

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.: 4D16-3314

L.T. No.:

502014CP003698XXXXNB

ELIOT IVAN BERNSTEIN

Appellant / Petitioner(s)

v.

Ted Bernstein, acting as alleged Trustee
of the Shirley Bernstein Trust,
Appellee / Respondent(s)

**APPELLANT'S MOTION FOR ADDITIONAL REASONABLE
EXTENSION-STAY-CONTINUANCE BASED ON THE FRAUD IN
PROCEEDINGS AND RELATED CIRCUMSTANCES**

1. I am the Appellant in this case acting pro se.
2. I am fully aware of this Court's Order of March 28, 2017 and the 15 day deadline and respectfully request a brief and reasonable extension of 7 days to submit the initial brief and submit that this should not be prejudicial to any of the parties based upon fraud that has gone on for over a year that directly relates to the Order that is the subject of this Appeal.
3. Today, April 12, 2017 is the 15th day after such Order was issued and this extension request is therefore timely.

4. I do have a good faith draft of the Initial Brief ongoing and make this request in good faith.
5. Just yesterday, April 11, 2017, I received Orders from the federal 7th Circuit Court of Appeals in relation to an Appeal from a Summary Judgment Order from the Northern District of Illinois that was expressly predicated in part upon some of the exact fraud that has recently been getting exposed in the Lower Tribunal here in the 15th Judicial being fraud caused directly by the parties who would oppose this appeal herein and this request for an extension.
6. These Orders of the 7th Circuit requiring action in that Court are even more pressing as for some “unexplained reason” according to one of the Clerks at the 7th Circuit the U.S. Mail to get me these Orders requiring action was substantially delayed a few weeks causing me to have to divert time and attention from this appeal and related actions. See Exhibit 1, Orders of the 7th Circuit received April 11, 2017 dated March 06, 2017 and April 03, 2017.
7. To further support that there has been a change in the Lower Tribunal and newly discovered evidence I have just recently received an Order from the 15th Judicial Ordering a Hearing on my motion relating to fraud in the proceedings from Feb. of 2017. See, Exhibit 2, Order of Judge Scher scheduling additional Hearings on April 27, 2017.

8. But for the failure of attorney Alan Rose and Ted Bernstein to correct the fraud in these cases many of these actions and appeals would be unnecessary.
9. Further, the Order that is the subject of the Appeal in this case is also ripe and timely for a further Motion to Vacate below under Florida Rule of Civil Procedure 1.540 as less than one year has elapsed and there are ongoing hearings finally exposing the fraud and a successful motion in the Lower Tribunal would render the appeal moot and unnecessary.
10. There is good faith and merit to the Appeal herein based on Due process and lack of Competent Substantial evidence to support the Order which are just two arguments in draft form for the Initial Brief and I pray for the extension so the case may be heard on the merits.
11. This Court will eventually see in the Records on Appeal from this Case that even licensed attorney Peter Feaman had attempted to point out wrongdoing before the Lower Tribunal of Judge Phillips who issued the Order now on Appeal and that licensed attorney Peter Feaman has recently submitted filings to the Lower Tribunal in the ongoing hearings also showing the misleading and misconduct (fraud - misstatements) in the Lower Tribunal by the parties who would oppose this Appeal and extension, namely attorney Alan Rose and Ted Bernstein.

12. Additionally, this week when this Appeal became due is a Holy Week of Passover in the Jewish religion which I was raised in and also a Holy Week in other religions as well.

WHEREFORE, it is respectfully prayed for an Order granting a reasonable Extension of time to submit the Initial Brief herein of at least 7 days and/or a Stay and Continuance for at least 60 days pending the outcome of new and ongoing hearings in the lower Tribunal and such other and further relief as may seem just and proper.

Dated: April 12th, 2017

Respectfully submitted,

/s/ Eliot Ivan Bernstein

Eliot Ivan Bernstein

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the within has been served upon all parties on the attached Service List by E-Mail Electronic Transmission, Court ECF on this 12th day of April, 2017.

/s/ Eliot Ivan Bernstein

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**Exhibit 1, Orders of the 7th Circuit received April 11, 2017 dated March 06,
2017 and April 03, 2017**

**Exhibit 2 - Order of Judge Scher scheduling additional Hearings on April 27,
2017.**