

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.: 4D16-2249  
L.T. NO. 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)

---

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

---

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 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**

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)

### **SERVICE LIST**

<p>John P. Morrissey, Esq.  330 Clematis Street, Suite 213  West Palm Beach, FL 33401  (561) 833-0766-Telephone  (561) 833-0867 -Facsimile  Email: John P. Morrissey  (ijohn@jrnoiTisseylaw.com)</p>	<p>Lisa Friedstein  2142 Churchill Lane  Highland Park, IL 60035  lisa@friedsteins.com</p>
<p>Peter M. Feaman, Esq.  Peter M. Feaman, P.A.  3695 West Boynton Beach  Blvd., Suite 9  Boynton Beach, FL 33436  (561) 734-5552 -Telephone  (561) 734-5554 -Facsimile  Email:  service@feamanlaw.com:  mkoskey@feamanlaw.com</p>	<p>Jill Iantoni  2101 Magnolia Lane  Highland Park, IL 60035  jilliantoni@gmail.com</p>
<p>Gary R. Shendell, Esq.  Kenneth S. Pollock, Esq.  Shendell &amp; Pollock, P.L.  2700 N. Military Trail,  Suite 150  Boca Raton, FL 33431  (561)241-2323 - Telephone  (561)241-2330-Facsimile  Email:  gary@shendellpollock.com  ken@shendellpollock.com  estella@shendellpollock.com  britt@shendellpollock.com  grs@shendellpollock.com</p>	<p>Counter Defendant  Robert Spallina, Esq.  Donald Tescher, Esq.  Tescher &amp; Spallina  925 South Federal Hwy.,  Suite 500  Boca Raton, Florida 33432</p>
<p>Brian M. O'Connell, Esq.  Joielle A. Foglietta, Esq.  Ciklin Lubitz Martens &amp;  O'Connell  515 N. Flagler Dr., 20th Floor</p>	<p>Counter Defendant  John J. Pankauski, Esq.  Pankauski Law Firm  PLLC  120 South Olive Avenue</p>

<p>West Palm Beach, FL 33401  561-832-5900-Telephone  561-833-4209 - Facsimile  Email:  boconnell@ciklinlubitz.com;  ifoglietta@ciklinlubitz.com;  service@ciklinlubitz.com;  slobdell@ciklinliibitz.com</p>	<p>7th Floor  West Palm Beach, FL  33401  courtfilings@pankauskilawfirm.com  john@pankauskilawfirm.com</p>
<p>Counter Defendant  Mark R. Manceri, Esq., and  Mark R. Manceri, P.A.,  2929 East Commercial  Boulevard  Suite 702  Fort Lauderdale, FL 33308  mrmlaw@comcast.net</p>	<p>Counter Defendant  Donald Tescher, Esq.,  Tescher &amp; Spallina, P.A.  Wells Fargo Plaza  925 South Federal Hwy  Suite 500  Boca Raton, Florida 33432  dtescher@tescherspallina.com</p>
<p>Theodore Stuart Bernstein  880 Berkeley  Boca Raton, FL 33487  tbernstein@lifeinsuranceconcepts.com</p>	<p>Counter Defendant  TESCHER &amp; SPALLINA,  P.A..  Wells Fargo Plaza  925 South Federal Hwy  Suite 500  Boca Raton, Florida 33432  dtescher@tescherspallina.com</p>
<p>Theodore Stuart Bernstein  Life Insurance Concepts, Inc.  950 Peninsula Corporate  Circle  Suite 3010  Boca Raton, FL 33487  tbernstein@lifeinsuranceconcepts.com</p>	<p>Counter Defendant  Alan B. Rose, Esq.  PAGE, MRACHEK,  FITZGERALD, ROSE,  KONOPKA, THOMAS &amp;  WEISS, P.A.  505 South Flagler Drive,  Suite 600  West Palm Beach, Florida  33401  561-355-6991</p>

	<p>arose@pm-law.com arose@mrachek-law.com</p>
<p>Pamela Beth Simon 950 N. Michigan Avenue Apartment 2603 Chicago, IL 60611 psimon@stpcorp.com</p>	<p>Counter Defendant L. Louis Mrachek, Esq. PAGE, MRACHEK, FITZGERALD, ROSE, KONOPKA, THOMAS &amp; WEISS, P.A. 505 South Flagler Drive, Suite 600 West Palm Beach, Florida 33401 561-355-6991 lmrachek@mrachek- law.com</p>
<p>Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com</p>	<p>Counter Defendant Pankauski Law Firm PLLC 120 South Olive Avenue 7th Floor West Palm Beach, FL 33401</p>
<p>Lisa Sue Friedstein 2142 Churchill Lane Highland Park, IL 60035 lisa.friedstein@gmail.com lisa@friedsteins.com</p>	<p>Dennis McNamara Executive Vice President and General Counsel Oppenheimer &amp; Co. Inc. Corporate Headquarters 125 Broad Street New York, NY 10004 800-221-5588 Dennis.mcnamara@opco.c om info@opco.com</p>
<p>Dennis G. Bedley Chairman of the Board, Director and Chief Executive</p>	<p>Hunt Worth, Esq. President Oppenheimer Trust</p>

<p>Officer  Legacy Bank of Florida  Glades Twin Plaza  2300 Glades Road  Suite 120 West – Executive  Office  Boca Raton, FL 33431  info@legacybankfl.com  DBedley@LegacyBankFL.co  m</p>	<p>Company of Delaware  405 Silverside Road  Wilmington, DE 19809  302-792-3500  hunt.worth@opco.com</p>
<p>James Dimon  Chairman of the Board and  Chief Executive Officer  JP Morgan Chase &amp; CO.  270 Park Ave. New York, NY  10017-2070  Jamie.dimon@jpmchase.com</p>	<p>Neil Wolfson  President &amp; Chief  Executive Officer  Wilmington Trust  Company  1100 North Market Street  Wilmington, DE 19890-  0001  nwolfson@wilmingtontrus  t.com</p>
<p>William McCabe  Oppenheimer &amp; Co., Inc.  85 Broad St Fl 25  New York, NY 10004  William.McCabe@opco.com</p>	<p>STP Enterprises, Inc.  303 East Wacker Drive  Suite 210  Chicago IL 60601-5210  psimon@stpcorp.com</p>
<p>Charles D. Rubin  Managing Partner  Gutter Chaves Josepher Rubin  Forman Fleisher Miller PA  Boca Corporate Center  2101 NW Corporate Blvd.,  Suite 107  Boca Raton, FL 33431-7343  crubin@floridatatax.com</p>	<p>Ralph S. Janvey  Krage &amp; Janvey, L.L.P.  Federal Court Appointed  Receiver  Stanford Financial Group  2100 Ross Ave, Dallas,  TX 75201  rjanvey@kjllp.com</p>
<p>Kimberly Moran  Tescher &amp; Spallina, P.A.</p>	<p>Lindsay Baxley aka  Lindsay Giles</p>



<p>Wells Fargo Plaza  925 South Federal Hwy Suite  500  Boca Raton, Florida 33432  kmoran@tescherspallina.com</p>	<p>Life Insurance Concepts  950 Peninsula Corporate  Circle  Suite 3010  Boca Raton, FL 33487  lindsay@lifeinsurancecon  cepts.com</p>
<p>Gerald R. Lewin  CBIZ MHM, LLC  1675 N Military Trail  Fifth Floor  Boca Raton, FL 33486</p>	<p>CBIZ MHM, LLC  General Counsel  6480 Rockside Woods  Blvd. South  Suite 330  Cleveland, OH 44131  ATTN: General Counsel  generalcounsel@cbiz.com  (216)447-9000</p>
<p>Albert Gortz, Esq.  Proskauer Rose LLP  One Boca Place  2255 Glades Road  Suite 421 Atrium  Boca Raton, FL 33431-7360  agortz@proskauer.com</p>	<p>Heritage Union Life  Insurance Company  A member of WiltonRe  Group of Companies  187 Danbury Road  Wilton, CT 06897  cstroup@wiltonre.com</p>
<p>Estate of Simon Bernstein  Brian M O'Connell Pa  515 N Flagler Drive  West Palm Beach, FL 33401  boconnell@ciklinlubitz.com</p>	<p>Counter Defendant  Steven Lessne, Esq.  Gray Robinson, PA  225 NE Mizner Blvd #500  Boca Raton, FL 33432  steven.lessne@gray-  robinson.com</p>
<p>Byrd F. "Biff" Marshall, Jr.  President &amp; Managing  Director  Gray Robinson, PA  225 NE Mizner Blvd #500  Boca Raton, FL 33432</p>	<p>Steven A. Lessne, Esq.  Gunster, Yoakley &amp;  Stewart, P.A.  777 South Flagler Drive,  Suite 500 East  West Palm Beach, FL</p>

<p>biff.marshall@gray-robinson.com</p>	<p>33401  Telephone: (561) 650-0545  Facsimile: (561) 655-5677  E-Mail Designations:  slessne@gunster.com  jhoppel@gunster.com  eservice@gunster.com</p>
<p>T&amp;S Registered Agents, LLC  Wells Fargo Plaza  925 South Federal Hwy Suite 500  Boca Raton, Florida 33432  dtescher@tescherspallina.com</p>	<p>David Lanciotti  Executive VP and General Counsel  LaSalle National Trust NA  CHICAGO TITLE LAND TRUST COMPANY, as Successor  10 South LaSalle Street Suite 2750  Chicago, IL 60603  David.Lanciotti@ctt.com</p>
<p>Joseph M. Leccese  Chairman  Proskauer Rose LLP  Eleven Times Square  New York, NY 10036  jleccese@proskauer.com</p>	<p>Brian Moynihan  Chairman of the Board and Chief Executive Officer  100 N Tryon St #170,  Charlotte, NC 28202  Phone:(980) 335-3561</p>
<p>ADR &amp; MEDIATIONS SERVICES, LLC  Diana Lewis  2765 Tecumseh Drive  West Palm Beach, FL 33409  (561) 758-3017 Telephone  Email: dzlewis@aol.com  (Fla. Bar No. 351350)</p>	



**Exhibit 1**

WEST PALM BEACH NEUROLOGY, P.A.  
JAMAL A. HALIM, M.D.  
WELLINGTON RESERVE  
1035 SOUTH STATE ROAD 7, SUITE 214  
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  
GN7 / 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