

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ELIOT I. BERNSTEIN, et al.,

Plaintiffs,

- against -

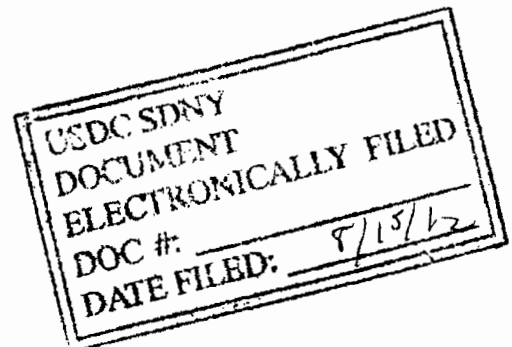
APPELLATE DIVISION, FIRST  
DEPARTMENT DEPARTMENTAL  
DISCIPLINARY COMMITTEE, et al.,

Defendants.  
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SHIRA A. SCHEINDLIN, U.S.D.J.:

ORDER

07 Civ. 11196 (SAS)



On July 27, 2012, pro se plaintiff Eliot Bernstein filed an Emergency Motion to Reopen Case (the “Motion”), totaling 286 pages, pursuant to Federal Rules of Civil Procedure 40, 60(b) and 60(d)(3). Accompanying the Motion is a memorandum of law in excess of two-hundred pages. Although this obviously exceeds the page limits contained in my Individual Rules,<sup>1</sup> the “Proskauer

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<sup>1</sup> Pursuant to my Individual Rules, moving and opposing memoranda of law are limited to twenty-five double-spaced pages while reply memoranda are limited to ten double-spaced pages. See Individual Rules and Procedures for Judge Shira A. Scheindlin, § III(G) (stating that motions must be accompanied by a memorandum of law in compliance with this Court’s page limits). Because plaintiff’s memorandum of law exceeds the page limit by more than 200 pages, the Motion can be rejected summarily. Cf. *Bradenburg v. Beaman*, 632 F.2d 120, 122 (10th Cir. 1980) (“We hold that the trial court did not err in refusing to entertain the tendered habeas corpus/civil rights complaint for failure of appellant . . . to follow the directions under Local Rule 26. It is incumbent on litigants, even those proceeding pro se, to follow the federal rules of procedure.”).

Defendants”<sup>2</sup> have filed a memorandum in opposition. The remaining defendants are directed to save their resources and not file any opposition papers to the instant Motion.

For the reasons stated in the Proskauer Defendants’ Opposition to Plaintiff’s Emergency Motion to Reopen Docket, I find the instant motion to be frivolous, vexatious, overly voluminous, and an egregious abuse of judicial resources. For example, plaintiff seeks to name almost four thousand individuals and corporations as defendants in a re-instituted action. Furthermore, plaintiff has failed to offer a coherent rationale for seeking to reopen this case. Accordingly, the Motion must be denied. Plaintiff is cautioned that any additional frivolous filings in this case could subject him to sanctions under Federal Rule of Civil Procedure 11. Monetary and/or injunctive sanctions may be imposed upon motion of the parties or by this Court *sua sponte*. The Clerk of the Court is directed to close this Motion (Docket Entry # 138).

SO ORDERED:



Shira A. Scheindlin  
U.S.D.J.

Dated: New York, New York  
August 14, 2012

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<sup>2</sup> The “Proskauer Defendants” include Proskauer Rose LLP, Kenneth Rubinstein, Stephen C. Krane (deceased) and the Estate of Stephen R. Kaye.

- Appearances -

**Plaintiff (Pro Se):**

Eliot I. Bernstein  
2753 N.W. 34th Street  
Boca Raton, FL 33434  
(561) 245-8588

**For the Proskauer Defendants:**

Gregg M. Mashberg, Esq.  
Proskauer Rose LLP  
11 Times Square  
New York, NY 10036  
(212) 969-3450