

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

No.: 502014CP003698XXXXNB
Probate Division IA

TED BERNSTEIN, as Trustee of the
Shirley Bernstein Trust Agreement Case
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.; 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.

**Motion for Appointment of Josh Bernstein as Primary Co-Trustee and
Adoption of Prior Petitions by Consent**

COMES NOW Josh Bernstein who respectfully shows this Court as follows:

1. I am Josh Bernstein a named Beneficiary of certain Trust Funds held in the Court Registry together with my brothers Jake and Danny Bernstein.
2. I am the oldest of us brothers as the sole and only Beneficiaries in this matter.
3. I make this motion to Approve the Unanimous Consent of all Beneficiaries and Co-Trustee Ginger Stanger to Appoint me as the lead and primary Co-Trustee over these funds held in Trust in the Court Registry for the Beneficiaries.
4. I further make this motion on Consent of Ginger Stanger and my brothers Jake and Danny Bernstein to adopt and join in the original Petition under DE No. 447 and further objections and motion under DE No. 450 as if originally filed by myself as the Petitioner.
5. I am 27 years old and am a results-driven sales professional with a 4 Year Business Management degree from Florida Atlantic University with a proven track record of rapid growth, earning two promotions in just three years by consistently exceeding targets and managing high-value enterprise accounts.
6. I pair strong relationship-building with analytical problem-solving to drive revenue, train new reps, and improve internal sales operations. With a

background spanning customer success, team leadership, and international experience as a U-19 Israel National Team Captain, I bring both strategic insight and a competitive edge to every opportunity.

7. The Simon Bernstein Trust agreement recently filed as Exhibit 1 under DE 458 to the best of my knowledge is the Trust Agreement the Court has been traveling under and expressly allows for a Beneficiary to act as Co-Trustee and actually had been set up originally to be Co-Trustee with a parent.
8. Attached as Exhibit 1 is the Consent and Approval issued by Ginger Stanger which came after phone family meetings with my brothers and Ginger.
9. This is a proper Welfare and Needs based request consistent with the Terms of the Simon Trust and is appropriate based upon the current actions relating to our home which is the primary asset of our Company BFR, LLC set up by Simon Bernstein as part of Asset Protection specifically for our family and also appropriate based on our life circumstances.
10. I'd like to clarify Ms. Stanger's role for the record.
11. Although she filed the initial emergency motion to help preserve beneficiary rights, the current petition was drafted by the three sole beneficiaries — myself and my brothers Jake and Danny Bernstein — in full consultation with Ms. Stanger and filed with our assistance.

12. The Court scheduled the hearing date of the 20th knowing the original request was by Emergency so I am not going to address the “Emergency” at the time of filing other than saying the imminent loss of our home and asset and the litigation from multiple cases was factored into the request.
13. She has signed a written consent supporting both this motion and my appointment as Co-Trustee. She has not filed any objection and is not seeking active involvement in this hearing.
14. Given that she resides out of state, has already expressed full support, and is not contesting any matter before the Court today, we respectfully request that the Court excuse her from testimony or participation although she will be available to appear by Zoom on the 20th.

**FAIR NOTICE TO TED BERNSTEIN-ALAN ROSE AS PART OF
MEET AND CONFER**

15. As part of the Meet and Confer process the Court instructed us to pursue, both Ted Bernstein and Alan Rose had specific notice by email dated June 6, 2025 copied to the Court of our plan to seek approval by the Court of this nomination as Co-Trustee and to adopt the prior motions well in advance of Mr. Rose’s filing of No Objection to the registry request which was filed on June 16th, 2025 under DE No. 454 and submitted to the Court by email from Mr. Rose on June 17, 2025.

16. A copy of this email is attached below:

Begin forwarded message:

From: Alan Rose <AROSE@mrachek-law.com>
Date: June 6, 2025 at 6:59:12 PM EDT
To: Josh Bernstein <telenetjosh@gmail.com>
Cc: paralegal@sweetapplelaw.com, rsweetapple@sweetapplelaw.com, Ginger Stanger <gingerstanger@gmail.com>, Jake Bernstein <telenetjake@gmail.com>
Subject: Re: Mr. Rose, Meet and Confer from Josh Bernstein Case No. 502014CP003698XXXXNB BERNSTEIN, SHIRLEY

I'll be glad to confer next week. And I would be glad to meet your deadline of June 13 for our response.

Alan Rose

On Jun 6, 2025, at 18:53, Josh Bernstein <telenetjosh@gmail.com> wrote:

Mr. Rose,

I am writing this email as the recently nominated and consenting primary Trustee / Co-Trustee, following the Judge's reminder at the end of the recent hearing to Meet and Confer. I am taking the lead on all motions, and we are in the process of filing paperwork that adopts the prior motions and filings for the June 20th hearing.

The Simon Trust allows for Beneficiaries to serve as Trustees. Because our uncle Ted no longer has standing over these funds, we hope your office will not interfere with our request to the Court to approve this nomination by unanimous consent.

My brothers and I, as Beneficiaries, hope that you and our uncle Ted Bernstein will either consent or raise no further objections or disruptions to this request for distributions. You acknowledged during the Zoom hearing that you have no standing to object. Your office and our uncle Ted relinquished the funds to the Court and, as such, no longer have standing over them.

Please let us know if you will agree to the proposed Order or to raise no further objections regarding this request.

Also, my brothers and I trust that your law office and our uncle Ted Bernstein would not have put our Trust funds at risk by subjecting them to creditor claims—especially since the terms of Simon’s Trust include a protective provision against such claims.

We hope Mr. Sweetapple will withdraw his prior motion and raise no further objections during this process. We also ask that you remind him these are Trust funds not subject to creditor claims.

Finally, we request that your office and Mr. Bernstein submit in writing any cause or objection you believe you have by June 13th, so we have time to address it before the June 20th hearing.

I have copied the Court on this email.

Sincerely,
Joshua Bernstein

17. Our Uncle Ted Bernstein and attorney Rose thus knew of this request well in advance of their filing and had adequate notice and opportunity to object and have no Objection according to the filed statement and by the admissions in the statement have no Standing to object now.

**NEED FOR ZOOM ACCESS GINGER STANGER, DANNY BERNSTEIN,
ELIOT BERNSTEIN**

18. Because Ginger Stanger is in California it was financially impractical for her to be present in person and the Division Rules already allow Zoom for out of State residences and we ask this on her behalf to be available by Zoom.

19. I want to remind the Court that the last hearing it was 6:30 am in California and our Grandmother has natural body functions that took her away from part of the Phone dial in.
20. As far as my brother Danny, he is needed to be at home as myself, Jake and our mother Candice plan to attend in person but due to our Father's Emergency Medical conditions which have even been recently filed and considered for extension in the Federal Bankruptcy Court in South Florida our father needs an adult at the home at all times for his medical safety and thus we request that Zoom be available for Danny and our father Eliot.

"No Objections" and Alan Rose - Ted Bernstein

21. The beneficiaries express our apologies to this Court, as we had truly hoped our Uncle Ted Bernstein and his counsel, Alan Rose, would finally act in good faith.
22. We believed they had done so by filing the Statement of No Objection to this registry request, but now, after admitting they have no standing to be heard, they continue attempting to influence this Court and obstruct the proper administration of our Trust funds held in the Court Registry.
23. In addition to stating No Objection, Mr. Rose, as a licensed attorney and officer of the Court, further stated in Paragraph 19: "That said, the funds are not the property of Plaintiff. Plaintiff has no power to authorize releases,"

thus admitting that neither Uncle Ted Bernstein nor Mr. Rose has any standing to be heard in objection to this request. See DE No. 454, filed June 16, 2025, and emailed to this Court June 17, 2025.

24. However, Mr. Rose continuously blocked releases over the years by claiming to this Court that he was the trustee of the trusts, despite the fact that he was not and had no standing. His obstruction prevented the release of funds that could have paid off the Private Note with the Sahm family and saved our \$900,000 family home from foreclosure due to a \$100,000 mortgage, in addition to other urgent needs that we beneficiaries faced.
25. I have been doing extensive research on my own and self-educating myself in the law using the resources available to me. Some have suggested I should go to law school based on my current efforts, which I am seriously considering.
26. In response to Mr. Rose's email trying to obstruct the hearing process, I would like to clarify the following for the record:
27. Mr. Rose's 90-page filing on behalf of Ted Bernstein explicitly stated "no objection" to the relief requested in our pending motion. If he now asserts that the matter cannot proceed by consent or that the relief was not properly sought, this represents a clear and concerning inconsistency.

28. Prior to this filing by Mr. Rose and the recent email, he was clearly notified during our Meet and Confer process via an email copied to the Court that the relief requested included both the appointment of a Co-Trustee and distribution of registry funds, all supported by the beneficiaries and authorized under the Trust.

29. To now argue that a hearing is still required after filing a statement of no objection creates the appearance of a procedural objection designed to delay resolution rather than a genuine legal dispute. This kind of posturing only burdens the Court and obstructs what should be a simple, cooperative outcome.

30. In effect, this creates a sham procedural objection. There is no adverse party, no factual dispute, and no legal controversy remaining on the motion. It would be improper and inequitable to prolong this matter simply because counsel now seeks to reinterpret his own filed statement of “no objection.”

31. We have copied Mr. Rose on this email and hope he and his client, our Uncle Ted Bernstein, will simply withdraw and act in good faith. They have no basis to question us, and they have no standing to be heard and should not be participating in any hearing.

32. We believe the Court can question us, but no other party has standing to be heard or object.

33. Thus, we believe that is what any hearing should be limited to.
34. If Uncle Ted and Mr. Rose persist in obstructing the administration of our Trust funds, we wish to advise the Court these are very serious matters and will raise issues that could result in conduct by licensed attorney Alan Rose being reported to the Florida Bar and criminal authorities as appropriate.
35. Again, we hoped that this motion would not proceed in this way, wasting Court resources, and believe there is simply no standing by Uncle Ted or Mr. Rose.
36. While we are not going to get into this in detail at this time and do not believe it is relevant to our request, Mr. Rose has seriously misled this Court by knowing acts of omission and concealment.
37. Mr. Rose failed to explain to the Court that he came in through attorneys Donald Tescher and Robert Spallina, who had to resign from all Estate and Trust matters after altered Trust documents were tendered by Tescher and Spallina, admitted to by Mr. Spallina to the PBSO.
38. This came after our father, Eliot Bernstein, exposed Ted Bernstein and the Tescher and Spallina firm using a “dead man,” our grandfather Simon Bernstein, to allegedly sign documents while deceased relating to the Shirley case to close that case months after Simon had passed away. Ultimately, only

Kimberly Moran, a paralegal of Tescher and Spallina, was criminally charged by the PBSO.

39. Mr. Rose was aware of this since at least January of 2014, in a resignation letter signed by Donald Tescher and copied to Alan Rose.

40. Mr. Rose also failed to point out that Judge Colin had read “Miranda” warnings to Ted Bernstein and Tescher and Spallina as a result of the “dead man” documents, and later Judge Colin voluntarily recused himself within 24 hours of our father filing a mandatory disqualification against Judge Colin, in part for leaving Ted Bernstein as fiduciary despite his knowledge of the fraudulent documents filed in our grandfather’s name.

41. Mr. Rose is well known for his M.O. of reciting “final non-appealable” judgments and orders in his routine before courts. However, Mr. Rose repeatedly overlooks at least one area of exception under law for “void” judgments based on fundamental due process violations.

42. For proper context, our grandfather and grandmother loved our father, Eliot Bernstein, and our family so much that Simon did specific asset protection in the business friendly Private Note with Walter Sahm and Pat Sahm Sr. to protect our father and our family from the very type of conduct we are now seeing from Mr. Rose in this registry request. This is the Private Note that

Pat Sahm Sr. is owed on, and we have a plan for satisfying that note and any bad judgments against us, our company BFR LLC, and our home.

43. William Stansbury, who was Trustee for our grandfather and Trust Protector of certain accounts, issued the attached affidavit showing that our grandfather had a specific income stream to satisfy their mutual friend Walt Sahm upon Simon's passing. We are not sure why, but Mr. Stansbury has never been called as a witness since issuing the affidavit in March 2022. He remains available and has a highly credible background as past president in high-net-worth life insurance planning in Palm Beach County.
44. Walt Sahm himself wrote directly to Ted Bernstein in 2013 referencing the income stream to satisfy the note and was denied and disregarded by Ted Bernstein. Walt also wrote to our father and mother Candice later that year, clearly working with our father Eliot to get this private note satisfied. These statements are attached and there are at least three witnesses who can authenticate these writings by Walt and Pat Sahm.
45. A highly egregious action by Mr. Rose is shown in the attached 2017 emails and letters, evidencing his knowledge that Tescher and Spallina had resigned from Bernstein family matters, including with the Secretary of State, where Donald Tescher resigned as Agent for BFR LLC, yet Mr. Rose and Uncle Ted acted in common with Mr. Sweetapple in pursuing a judgment falsely

taken against our company, knowing service on resigned Agent Tescher for BFR was improper.

46. I am learning more about fundamental due process violations under federal law, 42 U.S.C. § 1983, and understand that it is a federal crime to conspire to violate fundamental due process. Mr. Rose has concealed from this Court serious due process and statutory violations and has grossly misrepresented our grandparents' estate and trust values. Even with the pattern of discovery abuse by Mr. Rose and others, financial records for Simon Bernstein show at least \$6 to \$7 million in investments and cash unaccounted for, not including the \$1.7 million Chicago litigation or the value from the sale of Simon's Lions Head Lane mansion, Shirley Bernstein's condo, or assets like the Bentley, Porsche, and jewelry. As beneficiaries, we have received nothing except for a few withdrawals from the trust funds in the Registry. Under any version of the testamentary documents, our family is entitled to at least 30% (3 out of 10 grandchildren), which is far greater than \$150,000 each.
47. Again, we do not believe it is necessary or proper for the Court to be diverted into these other matters, and believe any hearing should be limited to the Court and ourselves.
48. However, if Mr. Rose is to be heard further on this registry case, we respectfully request that the Court direct him to provide:

1. An accounting of the total legal fees he and his law firm have earned from the beginning to present
2. A copy of his firm's professional liability policy for malpractice
3. Any applicable fiduciary policies covering Ted Bernstein
4. A sworn appearance by Ted Bernstein to establish any standing to be heard further on this request.

49. As previously stated, all three beneficiaries and the current Co-Trustee, Ginger Stanger, are in full agreement, and we are prepared to submit a proposed order through OLS. We respectfully ask that the Court treat this as a consent matter appropriate for a brief hearing or UMC time, consistent with prior registry distributions.

50. There being no opposition from any party with standing, and with the unanimous support of the beneficiaries and current Co-Trustee, this matter is ripe for summary resolution.

WHEREFORE, it is respectfully prayed for an Order approving the Unanimous Consent to appoint Josh Bernstein as primary and lead Co-Trustee over all the brothers Trust Funds in the Court Registry together with Ginger Stanger and to adopt and join in the prior motions and petitions as if filed by Josh Bernstein and to Orderly structure the hearing as prayed for herein and to issue an Order authorizing

the Distribution of \$25,000 to each beneficiary and for such other and further relief as may be just and proper.

Dated: June 18, 2025

/s/ Josh Bernstein

Defendant Pro Se

2753 NW 34th Street

Boca Raton, Florida 33434

561-886-7546

telenetjosh@gmail.com

DECLARATION OF JOSHUA BERNSTEIN

Under penalties of perjury, I declare that I have read the foregoing Motion to Approve the Unanimous Consent to Appoint Josh Bernstein as lead and primary Co-Trustee over all 3 Trust Funds in the Registry Court for Josh, Jake and Danny Bernstein and Motion to Adopt and Join the prior Motions of Ginger Stanger and for other relief and approve this filing and pray for the Release and Withdrawal of certain Registry funds payable individually in amounts of \$25,000.00 each to us brothers and that the facts stated in it are true to the best of my own knowledge except those matters stated upon information and belief and as to those matters believe them to be true and further consent to such Petition being granted and for such other and further relief as may be just and proper,

Dated : June 18, 2025



Joshua Ennio Zander Bernstein

DECLARATION OF JACOB BERNSTEIN

Under penalties of perjury, I declare that I have read the foregoing Motion to Approve the Unanimous Consent to Appoint Josh Bernstein as lead and primary Co-Trustee over all 3 Trust Funds in the Registry Court for Josh, Jake and Danny Bernstein and Motion to Adopt and Join the prior Motions of Ginger Stanger and for other relief and approve this filing and pray for the Release and Withdrawal of certain Registry funds payable individually in amounts of \$25,000.00 each to us brothers and that the facts stated in it are true to the best of my own knowledge except those matters stated upon information and belief and as to those matters believe them to be true and further consent to such Petition being granted and for such other and further relief as may be just and proper,

Dated : June 18, 2025

Jacob Noah Archie Bernstein



DECLARATION OF DANIEL BERNSTEIN

Under penalties of perjury, I declare that I have read the foregoing Motion to Approve the Unanimous Consent to Appoint Josh Bernstein as lead and primary Co-Trustee over all 3 Trust Funds in the Registry Court for Josh, Jake and Danny Bernstein and Motion to Adopt and Join the prior Motions of Ginger Stanger and for other relief and approve this filing and pray for the Release and Withdrawal of certain Registry funds payable individually in amounts of \$25,000.00 each to us brothers and that the facts stated in it are true to the best of my own knowledge except those matters stated upon information and belief and as to those matters believe them to be true and further consent to such Petition being granted and for such other and further relief as may be just and proper,

Dated : June 18, 2025



Daniel Elishja Abe Ottomo Bernstein

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all parties requiring service were served electronically via the Florida ECourt filing portal on this 18th day of June, 2025.

Dated: June 18, 2025

/s/ Josh Bernstein
Defendant Pro Se
2753 NW 34th Street
Boca Raton, Florida 33434
561-886-7546
telenetjosh@gmail.com