

IN THE CIRCUIT COURT IN AND FOR THE 15TH 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
FILE NO: 502014CP003698XXXXSB

Plaintiff,

vs.

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; Elliot 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.

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ANSWER AND AFFIRMATIVE DEFENSE

BRIAN M. O'CONNELL, as Successor Personal Representative of the Estate of SIMON L. BERNSTEIN ("Mr. O'Connell" or "Personal Representative"), hereby files his Answer and Affirmative Defense to the Amended Complaint dated October 3, 2014 ("Amended Complaint"), and states as follows:

1. Admit that Ted Bernstein is over the age of 18; without knowledge, therefore, denied as to Ted Bernstein's residency; the Shirley Bernstein Trust Agreement dated May 20,

2008, as amended (“Shirley Trust”) speaks for itself, otherwise, without knowledge, therefore denied.

2. Admit.

3. The Shirley Trust speaks for itself, otherwise, without knowledge, therefore, denied.

4. Without knowledge, therefore, denied.

5. The Shirley Trust speaks for itself, otherwise, without knowledge, therefore, denied.

6. The Shirley Trust speaks for itself, otherwise, without knowledge, therefore, denied.

7. Admit.

8. Without knowledge.

9. Admit.

10. Admit.

11. The Shirley Trust speaks for itself, otherwise, without knowledge, therefore, denied.

12. Admit.

13. The Shirley Trust speaks for itself, otherwise, without knowledge, therefore, denied.

14. The document referenced in paragraph 14 of the Amended Complaint speaks for itself, otherwise, without knowledge therefore, denied.

15. The document referenced in paragraph 15 of the Amended Complaint speaks for itself, otherwise, without knowledge therefore, denied.

16. Without knowledge, therefore, denied.
17. The Shirley Trust speaks for itself, otherwise, without knowledge, therefore, denied.
18. The Shirley Trust speaks for itself, otherwise, without knowledge, therefore, denied.
19. The Shirley Trust speaks for itself, otherwise, without knowledge, therefore, denied.
20. Without knowledge, therefore, denied.
21. The Shirley Trust speaks for itself, otherwise, without knowledge, therefore, denied.
22. The Shirley Trust speaks for itself, otherwise, without knowledge, therefore, denied.
23. The Shirley Trust speaks for itself, otherwise, without knowledge, therefore, denied.
24. The Will of Simon L. Bernstein dated July 25, 2012 (“Simon’s Will”) speaks for itself, otherwise, without knowledge.
25. Simon’s Will speaks for itself, otherwise, without knowledge as to the authenticity, therefore, denied.
26. Simon’s Will speaks for itself, otherwise, without knowledge, therefore, denied.
27. Simon’s Will speaks for itself, otherwise, without knowledge, therefore, denied.
28. Simon’s Will and the Shirley Trust speak for themselves, otherwise, without knowledge, therefore, denied.

29. Simon's Will and the Shirley Trust speak for themselves, otherwise, without knowledge, therefore, denied.

30. Simon's Will and the Shirley Trust speak for themselves, otherwise, without knowledge, therefore, denied.

31. Simon's Will and the Shirley Trust speak for themselves, otherwise, without knowledge, therefore, denied.

32. The Shirley Trust speaks for itself, without knowledge as to Ted serving as the Successor Personal Representative of Shirley's Estate; otherwise, without knowledge, therefore, denied.

33. Without knowledge, therefore, denied.

34. Without knowledge, therefore, denied.

35. Without knowledge, therefore, denied.

36. Without knowledge, therefore, denied.

37. Without knowledge, therefore, denied.

38. The Shirley Trust speaks for itself, otherwise, without knowledge, therefore, denied.

39. Admit.

40. The Shirley Trust speaks for itself, otherwise, without knowledge, therefore, denied.

41. The Shirley Trust speaks for itself, otherwise, without knowledge, therefore, denied.

42. Without knowledge, therefore, denied.

43. Without knowledge, therefore, denied.

44. Without knowledge, therefore, denied.
45. Without knowledge, therefore, denied.
46. Without knowledge, therefore, denied.
47. The action speaks for itself, otherwise, without knowledge, therefore, denied.
48. Without knowledge, therefore, denied.
49. The Shirley Trust speaks for itself, otherwise, without knowledge, therefore, denied.
50. Without knowledge, therefore, denied.
51. Without knowledge, therefore, denied.
52. Without knowledge, therefore, denied.
53. The Shirley Trust speaks for itself, otherwise, without knowledge, therefore, denied.
54. Without knowledge, therefore, denied.
55. Without knowledge, therefore, denied.
56. Without knowledge, therefore, denied.
57. Without knowledge, therefore, denied.
58. Without knowledge, therefore, denied.
59. Without knowledge, therefore, denied.
60. Without knowledge, therefore, denied.
61. Without knowledge, therefore, denied.
62. Without knowledge, therefore, denied.
63. Without knowledge, therefore, denied.
64. Without knowledge, therefore, denied.

65. Without knowledge, therefore, denied.

66. Reallege and restate answers as stated above.

67. The action speaks for itself, otherwise, without knowledge, therefore, denied.

68. The action speaks for itself, otherwise, without knowledge, therefore, denied.

69. Without knowledge, therefore, denied.

70. The action speaks for itself, otherwise, without knowledge, therefore, denied.

71. Without knowledge, therefore, denied.

72. Without knowledge, therefore, denied.

73. Without knowledge, therefore, denied.

74. Without knowledge, therefore, denied.

75. Without knowledge, therefore, denied.

76. Without knowledge, therefore, denied.

77. Without knowledge, therefore, denied.

78. Without knowledge, therefore, denied.

79. Reallege and restate answers as stated above.

80. The action speaks for itself, otherwise, without knowledge, therefore, denied.

81. Admit.

82. The assertion and request in paragraph 82 of the Amended Complaint speaks for itself, otherwise, without knowledge, therefore, denied.

83. The documents referenced in paragraph 83 of the Amended Complaint speak for themselves, otherwise, without knowledge, therefore, denied.

84. Admit.

85. The document referenced in paragraph 85 of the Amended Complaint speaks for itself, otherwise, without knowledge, therefore, denied.

86. The documents referenced in paragraph 86 of the Amended Complaint speak for themselves, otherwise, without knowledge, therefore, denied.

87. Admit.

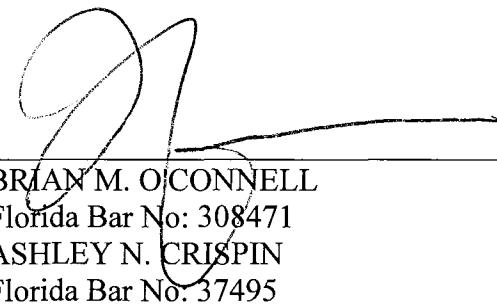
88. Without knowledge, therefore, denied.

AFFIRMATIVE DEFENSE

1. First Affirmative Defense- Lack of Standing- Ted Bernstein lacks the requisite standing as he is not validly serving as Trustee of the Simon Trust, is not a beneficiary of the Simon Trust, and is not representing any minor child that is a beneficiary of the Simon Trust.

WHEREFORE, BRIAN M. O'CONNELL, as Personal Representative of the Estate of SIMON L. BERNSTEIN, hereby files his Answer and Affirmative Defense to the Amended Complaint, and requests attorneys' fees and costs and any other relief deemed just or proper by this Court.

I HEREBY CERTIFY that a true and correct of the foregoing was sent by e-mail service or U.S. Postal Service on the 17 day of February, 2015 to the parties on the attached Service List.



BRIAN M. O'CONNELL
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ASHLEY N. CRISPIN
Florida Bar No: 37495
JOIELLE A. FOGLIETTA
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