

Florida Fourth District Court of Appeal Docket

Case Docket

Case Number: 4D16-0222

Final Probate Notice from Palm Beach County

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

Lower Tribunal Case(s):2014CP003698XXXXNB, 2011CP000653XXXXSB

10/11/2018 10:08:29 PM

Date Docketed	Description	Date Due	Filed By	Notes
01/20/2016	Notice of Appeal Filed		Eliot Ivan Bernstein *P*	2011CP000653XXXXSB TREATED AS DUPLICATE
01/20/2016	Notice of Appeal Filed		Clerk Palm Beach CC02	
01/20/2016	Determination of Indigent Status			
01/20/2016	Notice of Appeal Filed		Clerk Palm Beach CC02	TREATED AS DUPLICATE
01/22/2016	Acknowledgment Letter			
04/01/2016	Motion To Dismiss		Alan Benjamin Rose 0961825	
04/01/2016	Notice of Appearance		Alan Benjamin Rose 0961825	
04/04/2016	Show Cause Lack of Prosecution, Initial Brief			**OTSC DISCHARGED 4/21/16** UPON consideration of appellee's April 1, 2016 motion to dismiss, it is ORDERED that appellant in the above-styled case is directed to show cause in writing, if any there be, on or before April 15, 2016, why the above-styled case should not be dismissed for lack of timely prosecution, in that the appellant's initial brief has not been filed with this court as of this date. Failure to respond to this order will result in a sua sponte dismissal without further notice. If the initial brief is filed within this time, the order to show cause will be considered automatically discharged without further order.
04/06/2016	Received Records		Clerk Palm Beach CC02	(3109 PAGES) (L.T.#50-2011-CP-000653-XXXX-NB)
04/07/2016	Received Records		Clerk Palm Beach CC02	(2117 PAGES) (L.T.#50-2014-CP-003698-XXXX-NB)
04/12/2016	Mot. for Extension of time to file Initial Brief		Eliot Ivan Bernstein *P*	
04/14/2016	RESPONSE		Alan Benjamin Rose 0961825	TO MOTION FOR EOT *AND* REPLY TO RESPONSE TO S/C ORDER **SEE 4/21/16 ORDER**
04/21/2016	Order Granting EOT for Initial Brief			Upon consideration of appellee's April 14, 2016 response, it is ORDERED that appellant's April 12, 2016 motion for extension of time to file the initial brief is granted, and appellant shall serve the initial brief within fifteen (15) days from the date of this order. In addition, if the initial brief is not served within the time provided for in this order, the above-styled case may be subject to dismissal or the court in its discretion may impose other sanctions; further, ORDERED that upon consideration of appellant's response filed April 14, 2016, this court's April 4, 2016 order to show cause is discharged; further, ORDERED that appellee's April 1, 2016 motion to dismiss is denied.
05/03/2016	Mot. for Extension of time to file Initial Brief		Eliot Ivan Bernstein *P*	*AND* REQUEST FOR ORDER TO PRODUCE INDEXES FOR APPEAL FOR TWO ADDITIONAL CASES THE APPEALED ORDER ADDRESSES
05/03/2016	RESPONSE		Alan Benjamin Rose 0961825	TO MOTION FOR EXT. OF TIME **SEE 5/13/16 ORDER**
05/13/2016	Order Granting EOT for Initial Brief			Upon consideration of appellee's May 3, 2016 response, it is ORDERED that appellant's May 3, 2016 motion for extension of time to file brief is granted, and appellant shall serve the initial

				brief within fifteen (15) days from the date of this order. In addition, if the initial brief is not served within the time provided for in this order, the above-styled case may be subject to dismissal or the court in its discretion may impose other sanctions; further, ORDERED that appellant's May 3, 2016 request for order to produce indexes for appeal for two additional cases is denied. The court notes that the transcript of the one-day trial is a part of the record. Further, appellant has failed to show how the additional indexes of the related cases would be helpful for the instant appeal, as opposed to the two records that have already been provided.
05/25/2016	Motion Supplemental Record & Eot For Brief		Eliot Ivan Bernstein *P*	
05/26/2016	RESPONSE		Alan Benjamin Rose 0961825	**SEE 6/9/16 ORDER**
06/09/2016	Deny Motion to Supplement Record			Upon consideration of appellee's May 26, 2016 response, it is ORDERED that appellant's May 25, 2016 motion with specificity to order production of the full record and extend time to file initial brief is denied. Appellant shall file the initial brief within five (5) days from the date of this order.
06/14/2016	Motion For Rehearing/Interim Order		Eliot Ivan Bernstein *P*	EN BANC AND MOTION FOR EXTENSION OF TIME TO FILE INITIAL BRIEF
06/15/2016	RESPONSE		Alan Benjamin Rose 0961825	IN OPPOSITION TO MOTION CONTAINING A FOURTH REQUEST FOR EXT. OF TIME TO FILE INITIAL BRIEF AND SEEKING REHEARING EN BANC OF THE COURT'S 6/9/16 ORDER
06/21/2016	Order Denying Rehearing Interim Order			ORDERED that the appellant's June 14, 2016 motion for extension of time to submit an initial brief, and vacating and rehearing en banc of this Court's order of June 9, 2016 is denied.
06/22/2016	Motion To Dismiss		Alan Benjamin Rose 0961825	**SEE 6/23/16 ORDER**
06/23/2016	Show Cause Lack of Prosecution, Initial Brief			**DISCHARGED 7/7/16** Upon consideration of appellee's June 22, 2016 second motion to dismiss, it is, ORDERED that appellant in the above-styled case is directed to show cause in writing, if any there be, within ten (10) days from the date of the entry of this order, why the above-styled case should not be dismissed for lack of timely prosecution, in that the appellant's initial brief has not been filed with this court as of this date. Failure to respond to this order will result in a sua sponte dismissal without further notice. If the initial brief is filed within this time, the order to show cause will be considered automatically discharged without further order.
07/06/2016	RESPONSE TO ORDER TO SHOW CAUSE		Eliot Ivan Bernstein *P*	MOTION FOR EXT. OF TIME AND DRAFT INITIAL BRIEF
07/07/2016	Initial Brief to be Filed in Court			ORDERED that upon consideration of appellant's July 6, 2016 response this court's June 23, 2016 order to show cause is discharged; further, ORDERED that appellee's June 22, 2016 second motion to dismiss is denied; further, ORDERED that appellant's July 6, 2016 motion for extension of time is granted, and appellant shall serve the initial brief on or before Monday, July 11, 2016. In addition, if the initial brief is not served within the time provided for in this order, the above-styled case will be subject to dismissal or the court in its discretion may impose other sanctions. Appellant is advised that no further extensions will be granted absent a detailed explanation for why the initial brief has not yet been filed and a showing of extraordinary circumstances where, if a further extension is not granted, irreparable and material harm will result to the litigant. This court will not entertain any more requests from appellant to supplement the record with the records or indexes from the purported related cases. Appellant is advised that the filing of additional motions will not toll the time for filing the initial brief.
07/12/2016	Mot. for Extension of time to file Initial Brief		Eliot Ivan Bernstein *P*	**SEE CORRECTED MOTION**
07/12/2016	Mot. for Extension of time to file Initial Brief		Eliot Ivan Bernstein *P*	**CORRECTED AS TO WHEREFORE CLAUSE**
07/12/2016	Motion To Accept Timely Brief		Eliot Ivan Bernstein *P*	*AND* MOTION FOR EOT *AND* MOTION TO EXCEED PAGE LIMIT ON BRIEF
07/20/2016	Appendix to Brief		Eliot Ivan Bernstein *P*	TO INITIAL BRIEF
07/28/2016	Appellant's Initial Brief w/Appendix		Eliot Ivan Bernstein *P*	**BRIEF PERMITTED TO EXCEED PAGE LIMIT AND IS DEEMED TIMELY FILED - SEE 7/28/16 ORDER**
07/28/2016	Order Granting EOT for Initial Brief			ORDERED that appellant's July 12, 2016 motion for extension of time is granted; further,

				ORDERED that appellant's July 12, 2016 motion to accept late filing/extension of time and motion to exceed page limit on brief is granted. The appellant's initial brief is deemed timely filed as of the date of this order.
08/16/2016	Mot. for Extension of time to file Answer Brief		Alan Benjamin Rose 0961825	
08/25/2016	Order Granting EOT for Answer Brief			ORDERED that appellee's August 16, 2016 motion for enlargement of time is granted, and appellee shall serve the answer brief within ten (10) days from the date of this order. In addition, appellee is notified that the failure to serve the brief within the time provided herein may foreclose appellee's right to file a brief or otherwise participate in this appeal.
09/06/2016	Appellee's Answer Brief		Alan Benjamin Rose 0961825	
09/06/2016	Motion To Stay		Eliot Ivan Bernstein *P*	*AND* EOT FOR INITIAL BRIEF - NOTICE OF MEDICAL UNAVAILABILITY
09/13/2016	RESPONSE		Alan Benjamin Rose 0961825	TO APPELLANT'S MOTION FOR NINE-WEEK STAY OF APPEAL
09/22/2016	Reply Brief to be Filed in Court			ORDERED that appellant's September 6, 2016 motion for extension of time and to stay proceedings is denied. Appellant shall file the reply brief within twenty (20) days from the date of this order. No motions or other filings shall toll the time to file the reply brief, and no further extensions shall be granted absent a showing of extraordinary circumstances where, if a further extension is not granted, irreparable and material harm will result to the litigant.
10/13/2016	Mot. for Extension of Time to File Reply Brief		Eliot Ivan Bernstein *P*	
10/14/2016	RESPONSE		Alan Benjamin Rose 0961825	
10/18/2016	Reply Brief to be Filed in Court			Upon consideration of appellee's October 14, 2016 response, it is ORDERED that appellant's October 13, 2016 motion for extension of time and to stay proceedings and grant an extension is denied. Appellant shall file the reply brief within five (5) days from the date of this order. Failure to comply with this court will foreclose appellant's right to file a reply brief.
10/25/2016	Mot. for Extension of Time to File Reply Brief		Eliot Ivan Bernstein *P*	*AND* STAY REQUEST *AND* NOTICE OF MEDICAL DOCTOR INSTRUCTIONS
10/25/2016	RESPONSE		Alan Benjamin Rose 0961825	TO APPELLANT'S THIRD SUCCESSIVE MOTION FOR EXTENSION OF TIME AND TO STAY PROCEEDINGS
10/27/2016	Order Denying Extension of Reply Brief			Upon consideration of appellee's October 25, 2016 response, it is ORDERED that appellant's October 25, 2016 motion for extension and stay request is denied. The above-styled case shall proceed to the merits panel without a reply brief.
10/31/2016	Miscellaneous Motion		Eliot Ivan Bernstein *P*	FOR DISCLOSURE FROM COURT
10/31/2016	RESPONSE		Alan Benjamin Rose 0961825	TO MOTION FOR DISCLOSURE, ETC.
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.
04/27/2017	Affirmed - Per Curiam Affirmed			
05/12/2017	Motion for Extension of Time		Eliot Ivan Bernstein *P*	TO FILE A MOTION FOR REHEARING, ETC.
05/15/2017	RESPONSE		Alan Benjamin Rose 0961825	TO APPELLANT'S MOTION FOR EXTENSION OF TIME
05/19/2017	Grant Extension of Time			ORDERED that appellant's May 12, 2017 motion for extension of time is granted, and the time to file a motion for rehearing, clarification, written opinion and certification is extended seven (7) days from the date of the entry of this order.
05/30/2017	Motion For Rehearing		Eliot Ivan Bernstein *P*	CLARIFICATION, WRITTEN DECISION AND CERTIFICATION UNDER FLORIDA RULES OF APPELLATE PROCEDURE 9.330
05/30/2017	Miscellaneous Motion		Eliot Ivan Bernstein *P*	TO ACCEPT MOTION FOR REHEARING AND OTHER RELIEF FILED LESS THAN ONE HOUR LATE AS TIMELY
05/30/2017	RESPONSE		Alan Benjamin Rose 0961825	TO MOTION FOR REHEARING
06/05/2017	ORD-Denying Rehearing			ORDERED that the appellant's May 30, 2017 motion to accept motion for rehearing and other relief filed less than one hour late is granted; further,
06/05/2017	West Publishing			
06/23/2017	Mandate			
07/05/2017	Notice of Discretionary Jurisdiction to Supreme Court		Eliot Ivan Bernstein *P*	
07/06/2017	Notice sent to the Supreme Court			
07/06/2017	Notice		Eliot Ivan Bernstein *P*	REPLACEMENT ORDER EXHIBIT 1 FOR APPELLANT'S NOTICE OF APPEAL TO INVOKE DISCRETIONARY JURISDICTION OF THE FLORIDA SUPREME COURT
07/12/2017	Supreme Court Disposition			SC17-1282