

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

PROBATE DIVISION

CASE NO.: 502014CP002815XXXXSB (IY)

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.

**OPPENHEIMER BANK OF DELAWARE'S MOTION FOR ENLARGEMENT OF
TIME TO RESPOND TO COUNTER-COMPLAINT**

Oppenheimer Trust Company of Delaware ("OTCD"), in its capacity as the resigned Trustee of the Simon Bernstein Irrevocable Trusts created for the benefit of Joshua, Jake and Daniel Bernstein (the "Resigned Trustee"),¹ by and through its undersigned counsel, hereby files this Motion for Enlargement of Time to Respond to the "Counter-Complaint" filed by Eliot and Candice Bernstein in various capacities, and states:

1. In response to a two-count Petition filed by the Resigned Trustee related to three small trusts for the benefit of Joshua, Jake and Daniel Bernstein (the "Minor Beneficiaries"), Eliot and Candice Bernstein, as the parents and natural guardians of the Minor

¹ OTCD filed this action solely in its capacity as the Resigned Trustee and does not, by the filing of this Motion or otherwise, voluntarily appear in this action or subject itself to the jurisdiction of this Court in any other capacity.

Beneficiaries, and in at least a dozen other capacities, purported to file an 86-page, 353-paragraph, 14-Count “Counter Complaint” against the Resigned Trustee, 76 additional counterclaim-defendants, all persons directly or indirectly related to the “entity” counterclaim-defendants, and “John Does 1-5000.” Eliot Bernstein expressly incorporates into the Counter Complaint all allegations, pleadings and evidence from nine other lawsuits pending “worldwide involving Eliot Bernstein,” including several pending before this Court under different case numbers.

2. In addition to its substantive deficiencies, the Counter Complaint raises threshold questions of, *inter alia*, jurisdiction, comity, priority, capacity, standing, conflicts of interest, and the appropriateness of permitting Eliot and Candice Bernstein to act as their children’s representatives in this litigation. The Resigned Trustee intends to raise these threshold issues by motion, but requires additional time to do so.

3. The Resigned Trustee respectfully requests a thirty (30) day enlargement of time, through and including September 19, 2014, to respond to the Counter Complaint by motion or otherwise.

4. This is the first enlargement of time sought by the Resigned Trustee. It is requested in good faith and not for purpose of delay.

WHEREFORE, the Resigned Trustee respectfully requests a thirty (30) day enlargement of time, through and including September 19, 2014, to respond to the Counter Complaint.

Respectfully submitted,

GRAYROBINSON, P.A.
Counsel for the Resigned Trustee
225 N.E. Mizner Boulevard, Suite 500
Boca Raton, FL 33432
Telephone: (561) 368-3808

By: /s/ Steven A. Lessne
Steven A. Lessne, Esq.
Florida Bar No. 107514
steven.lessne@gray-robinson.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via e-mail and U.S. Mail to all parties on the attached Service List this 20th day of August 2014.

/s/ Steven A. Lessne

SERVICE LIST

Eliot Bernstein
2753 N.W. 34th Street
Boca Raton, FL 33434
ivewit@ivewit.tv
ivewit@gmail.com

Candice Bernstein
2753 N.W. 34th Street
Boca Raton, FL 33434
tourcandy@gmail.com