

Florida Fourth District Court of Appeal Docket

Case Docket

Case Number: 4D16-1449

Final Probate Notice from Palm Beach County

ELIOT IVAN BERNSTEIN vs. OPPENHEIMER TRUST CO. OF DELAWARE, ET AL.

Lower Tribunal Case(s):2014CP002815XXXXNB

10/11/2018 9:56:48 PM

| Date Docketed | Description | Date Due | Filed By | Notes |
|---------------|--|----------|----------------------------|--|
| 05/03/2016 | Notice of Appeal Filed | | Eliot Ivan Bernstein *P* | |
| 05/03/2016 | Notice of Appeal Filed | | Clerk Palm Beach CC02 | |
| 05/03/2016 | Acknowledgment Letter | | | |
| 05/24/2016 | Received Records | | Clerk Palm Beach CC02 | (1378 PAGES) |
| 06/15/2016 | Show Cause Lack of Prosecution, Initial Brief | | | ORDERED that appellant in the above-styled case is directed to show cause in writing, if any there be, on or before June 27, 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. |
| 06/28/2016 | Mot. for Extension of time to file Initial Brief | | Eliot Ivan Bernstein *P* | |
| 06/30/2016 | Motion To Dismiss | | Steven A. Lessne 0107514 | |
| 07/08/2016 | ORD-Initial Brief to be Served | | | ORDERED that upon consideration of appellant's June 28, 2016 response, this court's June 15, 2016 order to show cause is discharged; further, ORDERED that appellant's June 28, 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 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; further, ORDERED that appellee's June 30, 2016 motion to dismiss is denied. |
| 07/26/2016 | Mot. for Extension of time to file Initial Brief | | Eliot Ivan Bernstein *P* | "TO ACCEPT LATE FILING/EXTENSION OF TIME, MOTION TO EXCEED PAGE LIMIT ETC." |
| 08/04/2016 | Motion To Consolidate | | Alan Benjamin Rose 0961825 | WITH 16-1476 AND 16-1478 |
| 08/15/2016 | RESPONSE | | Steven A. Lessne 0107514 | TO MOTION FOR EXTENSION OF TIME AND JOINDER IN MOTION TO CONSOLIDATE |
| 08/15/2016 | Motion To Consolidate | | Steven A. Lessne 0107514 | JOINDER IN MOTION TO CONSOLIDATE - FILED IN 16-1476 |
| 08/15/2016 | OBJECTION | | Eliot Ivan Bernstein *P* | TO MOTION TO CONSOLIDATE (IN 16-1478) |
| 08/25/2016 | ORD-Granting Consolidation | | | ORDERED that appellees' August 4, 2016 and August 15, 2016 motions to consolidate are granted. Case numbers 4D16-1449, 4D16-1476, and 4D16-1478 are now consolidated for all purposes and shall proceed under case number 4D16-1449. Appellant shall file a single initial brief addressing the issues in all three appeals by September 6, 2016. |

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| 09/06/2016 | Motion To Stay | | Eliot Ivan Bernstein *P* | (DENIED) AND EOT FOR INITIAL BRIEF - NOTICE OF MEDICAL UNAVAILABILITY |
| 09/13/2016 | RESPONSE | | Steven A. Lessne 0107514 | TO MOTION TO STAY |
| 09/13/2016 | Notice of Joinder | | Alan Benjamin Rose 0961825 | IN APPELLEE OPPENHEIMER'S RESPONSE TO APPELLANT'S MOTION FOR EXTENSION OF TIME AND STAY PROCEEDINGS - NOTICE OF MEDICAL UNAVAILABILITY |
| 09/22/2016 | Order Denying Stay | | | ORDERED that appellant's September 6, 2016 motion for extension of time and to stay proceedings is denied. Appellant shall file the initial brief within twenty (20) days from the date of this order. No motions or other filings shall toll the time to file the initial 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 Initial Brief | | Eliot Ivan Bernstein *P* | |
| 10/24/2016 | RESPONSE | | Steven A. Lessne 0107514 | TO MOTION FOR EXTENSION OF TIME **AND** TO STAY PROCEEDINGS **AND** GRANT AN EXTENSION |
| 10/24/2016 | Notice of Joinder | | Alan Benjamin Rose 0961825 | IN APPELLEE OPPENHEIMER'S RESPONSE |
| 10/25/2016 | Notice | | Eliot Ivan Bernstein *P* | NOTICE OF FLORIDA LICENSED MEDICAL DOCTOR INSTRUCTIONS OCT. 24, 2016 AND EXTENSION AND STAY REQUEST |
| 10/31/2016 | Miscellaneous Motion | | Eliot Ivan Bernstein *P* | |
| 10/31/2016 | RESPONSE | | Alan Benjamin Rose 0961825 | |
| 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. |
| 11/03/2016 | ORD-Initial Brief to be Served | | | ORDERED that appellant's October 13, 2016 motion for extension of time to file the initial brief is granted. Appellant shall file the initial brief within ten (10) days from the date of this order. |

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| | | | | Failure to comply with this order WILL result in dismissal of this appeal for lack of prosecution without further notice. |
| 11/15/2016 | Mot. for Extension of time to file Initial Brief | | Eliot Ivan Bernstein *P* | "MOTION FOR EXTENSION AFTER DRAFT BRIEF ACTUALLY FILED; FOR STAY AND FURTHER RELIEF" |
| 11/16/2016 | RESPONSE | | Alan Benjamin Rose 0961825 | TO MOTION FOR EXTENSION OF TIME AND TO STAY PROCEEDINGS |
| 11/17/2016 | Order Denying EOT for Initial Brief | | | ORDERED that appellant's November 15, 2016 motion for extension of time is denied. This court's November 3, 2016 order directed appellant to file the initial brief within ten (10) days or the appeal WILL be dismissed. Appellant has previously filed motions for extension of time even when this court has indicated that no further extensions would be granted, or has filed untimely responses to this court's orders. (See June 28 motion following June 15 order, See July 26 motion following July 8 order; October 13 motion following September 22 order). Accordingly, it is ORDERED that appellant shall file the initial brief by November 22, 2016, or this appeal WILL be dismissed. No motions or other filings shall toll the time to file the brief, and no further extensions will be granted. |
| 11/29/2016 | ORD-Sua Sponte Dismiss-Lack of Prosecution | | | ORDERED sua sponte that the above-styled case is dismissed for lack of prosecution. |
| 11/29/2016 | Dismissed - Order by Clerk | | | |
| 12/15/2016 | Motion For Rehearing | | Eliot Ivan Bernstein *P* | **AND** CERTIFICATION **AND** TO VACATE ORDER DISMISSING THE APPEAL HEREIN **AND** ACCEPT LATE FILING OF INITIAL BRIEF |
| 12/15/2016 | Initial Brief on Merits | | Eliot Ivan Bernstein *P* | **SEE 1/5/17 ORDER** |
| 12/15/2016 | Amended Appellant's Initial Brief | | Eliot Ivan Bernstein *P* | **SEE 1/5/17 ORDER** |
| 12/15/2016 | Appendix to Brief | | Eliot Ivan Bernstein *P* | **SEE 1/5/17 ORDER** |
| 12/28/2016 | RESPONSE | | Steven A. Lessne 0107514 | TO MOTION FOR REHEARING, CERTIFICATION AND TO VACATE ORDER, ETC. (OPPENHEIMER) |
| 12/28/2016 | RESPONSE | | Alan Benjamin Rose 0961825 | TO UNTIMELY MOTION FOR REHEARING, CERTIFICATION AND TO VACATE ORDER, ETC. (TED S. BERNSTEIN) |
| 01/05/2017 | ORD-Denying Rehearing | | | ORDERED that appellant's December 15, 2016 motion for rehearing is denied. The appeal remains dismissed. |
| 02/06/2017 | Notice of Discretionary Jurisdiction to Supreme Court | | Eliot Ivan Bernstein *P* | |
| 02/07/2017 | Notice sent to the Supreme Court | | | |
| 02/14/2017 | Supreme Court Disposition | | | SC17-229 |