

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT,
1525 PALM BEACH LAKES BLVD., WEST PALM BEACH, FL 33401

CASE NO.: 4D16-0222
L.T. No.: 2011CP000653XXXXSB
2014CP003698XXXXNB

ELIOT IVAN BERNSTEIN,

Appellant / Petitioners,

**Motion to Accept Late Filing /
Extension of Time; Motion to
Exceed Page Limit on Brief**

v.

TED BERNSTEIN, AS TRUSTEE, ET AL.

Appellee / Respondent(s)

Appellant-Petitioner Eliot I. Bernstein, respectfully says and moves this Court as follows:

1. I am the Appellant-Petitioner herein acting pro se after being in indigent status for several years.
2. I make this motion in good faith and mindful of this Court's Orders and ask for a One-day extension of time to file the Initial Brief herein.
3. After receiving a call today from the 4th DCA Clerk Christie stating in a message at approx. 10am to call her back, I contacted her back approximately 1 hour later saying I needed additional hours to file due to my

medical condition as further described herein and in Exhibit 1, she advised me to file an additional Motion for Extension. The brief is now done and filed at 6pm EST.

4. It is approximately 1:24pm EST on July 12, 2016 and a prior motion for extension of time was filed before the deadline to file the Initial Brief and this extension requests additional hours after 12:00pm EST initially requested in the original request for extension.

5. I lost significant time yesterday and today alone to complete the Initial Brief due to ongoing medical problems of a dental nature causing severe headaches, pain and discomfort and in fact was treated this day by my Dentist in Boca Raton, Florida, Dr. Ronik S. Seecharan PA DMD 561-395-3244 and was proscribed and been taking heavy narcotic painkillers and other prescriptions including extra strength Vicodin and Flexeril and an Antibiotic for infection.

6. This condition has gone on and been present for the last several days, since July 06, 2016 when I first contacted his office to schedule an Emergency appointment and after this Court granted my additional time to file this brief but Dr. Ronik S. Seecharan PA DMD was on vacation until July 11, 2016 when he called and ordered me in for the procedure at 3:30pm EST. Throughout this

period I was medicated and in great pain and will continue to be so for the next several days of recovery. See Exhibit 1 - Letter Dr. Seecharan

7. It was anticipated that the final Initial Brief would be uploaded, filed and served even prior to the time this Court opened on Tuesday morning July 12, 2016 but moved and prayed to have until noon time on July 12, 2016 in my prior extension request to do so. After submitting an Draft a few minutes after Midnight on July 12, 2016 I passed out until I was awoken to return a call by the 4th DCA Clerk Christie who advised me to file an updated Extension request for the additional time necessary today to complete the Final Initial Brief. By the end of today July 12, 2016 I will have the Final Initial Brief completed for this Court's review.

8. I spoke to the Clerk of the Court before noon and indicated I had only recently awoken having had sleep disrupted by pain and pain medication and trying to finish the brief in good faith.

9. Because the Order being appealed involves four cases and without full records on appeal, I am asking to exceed the page limit of the brief filed, which is 7 pages over the limit for the contents of the brief, excluding any Appendices.

WHEREFORE, it is respectfully prayed for an Order accepting the the One-day late filing of the Initial Brief filed July 12, 2016, for acceptance of the

Brief exceeding the page limit and for such other and further relief as to this Court may seem just and proper.

Dated: July 12, 2016

/s/Eliot Ivan Bernstein

Eliot Ivan Bernstein

2753 NW 34th St

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CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing has been furnished to parties listed on attached Service List by E-mail Electronic Transmission; Court ECF; this 12th day of July, 2016.

/s/ Eliot Ivan Bernstein

Eliot Ivan Bernstein

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Exhibit 1 - Letter Dr. Seecheran

RONIK S. SEECHARAN



D.M.D., P.A.

Practice limited to Prosthodontics

July 12, 2016

To whom it may concern:

Eliot Bernstein contacted my office last Thursday to schedule an emergency appointment due to complications with his dental procedures. Unfortunately, our office was closed last week; at which time the earliest we could see him was on Monday, July 11 at 3:30pm. Mr. Bernstein was in severe pain and discomfort and was prescribed pain medication, muscle relaxers and an antibiotic for the next few days post the procedure done in our office.

Sincerely,

Dr. Ronik Seecharan