

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

CASE NO. 4D15-3849

ELIOT BERNSTEIN

Petitioner,

v.

IN RE: ESTATE OF SIMON
BERNSTEIN,

Respondent.

L.T. CASE NOS.:

502011CP000653XXXXSB

502014CA014637XXXXMB

502014CP002815XXXXSB

502014CP003698XXXXSB

502015CP001162XXXXNB

502015CP002717XXXXNB

**RESPONDENT'S RESPONSE TO MOTION FOR REHEARING EN BANC
AND REQUEST FOR EXPEDITED RULING**

Respondent, Ted S. Bernstein, as Successor Trustee of the Shirley Bernstein Trust ("Trustee"), responds to the *pro se* Petitioner's Motion for Rehearing En Banc:

1. On its face, this serial filing is procedurally improper and without merit. If it had been filed by an attorney, or if its filing was aided by an attorney, that person should be sanctioned. The Trustee seeks only its immediate denial.

2. The original Petition had no merit, but also was moot. It was properly dismissed. Moreover, there is nothing of exceptional importance in this case. The issues raised seem to be exceptionally important, or obsessively important, to Eliot Ivan Bernstein, but to no one else in the world. Indeed, these issues already have been decided years ago. *Bernstein v. New York*, 591 F. Supp. 2d 448 (S.D.N.Y. 2008).

3. In *Bernstein*, the federal judge dismissed with prejudice Eliot Bernstein's "fantastic conspiracy among members of the legal profession, judges and government officials and private individuals and businesses to deprive plaintiffs of what they describe as their 'holy grail' technologies." *Id.* at 452. Judge Scheindlin noted that Eliot Bernstein and other plaintiffs "allege that hundreds of defendants engaged in a massive conspiracy to violate their civil rights and, in the process, contributed to the Enron bankruptcy and the presidency of George W. Bush." *Id.*¹

4. This is yet another desperate filing seeking to delay a routine sale of real property, which was approved by a final, non-appealable court order dated May 6, 2015. The pendency of the Petition already has delayed the closing by nearly six months. The Trustee respectfully requests that this Court immediately deny the motion for rehearing en banc to avoid any further delay caused by these improper filings.

¹ Among the named defendants in the lawsuit dismissed more than seven years ago are the Justices of the Supreme Court and numerous honorable jurists, lawyers and Court and Florida Bar officials: "The Hon. Jorge Labarga; the Hon. Charles T. Wells; the Hon. Harry Lee Anstead; the Hon. R. Fred Lewis; the Hon. Peggy A. Quince; the Hon. Kenneth B. Bell; . . . John Anthony Boggs, Disciplinary Procedure and Review Attorney for the Florida Bar; Kelly Overstreet Johnson, attorney for and former president of the Florida Bar; Lorraine Christine Hoffman, Eric Turner, Kenneth Marvin, Joy A. Bartmon, and Jerald Beer, attorneys for the Florida Bar; Thomas Hall, Clerk of the Florida Supreme Court; Deborah Yardborough, administrative clerk of the Florida Supreme Court . . ." *Id.* at 470.

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; E-mail Electronic Transmission; FedEx; Hand Delivery this 16th day of December, 2015.

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SERVICE LIST - CASE NO. 4D15-3849

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