

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: 4D16-1449  
Consolidated with  
CASE NO: 4D16-1476  
CASE NO: 4D16-1478

L.T. No.: 2011CP000653XXXXSB  
2014CP003698XXXXNB  
2014CP002815XXXXNB

ELIOT IVAN BERNSTEIN    V.    OPPENHEIMER TRUST COMPANY  
OF DELAWARE, in its capacity as  
Resigned Trustee of the Simon Bernstein  
Irrevocable Trusts created for the benefit  
of Joshua, Jake and Daniel Bernstein,

Appellant / Petitioner(s)

Appellee / Respondent(s)

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**APPELLANT'S NOTICE OF FLORIDA LICENSED MEDICAL DOCTOR  
INSTRUCTIONS OCT. 24, 2016 AND EXTENSION AND STAY REQUEST**

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1. I am the Appellant pro se.
2. I have previously moved for extensions and a stay to complete appropriate filings herein based on medical reasons.

3. I have attached as Exhibit 1 a Notice of Instructions from my Licensed Florida Medical Doctor received yesterday, Oct. 24, 2016 from Dr. Jamal A. Halim, M.D., which expressly states I should “*avoid all types of stress over the next 2 weeks . . .*” pending further Medical testing for conditions that have been expressly notified to this Court in seeking proper extensions of time and a stay of proceedings in this Court and the lower Courts.
4. This condition can be life-threatening where my heart “stops” according to doctors at any time of a vasovagal attack and where my ability to sit upright and focused for lengthy periods of time is highly compromised and a danger to my medical welfare, including stress which is a major trigger of vasovagal attacks.
5. Appeals should be decided On the Merits.
6. There is overwhelming Merit to my Appeal herein.
7. The attorneys opposing my Extensions are tied up together in Fraud upon the Court and upon information are acting in concert and “coordination” by the “pile on” method of repeatedly bombarding me with multiple filings at once or a day or so apart, having received in excess of 8 separate filings total from attorneys Alan Rose and Steven Lessnee in the last 2 days alone.
8. The attorneys opposing my Extensions, primarily Alan Rose and Stephen Lessne, were brought into the cases by attorneys Tescher and Spallina, Ted

Bernstein's former counsel, who were also fiduciaries in these matters and who have admitted to fraud on the court by their law firm in these matters that directly benefited Ted and his family and who both recently signed consents with the SEC for insider trading, including Spallina pleading guilty to criminal misconduct in a separate criminal complaint. Spallina has also admitted in the lower court to committing other crimes in these matters including mail and wire fraud and altering beneficiaries of the Shirley Bernstein Trust document that are being investigated ongoing with state and federal authorities.

9. The Pattern and Practice of Fraud and Fraud using the court in these matters is what has cost all delays and expenses and interference with expectancy and damages to multiple parties involved as is fully evidenced in the record.

10. The history of all the cases and related cases on appeal not only shows fraud upon the Court but will show and does show substantial periods of time, gaps of time as it were, where no action has occurred in the cases whatsoever and thus those opposing my extensions and determinations on the Merits have no showing available to justify their now rushed position nor shown any actual harm or prejudice by reasonable delay especially caused in substantial part if not all by such attorneys' own conduct.

**Wherefore**, Appellant Eliot I. Bernstein seeks 4-6 weeks appropriate extensions of time to complete acts to be in compliance with this Court and a medical stay in both this Court and the Lower Court in ALL Case matters before the courts to complete a host of tests (cardiological, neurological and ENT) ordered by various doctors involved in treatment and not accounting for a possible surgery and post surgery recovery time. Delaying these tests and procedures is life threatening as pled earlier. If the Court demands any further information from Doctors involved or hospital records, Appellant will submit them confidentially to the Court. Appellant will notify the courts of any significant change in condition after the allotted stay.

Dated: October 25, 2016

**/s/Eliot Ivan Bernstein**

Appellant Pro Se

2753 NW 34<sup>th</sup> ST

Boca Raton, FL 33434

Telephone. 561-245-8588

[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

### **CERTIFICATE OF SERVICE**

Appellant does hereby certify that the foregoing Motion was served on all parties on the attached service list by e-mail this 25th day of October 2016.

**/s/Eliot Ivan Bernstein**  
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**Exhibit 1**

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WELLINGTON, FL 33414-6137

(561) 422-1006 TEL.  
(561) 422-1078 FAX  
BATCH # MD116012603027791054

DEA # \_\_\_\_\_  
LIC. # ME85753

NAME Glenn Bernstein DOB \_\_\_\_\_  
ADDRESS \_\_\_\_\_ DATE \_\_\_\_\_

TAMPER-RESISTANT SECURITY FEATURES LISTED ON BACK OF SCRIPT

**R**

10/24/16

Patient should avoid  
all type of stren over  
the next 2 wks pending  
GNJ / swallowing  
evaluation for recurrent  
syncope

Label

Refill NR 1 2 3 4 5

(Signature)

In order for the brand name product to be dispensed, the prescriber must write 'Medically Necessary' on the front of this prescription.

002750

6ANE0302779