for them during my lifetime.

2. Code. "**Code**" means the Internal Revenue Code of 1986, as amended, and in referring to any particular provision of the Code, includes a reference to any equivalent or successor provision of a successor federal tax law.

3. Disabled. "**Disabled**" or being under "**Disability**" means, as to any applicable individual: (1) being under the age of 21 years, (2) having been adjudicated by a court of competent jurisdiction as mentally or physically incompetent or unable to manage his or her own property or personal affairs (or a substantially similar finding under applicable state or national law), or (3) being unable to properly manage his or her personal or financial affairs, or a trust estate hereunder as to a Trustee hereunder, because of a mental or physical impairment (whether temporary or permanent in nature). A written certificate executed by an individual's attending physician or attending psychiatrist confirming that person's impairment will be sufficient evidence of Disability under item (3) above, and all persons may rely conclusively on such a certificate.

4. Education. The term "**education**" herein means vocational, primary, secondary, preparatory, theological, college and professional education, including post-graduate courses of study, at educational institutions or elsewhere, and expenses relating directly thereto, including tuition, books and supplies, room and board, and travel from and to home during school vacations. It is intended that the Trustee liberally construe and interpret references to "education," so that the beneficiaries entitled to distributions hereunder for education obtain the best possible education commensurate with their abilities and desires.

5. Needs and Welfare Distributions. Payments to be made for a person's "**Needs**" means payments necessary for such person's health (including lifetime residential or nursing home care), education, maintenance and support. Payments to be made for a person's "**Welfare**" means discretionary payments by the Trustee, from time to time, for such person's Needs and also for such person's advancement in life (including assistance in the purchase of a home or establishment or development of any business or professional enterprise which the Trustee believes to be reasonably sound), happiness and general well-being. However, the Trustee, based upon information reasonably available to it, shall make such payments for a person's Needs or Welfare only to the extent such person's income, and funds available from others obligated to supply funds for such purposes (including, without limitation, pursuant to child support orders and agreements), are insufficient in its opinion for such purposes, and shall take into account such person's accustomed manner of living, age, health, marital status and any other factor it considers important. Income or principal to be paid for a person's Needs or Welfare may be paid to



such individual or applied by the Trustee directly for the benefit of such person. The Trustee may make a distribution or application authorized for a person's Needs or Welfare even if such distribution or application substantially depletes or exhausts such person's trust, without any duty upon the Trustee to retain it for future use or for other persons who might otherwise benefit from such trust.

6. Per Stirpes. In a division "*per stirpes*" each generation shall be represented and counted whether or not it has a living member.

7. Related or Subordinate Party. A "*Related or Subordinate Party*" to a trust describes a beneficiary of the subject trust or a related or subordinate party to a beneficiary of the trust as the terms "related or subordinate party" are defined under Code Section 672(c).

8. Spouse. A person's "*spouse*" includes only a spouse then married to and living as husband and wife with him or her, or a spouse who was married to and living as husband and wife with him or her at his or her death. The following rules apply to each person who is a beneficiary or a permissible appointee under this Trust Agreement and who is married to a descendant of mine. Such a person will cease to be a beneficiary and will be excluded from the class of permissible appointees upon:

- a. the legal termination of the marriage to my descendant (whether before or after my death), or
- b. the death of my descendant if a dissolution of marriage proceeding was pending when he or she died.

The trust will be administered as if that person had died upon the happening of the terminating event described above.

9. Gender, Number. Where appropriate, words of any gender include all genders and the singular and plural are interchangeable.

F. Powers of Appointment. Property subject to a power of appointment shall be paid to, or retained by the Trustee or paid to any trustee under any will or trust agreement for the benefit of, such one or more permissible appointees, in such amounts and proportions, granting such interests, powers and powers of appointment, and upon such conditions including spendthrift provisions as the holder of such power (i) in the case of a power exercisable upon the death of such holder, appoints in his or her will or in a trust agreement revocable by him or her until his or her death, or (ii) in the case of a power exercisable during the life of such holder, appoints in a written instrument signed by such holder, two witnesses and a notary public, but in either case only if such will, trust agreement, or instrument specifically refers to such power.

G. Limitations on Powers of Trustee. Regardless of anything herein to the contrary, no Trustee shall make or participate in making any distribution of income or principal of a trust to or for the benefit of a beneficiary which would directly or indirectly discharge any legal obligation of such

