

Florida Fourth District Court of Appeal Docket

Case Docket

Case Number: 4D16-0064

Probate Prohibition Petition from Palm Beach County

ELIOT IVAN BERNSTEIN vs. TED BERNSTEIN, AS TRUSTEE. ET AL.

Lower Tribunal Case(s):2014CP003698XXXXNB

10/11/2018 11:57:05 PM

Date Docketed	Description	Date Due	Filed By	Notes
01/06/2016	Petition Filed		Eliot Ivan Bernstein *P*	CHANGED FROM NOA TO PETITION FOR WRIT OF PROHIBITION
01/06/2016	Notice of Appeal Filed		Clerk Palm Beach CC02	
01/06/2016	Determination of Indigent Status			COPY OF APP. (NO DETERMINATION MARKED)
01/08/2016	ORD-Pay Filing Fee-Original Proceeding			The \$300.00 filing fee or affidavit of indigency in conformance with sections 57.081 and 57.085, Florida Statutes, did not accompany the petition as required in Florida Rule of Appellate Procedure 9.100(b). The filing fee is due and payable at the time of filing REGARDLESS OF WHETHER THE PETITION IS SUBSEQUENTLY VOLUNTARILY DISMISSED OR ADVERSELY DISMISSED. ORDERED sua sponte that the \$300.00 filing fee or affidavit of indigency in conformance with section 57.081 and 57.085, Florida Statutes, must be filed in this Court within ten (10) days from the date of the entry of this order. Failure to comply within the time prescribed will result in dismissal of this cause and may result in the court sanctioning of any party, or the party's attorney, who has not paid the filing fee. The attorney filing the petition has a duty to tender the filing fee to the appellate court when the petition is initiated. See In Re Payment of Filing Fees, 744 So. 2d 1025 (Fla. 4th DCA 1997). Failure of the attorney to pay will result in referral to the Department of Financial Services for collection. **NOTE: No extensions of time will be entertained. Once the fee is paid, it is not refundable. Except for dismissal, this court will take no action in this appeal until this filing fee is paid or until an affidavit of indigency is filed and indigency status is granted.
01/08/2016	ORD-NOA Treated as Writ			ORDERED that the Notice of Appeal filed in the Circuit Court is treated as a Petition for Writ of Prohibition. Petitioner shall file a petition and appendix in compliance with Florida Rule of Appellate Procedure 9.100 within twenty (20) days from the date of this order.
01/08/2016	Prohibition / Acknowledgment letter			
01/16/2016	Miscellaneous Entry			COPY OF INDIGENCY APP. (NO DETERMINATION MARKED)
01/16/2016	Amended Notice of Appeal		Eliot Ivan Bernstein *P*	
01/19/2016	Determination of Indigent Status			
01/29/2016	Petition Prohibition		Eliot Ivan Bernstein *P*	
01/29/2016	Motion for Extension of Time		Eliot Ivan Bernstein *P*	
01/29/2016	Appendix to Petition		Eliot Ivan Bernstein *P*	
02/04/2016	RESPONSE		Alan Benjamin Rose 0961825	
02/29/2016	Order Denying Petition for Writ - Prohib.			ORDERED that the petitioner's January 29, 2016 motion for extension is granted, and the petition is deemed timely filed. Further ORDERED that the January 29, 2016 petition for writ of prohibition is denied. WARNER, TAYLOR and DAMOORGIAN, JJ., concur.
02/29/2016	Denied - Order by Judge			

05/03/2016	Notice of Appeal Filed		Clerk Palm Beach CC02	TREATED AS A DUPLICATE PETITION FOR WRIT OF PROHIBITION
10/31/2016	Miscellaneous Motion		Eliot Ivan Bernstein *P*	FOR DISCLOSURE FROM COURT AS TO JUDGES NAMES TO BE DISCLOSED FOR EVERY ORDER IN EACH CASE LISTED HEREIN.
11/01/2016	Grant Miscellaneous Motion			ORDERED that Eliot Bernstein's October 31, 2016 motion for disclosure from court as to judges' names to be disclosed for every order in each case listed herein is granted in part and denied in part. Mr. Bernstein is advised that pursuant to Section 3.11 of this Court's Manual of Internal Operating Procedures, "The Clerk shall issue unpublished orders of the Court under his or her signature unless otherwise directed by the judge or judges who approved the order. The Court may, at its discretion, include in any order the names of the panel members who approved the issuance of the order." The Clerk's signature appears on all orders issued by this Court, and, in the case of dispositive motions endorsed by a three-judge panel, the three-judge panel who authorized the order is listed. Finally, Mr. Bernstein is advised that as to this Court's October 27, 2016 order in Case No. 16-3162, the Court sua sponte recognized a potential conflict immediately after the order issued, and the case was sent to a different member of the Court for consideration. After a different member of the Court considered the case, the amended order as to the panel was issued; further, ORDERED, to the extent Mr. Bernstein requests that all orders sent to him be exemplified and requests that "the Clerk of this Court no longer rule and make orders in these matters and all pleadings be ruled on by Judges who place their names on the orders," the motion is denied, as the Court will continue to follow its Internal Operating Procedures as set forth above; further, ORDERED, to the extent Mr. Bernstein requests that the Court identify the judges who signed off on certain orders, the orders which were endorsed by judges are as follows, with all other orders having been issued on the Clerk's authority: Case No. 4D15-3849 Judges Stevenson, Levine, and Conner endorsed the November 30, 2015, December 17, 2015, and January 7, 2016 orders. Case No. 4D16-0064 Judges Warner, Taylor, and Damoorgian endorsed the February 29, 2016 order. Case No. 4D16-0222 Judges Taylor and May endorsed the April 21, 2016 order. Judge Gerber endorsed the May 13, 2016 order. Judge Conner endorsed the June 9, 2016 and June 21, 2016 orders. Judges May and Gerber endorsed the July 7, 2016 order. Judges Gross, Levine, and Klingensmith endorsed the July 28, 2016 order. Judge Conner endorsed the September 22, 2016 order. Judge Levine endorsed the October 18, 2016 order. Judge Forst endorsed the October 27, 2016 order. Case No. 4D16-1449 Chief Judge Ciklin and Judge Gerber endorsed the July 8, 2016 order. The Court concludes that the assignment of Chief Judge Ciklin was inadvertent and that the Appellant suffered no prejudice as the Appellee's motion to dismiss was denied. Judge Conner endorsed the August 25, 2016 order. Judge Conner endorsed the September 22, 2016 order.