

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

CASE NO. 4D17-1608

ELIOT IVAN BERNSTEIN

L.T. CASE NOS. 2012CP004391XXXXNB

Appellant,

v.

ESTATE OF SIMON L. BERNSTEIN, et al.

Appellee.

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**APPELLEE'S, TED S. BERNSTEIN, TRUSTEE,  
MOTION TO DISMISS APPEAL**

Appellee, Ted S. Bernstein, as Successor Trustee of the Simon L. Bernstein Trust ("Trustee"), moves to dismiss this appeal for lack of prosecution, and states:

1. The Notice of Appeal was filed May 31, 2017. The case was dismissed for non-payment of the filing fee, but then reinstated on July 28, 2017.
2. To date, no Initial Brief has been filed, and no motion for extension of time has been filed. This appeal should be dismissed for lack of prosecution.
3. In addition, the Trustee moves to dismiss this appeal based upon the sanctions order dated August 23, 2017, entered in Case No. 4D17-1932. In what is now a final and nonappealable Order dated August 23, 2017, this Court granted sanctions against Appellant – "The Clerk of this Court is directed to no longer accept any paper filed by Eliot Ivan Bernstein unless the document has been reviewed and

signed by a member in good standing of the Florida Bar who certifies that a good faith basis exists for each claim presented." To date, no attorney has appeared for Appellant, and Appellant can no longer file any papers, including an Initial Brief, on a *pro se* basis.

WHEREFORE, Appellee requests this Court dismiss this appeal.

**CERTIFICATE OF SERVICE**

I CERTIFY that a copy of the foregoing has been served by email on all parties listed on the attached service list, this 9th day of October, 2017.

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