

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

CASE NO. 4D16-1449

Consolidated with Case Nos. 4D16-1476 and 4D16-1478

ELIOT IVAN BERNSTEIN

L.T. CASE NOS. 2014CP003698XXXXNB

Appellant,

v.

TED S. BERNSTEIN, AS TRUSTEE,  
et al.

Appellee.

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**APPELLEE'S, TED S. BERNSTEIN, AS TRUSTEE, JOINDER IN  
APPELLEE OPPENHEIMER'S RESPONSE TO APPELLANT'S  
SEPTEMBER 6, 2016 "MOTION FOR EXTENSION OF TIME AND  
STAY PROCEEDINGS – NOTICE OF MEDICAL UNAVAILABILITY"**

Appellee, Ted S. Bernstein, as successor Trustee of the Shirley Bernstein Trust ("Trustee"), joins in Appellee's Oppenheimer *Response to Appellant's September 6, 2016 "Motion for Extension of Time and Stay Proceedings – Notice of Medical Unavailability,"* filed September 13, 2016.

1. While the undersigned is sympathetic to any legitimate need for more time, Eliot has abused that privilege throughout these proceedings, having already been granted several extensions. This is an appeal of orders appointing a Guardian ad Litem to represent the interests of Eliot's three children. The order under appeal

in Case 4D16-1478 appoints former circuit and probate judge Diana Lewis to serve as Guardian ad Litem. The Order was entered after Judge Phillips determined Eliot was an inadequate representative of his children's interests and, indeed, was acting adverse and destructive to their interests. Thus, Eliot could no longer serve as their representative in these various trust and estate matters.

2. The issues in the appeal, although important, are rather simple and straightforward. If Eliot wants to pursue the appeal, he should have been prepared to file his brief on the already extended due date, as Oppenheimer points out. Certainly, if he wants to try to stop or undermine the work the Guardian from completing her work, it would only be fair to all involved to require a prompt filing.

3. The Trustee objects to the request for an additional stay through mid-November, and requests that the Court enter appropriate relief in the Court's discretion as requested in Oppenheimer's Response.

**CERTIFICATE OF SERVICE**

I CERTIFY that a copy of the foregoing has been served by e-mail on all parties listed on the attached service list, this 13th day of September, 2016.

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**SERVICE LIST** - CASE NO. 4D16-1478

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