

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,
RESPONSE TO APPELLANT'S SECOND REQUEST FOR EXTENSION
OF TIME TO FILE INITIAL BRIEF**

Appellee, Ted S. Bernstein, as Successor Trustee of the Shirley Bernstein Trust ("Trustee"), responds to the Appellant's *second* Motion for Extension of Time to File Brief, filed and served May 3, 2016, and states:

1. The *pro se* Appellant's *second* Motion for Extension of Time should be denied. The Initial Brief and Appendix were initially due 70 days after the Notice of Appeal was docketed, *i.e.*, on or before March 30, 2016. This Court granted an extension through May 6, 2016. Nothing in the Motion explains the failure to file the Brief within the deadlines afforded by the Rules, or the substantial extra time already granted by the Court.

2. The delay in this appeal is causing material harm and prejudice to the beneficiaries of the Shirley Bernstein Trust, three of which are Appellant's own children. This appeal is delaying a final resolution of the Trust matters and the distribution of trust proceeds.

3. The convoluted story told in the Motion has no bearing on filing the brief. The entire record from the case below, to the extent it was necessary for the appeal, was filed in early April. Appellant's indigency petition and the dockets from other cases have no impact on the brief here. This was a one-day trial in a trust construction case, No. 2014CP003698XXXXNB, determining the validity and authenticity of testamentary documents. The issues arise solely from that one case, and from that one-day trial. Appellant has had possession of the trial transcript since January 7, 2016. There simply is no explanation or good cause shown for the Appellant's continued delays.

WHEREFORE, Appellee requests that the second Motion for Extension of Time be denied.

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 3rd day of May, 2016.

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SERVICE LIST - CASE NO. 4D16-222

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