

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

IN RE:
SHIRLEY BERNSTEIN TRUST
Deceased

TED BERNSTEIN, AS TRUSTEE
OF THE SHIRLEY BERNSTEIN TRUST
AGREEMENT DATED MAY 20, 2008,
AS AMENDED

PETITIONER,

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.,

RESPONDENTS,

CASE NO.
50-2014-CP-003698-XXXX-NB

Beneficiary Joshua Ennio Zander
Bernstein's ("Joshua's")
Still Credible
Post-Hearing Filing with
Unbiased
Proposed Order

THIS CAUSE came before the Court for evidentiary hearing on July 24, 2019, upon (i) *Beneficiary's Motion for Disbursement from the Court Registry to the Beneficiary* filed on December 11, 2018 [DE 348]; and (ii) *Beneficiary's Petition for Disbursement from the Court Registry to the Beneficiary* filed January 29, 2019 [DE 349] (the "Petitions"), and the Court, having reviewed the Petitions and relevant parts of the record, having received sworn testimony from Joshua Bernstein, having entertained argument of counsel and pro se parties, and being otherwise fully advised in the premises, does hereby ORDER AND ADJUDGE:

1 The Motions are granted in part and denied in part, as set forth below.

A Court's Sacred thus Inviolable Duties have been recognized and also done by the Court

2 The Trustee and the Beneficiary both have to agree. Federal law *preempts* State law. It requires automatic disqualification of a judge under certain circumstances, e.g., if a detached objective observer would entertain reasonable questions about the judge's impartiality to conclude that a hearing was unfair and partial, then, the judge must be disqualified as a biased thus impractical instead of an unbiased thus practical judge no ifs, ands or buts, period, case closed, because:

- .1 "Justice must satisfy the appearance of justice", See *Offutt v. United States*, 348 U. S. 11, 14 (1954) *Ex parte McCarthy*, [1924] 1 K. B. 256, 259 (1923); and
- .2 "Justice should not only be done, but should manifestly and undoubtedly be seen to be done." *Marshall v. Jerrico, Inc.*, 446 U. S. 238, 242 (1980) (noting the importance of "preserv[ing] both the appearance and reality of fairness," which "generat[es] the feeling, so important to a popular government, that justice has been done") (quoting *Joint AntiFascist Refugee Comm. v. McGrath*, 341 U. S. 123, 172 (1951) (**Frankfurter, J., concurring**). *Liteky v US*, 1994, 510 US 540, 564-565, 114 S. Ct. 1147, 1162. [**Bipartisan Emphasis added**]; see also, *Levine v US*, 1960, 362 US 610, 80 S. Ct. 1038, citing *Offutt v US*, 1954, 348 US 11, 14, 75 S. Ct. 11, 13.

B Brief Background of the Years Old Case

3 The Court has previously entered an Order dated December 6, 2017 [DE 295] directing certain proceeds be deposited into the court registry. For the parties' and Court convenience and ease of reference, the relevant parts of Simon's Trust are appended as Exhibit "A" and the relevant parts of the Order are set forth 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.

* * * *

"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 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.

“4 Under the terms of the December 6, 2017 Order [DE 295], the Trustee has made three deposits into the court registry as shown on the Court's docket:

\$ 60,000.00 on August 1, 2018 [DE 325];
\$ 69,751.12 on August 1, 2018 [DE 326]; and
\$ 17,000.00 on October 31, 2018 [DE 342],
\$146,751.12 Total, less applicable court registry fees.”

C Request for an *Unbiased* Court-ordered Forensic Audit Report to Protect 100% Impartiality

5 As babies can do no wrong to self-correct their wrongs, as licensed attorneys and governments, with enshrined government officers like Judges, can, and do, do wrongs, as the Court itself does not have the time and the resources to protect 100% impartiality, and as it is embarrassing to self-correct their own or other Judges' wrongs *if and when they do self-correct* their own or other Judges' wrongs, so the Court has to agree, and does agree, with Joshua that the Court has to think and be practical to Order an ***Unbiased*** Forensic Audit Report by a duly licensed attorney who is also an accountant, preferably but not necessarily certified, to help confirm if Joshua's grandparents were, or were not, a multimillionaire/billionaire, if their last wishes were, or were not, that, as one of their 10 grandchildren, Joshua get \$0 in inheritance in seven years *living like a step-grandchild not enjoying the same living standard* of health, education, maintenance and support as "Welfare" to meet his "Needs" under the Trust *after their demise as before their demise*, both before and also after reaching age 35 as required by the Trust.

D Request to Disburse Funds to Lalit K. Jain

6 Joshua has requested that entire balance in the court registry be delivered by U.S. Mail to Lalit K. Jain, Esq. as Attorney FBO Joshua Bernstein, See DE 348, ¶6; DE 349, ¶6, because he has 100% trust, faith and belief in Attorney Jain and, *conversely*, he has 0% trust, faith and belief in Florida attorneys duly proved by *all*

Court experiences and reading breaking news about Florida attorneys so far, especially because Joshua testified that Mr. Jain assists him and his father Eliot in preparing various court filings, including filings made by both on July 23, 2019 [*see, e.g.*, D.E. 357]. Joshua's testimony confirmed his review and support of such filings. His testimony is true that he is a *pro se* attorney-in-fact, that Mr. Jain is his personal attorney, that Mr Jain is helping him in preparing court filings and that he has no problem understating Mr Jain's legal mind even if *all* Florida attorneys have the same problem understating Mr Jain's legal mind **only because** no other legal minds are Positive Thinkers as the one and only Positive Thinker Mr Jain and as it is so proven by everyone's commonsense with which everyone is born with, no ifs, ands or buts, period, case closed.

7 The Court agrees with the Trustee and declines to release any of Joshua's trust funds to Mr. Jain **until** Joshua proves that Mr. Jain is also a member of the Florida Bar, also does practice law in Florida and also is subject to the jurisdiction or supervision of this Court just like all Florida attorneys still making breaking news still are, **but not because** the Court agrees with the Trustee to believe that Mr. Jain is not a suitable trustee or custodian of Joshua's portion of these trust funds based upon various documents authored by Mr. Jain, which are on file in this or the related Palm Beach County probate case as part of filings by Joshua and Eliot.

E Request of Joshua for a partial distribution

8 Joshua also has requested a partial release of funds for certain educational and transportation needs. During his testimony, Joshua was unable to provide the Court with an estimate of how much he currently requires to meet his "Needs" (health, education, maintenance and support) and "Welfare" under the Trust. As Joshua did provide same with his proposed *Unbiased* Order and as the Trustee has advised the Court that he supports a reasonable withdrawal of funds if (i) such funds are used for the benefit of Joshua; (ii) their use is consistent with Simon's wishes and the instructions as set forth in Simon Bernstein's Trust; and (iii) the funds are not depleted too rapidly given Joshua's lack of money management experience at his current age 21, so the Court has thought to be, and is practical, to Order release of funds to help Joshua satisfy his "Needs".

9 ***Accordingly***, in the sound discretion of the Court, the Court hereby orders the clerk of the court to deliver from the registry funds held for the benefit of Joshua Bernstein the sum of **\$128,873.85**. Joshua is ordered to use such funds consistent with the terms of the Trust and keep appropriate records of such expenditures. In making any future withdrawal requests, Joshua shall include a summary that generally demonstrates how he spent the prior distributed funds, and the Court may take into account how such funds have been actually used by Joshua, as well as other factors (including how quickly all of the trust funds set aside for Josh would be fully expended).

10 Except as expressly granted above, the rest of the Motions are denied.

These rulings are without prejudice to Joshua still thinking and proposing a suitable replacement trustee consistent with ¶6(a) of the December 6, 2017 Order quoted above ***even if he is now satisfied with the trust funds still being held*** in the Court Registry.

DONE AND ORDERED in Chambers, North County Courthouse on _____, 2019.

HONORABLE DINA KEEVER-AGRAMA
Circuit Court Judge

cc: All parties on the attached service list of this Case

SERVICE LIST SHIRLEY BERNSTEIN TRUST 50-2014-CP-003698-XXXX-NB

#	Law Firm / Attorney	Address/Emails	Party Represented
1	Mrachek, Fitzgerald, Rose, Konopka, Thomas & Weiss, P.A. / Page, Mrachek, Fitzgerald & Rose, P.A. / Alan B. Rose, Esq.	505 South Flagler Drive Suite 600 West Palm Beach, Florida 33401 +1 (561) 355-6991 arose@mrachek-law.com, arose@pm-law.com, mchandler@mrachek-law.com, abourget@mrachek-law.com	Ted Bernstein (Individually & as Successor Trustee of Shirley Trust), Attorney Alan B. Rose, Esq. (Personally & Professionally), Page, Mrachek, Fitzgerald & Rose, P.A.
2	John P. Morrissey, P.A. / John Patrick Morrissey, Esq. (FL Bar No. 993727)	330 Clematis Street Suite 213 West Palm Beach, FL 33401 +1 (561) 833-0866 john@jmorrisseylaw.com	Alexandra Bernstein, Eric Bernstein, Michael Bernstein, Molly Simon
3	Ciklin Lubitz Martens & O'Connell / Brian M. O'Connell, Esq. PA, Joielle "Joy" A. Foglietta Esq., Ashley Crispin Ackal, Esq.	515 N Flagler Dr 20th Floor West Palm Beach, FL 33401 +1 (561) 832-5900 boconnell@ciklinlubitz.com, jfoglietta@ciklinlubitz.com, CAnderson@ciklinlubitz.com,	Estate Simon Bernstein, Brian O'Connell PR
4	O'Connell & Crispin Ackal, PLLC / Brian M. O'Connell, Esq. PA, Joielle "Joy" A. Foglietta Esq., Ashley Crispin Ackal, Esq.	420 Royal Palm Way Suite 300 Palm Beach, FL 33480 +1 (561) 355-0403 boconnell@ocalawyers.com, service@OCAlawyers.com, acrispinackal@ocalawyers.com, secondaryservice@OCAlawyers.com, jfoglietta@ocalawyers.com, dreed@OCAlawyers.com	Estate Simon Bernstein, Brian O'Connell PR
5	ADR & MEDIATIONS SERVICES, LLC / Diana Lewis Fla. Bar No. 351350 - GAL	2765 Tecumseh Drive West Palm Beach, FL 33409 (561) 758-3017 dzlewis@aol.com	Joshua, Jacob & Daniel Bernstein
6	Matrix Mediation / Ronald Alvarez, Rodney G Romano	1655 Palm Beach Lakes Boulevard Suite 700 and Suite 710 West Palm Beach, Florida 33401 (800) 379.2580 ron@matrixmediation.com, tamara@matrixmediation.com,	

		eservicematrixmediation@gmail.com ,	
7	Perlman, Bajandas, Yevoli & Albright, P.L. / Paul D. Turner, Esq. (FL Bar No. 113743) Miguel Armenteros, Jr., Esq. (FL Bar No. 14929) TERMINATED	200 S Andrews Avenue Suite 600 Fort Lauderdale, FL 33301 +1 (954) 566-7117 pturner@pbyalaw.com, miguel@pbyalaw.com, rking@pbyalaw.com, eservicemia@pbyalaw.com, mzucker@pbyalaw.com, eserviceftl@pbyalaw.com	Joshua Ennio Zander Bernstein
8	Gutter Chaves Josepher Rubin Forman Fleisher Miller PA /Charles D. Rubin, Esq.	Boca Corporate Center 2101 NW Corporate Blvd. Suite 107 Boca Raton, FL 33431-7343 561.998.7847 crubin@floridatax.com	
9	Tescher & Spallina, PA / Donald R. Tescher, Robert L. Spallina	Boca Village Corporate Center I 4855 Technology Way Suite 720 Boca Raton, FL 33431 (561) 997-7008 dtescher@tescherlaw.com, dtescher@tescherspallina.com, ddustin@tescherlaw.com, rspallina@comcast.net, rspallina@tescherspallina.com	Robert Spallina, Donald Tescher, Tescher & Spallina, PA, Robert Spallina (Personally & Professionally), Donald Tescher (Personally & Professionally)
10	Peter M. Feaman, P.A. / Peter M. Feaman, Esq., Nancy Guffey, Esq.	3695 W. Boynton Beach Blvd. Suite 9 Boynton Beach, FL 33436 +1 (561) 734-5552 pfeaman@feamanlaw.com, mkoskey@feamanlaw.com, service@feamanlaw.com, nguffey@feamanlaw.com	William E. Stansbury

11	Golden Cowan, P.A. / William Henry Glasko, Esq.	17345 S. Dixie Highway Miami, FL 33157 +1 (305) 809-7913 EService@PalmettoBayLaw.com, Tmeal@gcprobateLaw.com, bill@PalmettoBayLaw.com	Lisa Friedstein, Jill Iantoni, Julia Iantoni, Max Friedstein, Carly Friedstein
12	Marc J. Soss, Esq. TERMINATED	2070 Ringling Blvd Sarasota, FL 34237 P.O. Box 110127 Lakewood Ranch, FL 34211 +1 (941) 928-0310 mjs@fl-estateplanning.com	Joshua Ennio Zander Bernstein
13	John P. Morrissey, P.A. / John Patrick Morrissey, Esq. (FL Bar No. 993727)	330 Clematis Street Suite 213 West Palm Beach, FL 33401 +1 (561) 833-0866 john@jmorrisseylaw.com	Alexandra Bernstein, Eric Bernstein, Michael Bernstein, Molly Simon
14	Huth, Pratt & Milhauser f.k.a. Huth & Pratt / Brandan J. Pratt, Esq. (FL Bar No. 0745) TERMINATED	2500 N Military Trl Ste 312 Boca Raton, FL 33431-6324 Office: 561-392-1800 Cell: 561-392-1800 Fax: 561-392-3535 bpratt@hpmlawyers.com	Eliot Bernstein
15	Pro Se		Eliot Bernstein 2753 NW 34th St Boca Raton, FL 33434 561-245-8588 iviewit@iviewit.tv, iviewit@gmail.com, tourcandy@gmail.com
16	Unrepresented		Jacob Noah Archie Bernstein 2753 NW 34th St Boca Raton, FL 33434 561-245-8588 telenetjake@gmail.com

17	Unrepresented		Daniel Elijah Abe Ottomo Bernstein c/o Eliot & Candice Bernstein 2753 NW 34th St Boca Raton, FL 33434 561-245-8588 iviewit@iviewit.tv, tourcandy@gmail.com
18	Unrepresented		Joshua Ennio Zander Bernstein 2753 NW 34th St Boca Raton, FL 33434 561-245-8588 telenetjosh@gmail.com
19	Unrepresented		Matthew Logan
20	Unrepresented		Pamela Beth Simon, Molly Simon 950 North Michigan Avenue Suite 2603 Chicago, IL 60611 +1 (312) 819-7474 x Ext. 414 psimon@stpcorp.com, molly.simon1203@gmail.com
21	Unrepresented		Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 +1 (312) 804-2318 jilliantoni@gmail.com
22	Unrepresented		Lisa Friedstein, Carly Friedstein, Max Friedstein 2142 Churchill Lane Highland Park, IL 60035 +1 (847) 877-4633 lisa@friedsteins.com, lisa.friedstein@gmail.com, mscarly@gmail.com, khoolmax@gmail.com
23	Unrepresented		Michael Bernstein, Eric Bernstein, Alexandra Bernstein 880 Berkley Street Boca Raton, FL 33487 alb07c@gmail.com, mchl_bernstein@yahoo.com, edb07fsu@gmail.com

24	Unrepresented		Lindsay Baxley aka Lindsay Giles (Personally & Professionally)
25	Unrepresented		Kimberly Francis Moran (Personally & Professionally)

