

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

CASE NO.: 4D16-2249

L.T. NO. 2014CP002815XXXXNB

ELIOT IVAN BERNSTEIN,

Appellant,

vs.

OPPENHEIMER TRUST CO. OF  
DELAWARE, et al.,

Appellees.

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**APPELLEE'S RESPONSE TO MOTION FOR  
EXTENSION OF TIME TO FILE INITIAL BRIEF**

Appellee, Oppenheimer Trust Company of Delaware, et al. ("Oppenheimer"), pursuant to this Court's October 13, 2016 Order, responds to Appellant's Motion for Extension of Time to File Initial Brief, and states as follows:

1. Appellant's Initial Brief was initially due to be served on September 13, 2016. Because it was not timely filed and no motion for extension had been filed, this Court entered an order to show cause why the case should not be dismissed for lack of timely prosecution . (See this Court's Order of September 19, 2016.) Over Oppenheimer's objection to granting further time to Appellant, this Court allowed Appellant until December 2, 2016 for the filing of the Initial Brief. (See Oppenheimer's Response to Motion to Accept Late Filing, dated October 24, 2016, and this Court's Order dated November 2, 2016.)

2. Rather than file the Initial Brief by December 2, Appellant has now requested a further extension, *without even specifying the amount of time requested*, for the completion of

the same Initial Brief. For all of the reasons set forth in Oppenheimer's October 24, 2016 Response, Oppenheimer objects to permitting Appellant further time to file the Initial Brief.

3. In addition, as a result of this Court's recent dismissal of Appellant's three consolidated appeals of the orders appointing Diana Lewis as Guardian *Ad Litem* for Appellant's children (the only real parties in interest in the below proceedings), see Order dismissing Case Nos. 4D16-1449, 4D16-1476, and 4D16-1478, Oppenheimer is contemporaneously filing a motion to dismiss this appeal based upon Appellant's lack of standing to represent his children in this appeal, and Oppenheimer incorporates the arguments from that motion into this response.

WHEREFORE, based upon all of the above, including the fact that Appellant has no standing to pursue this appeal, this Court should deny Appellant's Motion for Extension of Time to File the Initial Brief.

Respectfully submitted,  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via e-mail to all parties on the attached Service List this 13th day of December, 2016.

/s/ Steven A. Lessne  
Steven A. Lessne  
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## SERVICE LIST

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