

Florida Supreme Court Case Docket

Case Number: SC04-1078 - Closed

ELIOT I. BERNSTEIN, ET AL. vs. THE FLORIDA BAR

06/18/2005 08:44

Date Docketed	Description	Date Due	Filed By	Notes
07/01/2004	PETITION-ALL WRITS		PS Eliot Bernstein BY: PS Eliot Bernstein	FILED AS A PETITION FOR INJUNCTIVE RELIEF, DECLARATORY RELIEF, AND BEGIN IMMEDIATE INVESTIGATION OF COMPLAINT AGAINST CHRISTOPHER C. WHEELER, ESQ., AND TREATED AS A PETITION FOR ALL WRITS
07/01/2004	No Fee Required			
07/01/2004	ORDER-STRIKE			Petitioner's Petition for Injunctive Relief, Declaratory Relief, and Begin Immediate Investigation of Complaint Against Christopher C. Wheeler, Esq., treated by this Court as a petition to invoke its all writs jurisdiction, is hereby stricken as unauthorized as the petition was not signed by a member of The Florida Bar appearing on behalf of the corporate petitioner. See, e.g., Richter v. Higdon Homes, Inc., 544 So. 2d 300, 300 (Fla. 1st DCA 1989)("A corporation may not represent itself through non-lawyer employees, officers, or shareholders."); Daytona Migi Corp. v. Daytona Automotive Fiberglass, Inc., 417 So. 2d 272, 274 (Fla. 5th DCA 1982)("A corporation must be represented in

			<p>court by an attorney and may not be represented by a corporate officer."); Quinn v. Housing Auth. Of the City of Orlando, 385 So. 2d 1167, 1167 (Fla. 5th DCA 1980) ("A corporation is not a person and, therefore, a corporation cannot designate a non-attorney employee to represent it. Instead, a corporation must be represented by an attorney."). Petitioner is allowed to and including July 21, 2004, in which to file a proper petition for writ of mandamus, that complies with Florida Rule of Appellate Procedure 9.100, and this order. The failure to file a proper petition with this Court within the time provided could result in the imposition of sanctions, including dismissal of this case. See Fla. R. App. P. 9.410.</p>
07/07/2004	PETITION-AMENDMENT/SUPPLEMENT		<p>PS P. Stephen Lamont BY: PS P. Stephen Lamont</p> <p>AFFIRMED AMENDED PETITION FOR: INJUNCTIVE RELIEF; DECLARATORY RELIEF; BEGIN IMMEDIATE INVESTIGATION OF COMPLAINT AGAINST CHRISTOPHER C. WHEELER; AND, MOVE COMPLAINTS TO THE NEXT HIGHEST LEVEL OF REVIEW, VOID OF CONFLICT OF INTEREST AND APPEARANCE OF IMPROPRIETY (WITH ATTACHMENTS)</p>
07/23/2004	ORDER-PETITION STRICKEN (NON-COMPLIANCE)		<p>The "Affirmed Amended Petition for: Injunctive Relief; Declaratory Relief; Begin Immediate Investigation of Complaint Against Christopher C. Wheeler; and Move Complaints to the Next Highest Level of Review, Void of Conflict of Interest and Appearance of Impropriety," which was filed with this Court on July 7, 2004, is hereby stricken. Petitioner is directed, on or before August 2, 2004, to file an amended petition which is signed by an attorney licensed to practice law in the State of Florida or which is limited to the personal claims of the individual petitioners, Eliot Bernsteins and P. Stephen Lamont. The failure to file a proper petition with this Court within the time provided could result in the imposition of sanctions, including dismissal of this case. See Fla. R. App. P. 9.410.</p>

07/28/2004	PETITION-AMENDMENT/SUPPLEMENT		PS Eliot Bernstein BY: PS Eliot Bernstein	AMENDED PETITION FOR: MOTION FOR EMERGENCY HEARING TO: BLOCK DESTRUCTION OF FILES BY THE FLORIDA BAR; AND, SECURE FILES FROM THE FLORIDA BAR; INJUNCTIVE RELIEF; DECLARATORY RELIEF; BEGIN IMMEDIATE INVESTIGATION OF FLORIDA BAR COMPLAINTS AGAINST CHRISTOPHER C. WHEELER, FILE NO. 2003-51,109(15C); CHRISTOPHER C. WHEELER 2, FILE NO: PENDING CASE NO. ASSIGNMENT; MATTHEW H. TRIGGS, NO: PENDING CASE NO. ASSIGNMENT; MOVE COMPLAINTS TO THE NEXT HIGHEST LEVEL OF REVIEW, VOID OF CONFLICT OF INTEREST AND APPEARANCE OF IMPROPRIETY; BEGIN IMMEDIATE INVESTIGATION OF CONFLICTS OF INTEREST AND APPEARANCES OF IMPROPRIETY IN THE REVIEW OF ALL NAMED RESPONDENTS AS CHARGES AND IN THE ATTACHED COMPLAINT AGAINST MATTHEW H. TRIGGS (FAXED COPY)
07/29/2004	ORDER-CASE STYLE CHANGE			FROM IVIEWIT HOLDINGS, INC. VS. THE FLORIDA BAR TO ELIOT I. BERNSTEIN, ET AL. VS. THE FLORIDA BAR
07/29/2004	ORDER-OTHER SUBSTANTIVE			The Florida Bar is hereby directed to not destroy any records pertaining to the complaint filed by petitioners against Christopher C. Wheeler, TFB File No. 2003-51,109(15c), nor pertaining to the additional complaint filed by petitioners against Christopher C. Wheeler, which has not yet been assigned a Florida Bar file number, as referenced in petitioners' amended petition, filed July 28, 2004, until further order of this Court.
10/11/2004	ORDER-RESPONSE/REPLY REQUESTED			
10/18/2004	MOTION-OTHER SUBSTANTIVE		PS Eliot Bernstein BY: PS Eliot Bernstein	MOTION FOR JUDGMENT NON PROSEQUITUR
10/25/2004	RESPONSE		RS The Florida Bar FB BY: RS Eric Montel Turner 37567	TO ORDER DATED 10/11/04
10/28/2004	MAIL RETURNED			P. STEPHEN LAMONT - ORDER DATED OCTOBER 11, 2004 -

				11/1/04 REMAILED 11/1/04
11/05/2004	MOTION-EXT OF TIME (REPLY TO RESPONSE)		PS Eliot Bernstein BY: PS Eliot Bernstein	(11/08/04, COPY FILED)
11/10/2004	ORDER-EXT OF TIME GR (REPLY TO RESPONSE)			
11/16/2004	REPLY TO RESPONSE		PS Eliot Bernstein BY: PS Eliot Bernstein	(WITH ATTACHMENTS) WITH CD
01/12/2005	DISP-DENIED			The petition filed on July 28, 2004, has been treated as a petition for all writs jurisdiction. The petition is hereby denied. However, in light of respondent's offer to allow petitioners to obtain the file pertaining to the complaint filed by petitioners in TFB File No. 2003- 51,109(15c), the file shall be preserved for thirty (30) days from the date of this order to allow petitioners to obtain the file.
01/12/2005	ORDER-OTHER SUBSTANTIVE DY			Petitioner's Motion for Judgement Non Prosequitur is hereby denied.
01/27/2005	MOTION-REHEARING		PS Eliot Bernstein BY: PS Eliot Bernstein	MOTION FOR CLARIFICATION, REHEARING, AND CERTIFICATION UNTIL SECTION 9.330 (O&7) (rc)
02/16/2005	LETTER		John Anthony Boggs 0253847 BY: John Anthony Boggs 0253847	DATED 2/15/05
03/03/2005	MISC. DOCKET ENTRY			PS Eliot Bernstein - FILED AS "NOTWITHSTANDING THE WHEELER DRIVING UNDER THE INFLUENCE WITH INJURY CHARGE, MOTION TO PROCEED WITH THE CLARIFICATION, REHEARING, AND CERTIFICATION; TIME OF THE ESSENCE; REQUEST FOR CORRECTIONS OF THE PUBLIC RECORD IN CASE SC04-1078; MOTION TO MAINTAIN FILES OF THE FLORIDA BAR AND SECURE A SECONDARY COPY FOR SAFEKEEPING; AND MOTION FOR A REHEARING, CLARIFICATION AND CERTIFICATION IN THE RULING OF OCTOBER 15, 2004 UNDER 9.330"
04/25/2005	DISP-REHEARING DY			Petitioner's Motion for Clarification, Rehearing, and Certification Under Section 9.330 is herby denied. - RC