

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

CASE NO. 4D16-222

ELIOT BERNSTEIN

L.T. CASE NOS. 2014CP003698XXXXNB
2011CP000653XXXXNB

Appellant,

v.

TED S. BERNSTEIN, AS TRUSTEE,
et al.

Appellee.

APPELLEE'S, TED S. BERNSTEIN, AS SUCCESSOR TRUSTEE,
MOTION TO DISMISS

Appellee, Ted S. Bernstein, as Successor Trustee of the Shirley Bernstein Trust ("Trustee"), moves to dismiss the appeal filed by Eliot Ivan Bernstein for failure to file an initial brief, and states:

1. Appellant filed a Notice of Appeal on January 20, 2016, appealing a final judgment which determined the validity of certain testamentary documents, including certain wills and trusts, and thereby determined the persons to whom distributions should be made. Rule 9.170(b)(5), Fla. R. App. P. (2015).

2. The appeal was docketed as an appeal of a final probate order, and under Rule 9.170(d), the Appellant's initial brief, accompanied by an appendix if applicable,

was due to be served on or before March 30, 2016. To date, there has been no activity in the matter and no brief has been filed.

WHEREFORE, Trustee moves the Court to dismiss the appeal or, should the Court be inclined, enter an order requiring the filing of an initial brief and appendix within 10 days.

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 1st day of April, 2016.

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SERVICE LIST - CASE NO. 4D16-222

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