

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

CASE NO. 4D16-222

CASE NO. 4D16-3314

ELIOT IVAN BERNSTEIN

Appellant,

L.T. CASE NOS. 2014CP003698 XXXX NB

2014CP002815 XXXX NB

2011CP000653 XXXX NB

v.

TED S. BERNSTEIN, AS TRUSTEE, et al.

Appellee.

**APPELLEE'S, TED S. BERNSTEIN, AS TRUSTEE, RESPONSE TO
APPELLANT'S MOTION FOR DISCLOSURE AS TO JUDGES NAMES
AND RENEWED MOTIONS FOR EXTENSION OR STAY**

Appellee, Ted S. Bernstein, as successor Trustee of the Shirley Bernstein Trust ("Trustee"), responds in opposition to Appellant's *Motion for Disclosure from Court as to Judges Names to be Disclosed for Every Order in Each Case Listed Herein* (the "Motion for Disclosure") filed October 31, 2016, and his *Notice of Florida Licensed Medical Doctor Instructions Oct. 24, 2016 and Extension and Stay Request* filed October 25, 2016, states:

RECEIVED, 10/31/2016 2:52 PM, Clerk, Fourth District Court of Appeal

1. The Motion for Disclosure should be denied.¹ There is no reason for this Court to deviate from its standard procedures for Appellant, Eliot Bernstein ("Eliot").

2. This latest filing further demonstrates the litigation tactics and viewpoint of Eliot, requesting appointment of a "federal monitor" to oversee this Court's work; the removal of these proceedings to "a non-conflicted court of law, either state or federal," and "federal intervention immediately and whistleblower protections to protect he and his families and friends lives." Motion for Disclosure at ¶¶ 14, 16, 17 and 18. These assertions, which could possibly be construed as delusional, are a continuation of Eliot's pattern and practice, both in this Court² and in the trial courts.

3. The renewed extension or stay motion also should be denied. Eliot has abused and continues to abuse the privileges afforded to him by Florida courts.

¹ Appellee notes that the Motion for Disclosure makes no sense as filed in the appeals in Case Nos. 4D15-3849, 4D16-64 and 4D16-3162, because in all three of those cases the final order denying the requested writ or dismissing the appeal clearly lists the names of the three judges who considered the matter.

² In a Motion for Rehearing En Banc filed on December 15, 2015, after the denial of an extraordinary writ petition in Case No. 4D15-3849, Eliot asserted: "The case is thus of not only exceptional importance but statewide importance as not only implicating related ongoing frauds upon the United States but the fundamental Due Process issue of whether the Florida Courts themselves can be an appropriate forum for the Petitioner given the current Florida Supreme Court Judge Jorge Labarga's involvement in the underlying frauds along with substantial members of the Florida Bar including Jerald Beer of the Ciklin, O'Connell law firm now in a case where possible murder has been alleged."

Moreover, his continued filings and continued effort to delay these proceedings has serious financial consequences to the beneficiaries of the trusts at issue here and to the service of the guardian ad litem appointed by the trial court to protect the interests of Eliot's children in those trusts.

4. Eliot's latest filings change nothing: he makes no showing of irreparable and material harm to his children, who are among the class of beneficiaries; and he confirms his inadequacy to represent the beneficial interests of his children in the Florida court system, which he believes to be conflicted and corrupt.

WHEREFORE, the Trustee respectfully requests the Court deny the pending Motions in all cases.

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 31st day of October, 2016.

MRACHEK, FITZGERALD, ROSE, KONOPKA,
THOMAS & WEISS, P.A.
505 South Flagler Drive, Suite 600
West Palm Beach, FL 33401
(561) 655-2250 Telephone/(561) 655-5537 Facsimile
email: arose@mrachek-law.com
Attorneys for Ted S. Bernstein

By: /s/ Alan B. Rose
Alan B. Rose (Fla. Bar No. 961825)

SERVICE LIST

Eliot Bernstein, individually
and Eliot and Candice Bernstein,
as Parents and Natural Guardians of
D.B., Ja. B. and Jo. B, Minors
2753 NW 34th Street
Boca Raton, FL 33434
(561) 245-8588 - Telephone
(561) 886-7628 - Cell
(561) 245-8644 - Facsimile
Email: ivewit@ivewit.tv
ivewit@gmail.com
tourcandy@gmail.com

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
(john@jmorrisseylaw.com)
Counsel for Molly Simon, Alexandra
Bernstein, Eric Bernstein, Michael
Bernstein

Lisa Friedstein
2142 Churchill Lane
Highland Park, IL 60035
lisa@friedsteins.com
Individually and as trustee for her
children, and as natural guardian for
M.F. and C.F., Minors

Peter M. Feaman, Esq.
Peter M. Feaman, P.A.
3695 W. Boynton Beach Blvd., Suite 9
Boynton Beach, FL 33436
(561) 734-5552 - Telephone
(561) 734-5554 - Facsimile
Email: service@feamanlaw.com;
mkoskey@feamanlaw.com
Counsel for William Stansbury

Pam Simon
303 E. Wacker Drive, Suite 2725
Chicago, IL 60601
psimon@stpcorp.com

Gary R. Shendell, Esq.
Kenneth S. Pollock, Esq.
Matthew A. Tornincasa, Esq.
Shendell & 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
matt@shendellpollock.com
estella@shendellpollock.com
britt@shendellpollock.com
grs@shendellpollock.com
robyne@shendellpollock.com

Diana Lewis, Esq.
ADA & Mediations Services, LLC
2765 Tecumseh Drive
West Palm Beach, FL 33409
(561) 758-3017 - Telephone
Email: dzlewis@aol.com
Guardian *Ad Litem* for
Eliot Bernstein's minor children,
Jo.B., Ja.B., and D.B.

Steven A. Lessne, Esq.
GUNSTER, YOAKLEY &
STEWART, P.A.
*Counsel for Oppenheimer Trust
Company of Delaware*
4855 Technology Way, Suite 630
Boca Raton, FL 33431
Telephone: (561) 961-8085
Email: slessne@gunster.com

Jill Iantoni
2101 Magnolia Lane
Highland Park, IL 60035
jilliantoni@gmail.com
Individually and as trustee for her
children, and as natural guardian for
J.I. a minor

Brian M. O'Connell, Esq.
Joielle A. Foglietta, Esq.
Ciklin Lubitz Martens & O'Connell
515 N. Flagler Dr., 20th Floor
West Palm Beach, FL 33401
561-832-5900 - Telephone
561-833-4209 - Facsimile
Email: boconnell@ciklinlubitz.com;
jfoglietta@ciklinlubitz.com;
service@ciklinlubitz.com;
slobdell@ciklinlubitz.com