

Florida Fourth District Court of Appeal Docket

Case Docket

Case Number: 4D16-1478

Final Probate Notice from Palm Beach County

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

Lower Tribunal Case(s):2014CP003698XXXXNB

10/11/2018 11:53:35 PM

| Date Docketed | Description | Date Due | Filed By | Notes |
|---------------|--|----------|----------------------------|--|
| 05/05/2016 | Notice of Appeal Filed | | Eliot Ivan Bernstein *P* | |
| 05/05/2016 | Notice of Appeal Filed | | Clerk Palm Beach CC02 | |
| 05/05/2016 | Determination of Indigent Status | | | |
| 05/05/2016 | Appellant to File Order Appealed-Civil | | | ORDERED that appellant is directed to file, within fifteen (15) days from the date of this order, a conformed copy of the order being appealed. See Florida Rule of Appellate Procedure 9.110(d). This copy must contain a legible stamp from the clerk of the lower tribunal, showing the date and time the order being appealed was filed in that office. |
| 05/05/2016 | Acknowledgment Letter | | | |
| 05/18/2016 | Order Appealed | | | |
| 07/01/2016 | Received Records | | Clerk Palm Beach CC02 | 367 pages |
| 07/13/2016 | 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 July 25, 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. |
| 07/26/2016 | Motion for Extension of Time to File Response | | Eliot Ivan Bernstein *P* | TO S/C ORDER |
| 07/29/2016 | RESPONSE | | Alan Benjamin Rose 0961825 | TO MOTION FOR EXT. OF TIME |
| 08/03/2016 | Order Granting EOT for Initial Brief | | | ORDERED that appellant's July 26, 2016 motion for extension is treated as a motion for extension of time to file the initial brief and is granted. The appellant shall serve the initial brief within thirty (30) 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. |
| 08/04/2016 | Motion To Consolidate | | Alan Benjamin Rose 0961825 | GRANTED SEE ORDER IN 16-1449 WITH 16-1449 AND 16-1476 |
| 08/26/2016 | 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. |
| 09/06/2016 | Mot. for Extension of time to file Initial Brief | | Eliot Ivan Bernstein *P* | AND NOTICE OF MEDICAL UNAVAILABILITY |
| 09/13/2016 | RESPONSE | | Steven A. Lessne 0107514 | |
| 09/13/2016 | Notice of Joinder | | Alan Benjamin Rose 0961825 | |

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| 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. |
| 10/24/2016 | RESPONSE | | Steven A. Lessne 0107514 | |
| 10/24/2016 | Notice of Joinder | | Alan Benjamin Rose 0961825 | |
| 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. 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* | |
| 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 |

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| | | | | 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* | |
| 12/15/2016 | Initial Brief on Merits | | Eliot Ivan Bernstein *P* | |
| 12/15/2016 | Amended Appellant's Initial Brief | | Eliot Ivan Bernstein *P* | |
| 12/15/2016 | Appendix to Brief | | Eliot Ivan Bernstein *P* | |
| 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 |