

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 *THIRD SUCCESSIVE* MOTION
FOR EXTENSION OF TIME AND TO STAY PROCEEDINGS**

Appellee, Ted S. Bernstein, as Successor Trustee of the Shirley Bernstein Trust ("Trustee"), submits his opposition to the latest and *third successive* Motion for Extension of Time and To Stay Proceedings filed by Appellant, Eliot Bernstein ("Eliot").

1. Eliot's third Motion for Extension or Stay was filed on October 25, 2016 – in response to this Court's Order on October 18, 2016, which denied his second such motion and ordered:

appellant's October 13, 2016 motion for extension of time and to stay proceedings and grant an extension is denied. Appellant shall file the reply brief within five (5) days from the date of this order. Failure to

comply with this court *will foreclose appellant's right to file a reply brief.*

2. The third Motion is the same as the last two Motions, both of which were denied by this Court. In Response to the second Motion, Appellee suggested that the Court afford Eliot five days to file a Reply. The Court did just that, yet Eliot still refused to comply.

3. For the same reasons as expressed in Appellee's October 14th Response, Appellee requests that the Court deny this third successive Motion, and resolve the appeal based upon the Initial and Answer Brief at the Court's earliest convenience.

WHEREFORE, the Trustee respectfully requests the Court deny the pending Motion.

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 25th day of October, 2016.

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