

**IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 1525 PALM BEACH LAKES BLVD.,
WEST PALM BEACH, FL 33401**

CASE NO.: 4D16-2249
L.T. No.: 2014CP002815XXXXNB

**RESPONSE TO SHOW CAUSE AND
MOTION TO ACCEPT LATE FILING**

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

Appellant / Petitioner(s)

Appellee / Respondent(s)

Comes now Eliot I. Bernstein, pro se, ("Appellant") who respectfully prays and shows this Court as follows:

1. I, Eliot Ivan Bernstein, am the Appellant herein pro se.
2. This court issued an order to show cause on Sept. 19, 2016 to show cause why this appeal should not be dismissed for lack of prosecution.
3. I had already filed for extensions and a Stay with this Court as of Sept. 6, 2016 due to serious medical issues and treatment. See Exhibit 1.
4. With respect to the timeliness of the response herein, in addition to the prior filed request for extensions based on medical issues, I was referred by my primary physician to a cardiologist and neurologist which have been scheduled to determine a course of treatment for my vasovagal and sought in

advance a several week break from opposing counsel Steven Lessne who refused to grant me the time requested.

5. I sought a several week stay to deal with these very serious and life threatening issues of fainting due to vasovagal, which a primary factor to triggering such episodes is stress and whereby currently Appellant is in a number of highly stressful court cases, which have had numerous deadlines heaped on him in a short time, both in this Court and the Lower Court and the Illinois Federal Court that could be triggering the vasovagal attacks. While vasovagal is not particularly deadly, as the person typically recovers from unconscious after fainting the danger lies in falling while fainting and causing severe head injury. On or about 2013 when vasovagal first was diagnosed, Appellant had fallen from a stool onto his head and was hospitalized for several days with bleeding on the brain.

6. I began feeling faint often in bed and sought to have further tests conducted before something serious happened and asked opposing counsel Steven Lessne to stay matters until after Nov 1, 2016 to give time to get to doctors to determine a course of treatment.

7. Lessne refused to accommodate the request and shortly thereafter I had a vasovagal attack in my kitchen, whereby my son caught me and broke most of the fall where I would have severely injured my head on a tile floor

falling backward. After laying me on the floor and seeing I was unconscious he tried to administer CPR and in the process cracked my ribs and bruised the cartilage.

8. The next day I then went to the Emergency room on 9/6/2016 and it was determined that I had cracked ribs and had injured and bruised cartilage and was told it would take 4-6 weeks to heal and I was prescribed pain medicine and anti-inflammatory drugs, which I have been on to this date. I was advised not to undergo stressful events that could trigger further attacks of vasovagal until seeing a cardiologist and neurologist to determine a course of treatment and I could not schedule them until I felt well enough to undergo tests that involve strenuous physical activities, such as stress tests due to the rib injury.
9. I am scheduled for the soonest appointment with a cardiologist recommended by my Primary Physician after my ribs have been given time to heal and to perform stress tests and more and it is scheduled for October 17, 2016.
10. I am scheduled for the soonest appointment with a neurologist recommended by my Primary Physician on October 24, 2016.
11. It would severely jeopardize my health to undertake these stressful filings on appeal and could cause fainting that leads to further life threatening

harms. I have three children and a wife who depend on me and cannot be forced or pressured to achieve court deadlines that can easily be changed to accommodate this medical situation. While the prior Exhibit 1 request was denied I plan to timely move to reconsider that decision based on the danger this decision has put me in by not granting appropriate time to seek treatment without additional stressors.

WHEREFORE, it is respectfully prayed for an Order accepting this late filing and granting a further Extension and Stay of proceedings based upon serious medical issues until at least Nov. 1, 2016 and for such other and further relief as may be just and proper.

Dated: September 30th, 2016

/s/ Eliot Ivan Bernstein
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CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing has been furnished to parties listed on attached Service List by E-mail Electronic Transmission; Court ECF; this 30th day of September, 2016.

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EXHIBIT 1

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 1525 PALM BEACH LAKES BLVD., WEST PALM
BEACH, FL 33401

CASE NO: 4D16-0222
CASE NO: 4D16-1449
CASE NO: 4D16-1476
CASE NO: 4D16-1478

L.T. No.: 2011CP000653XXXXSB
2014CP003698XXXXNB
2014CP002815XXXXNB

ELIOT IVAN BERNSTEIN

v.

TED BERNSTEIN, AS
TRUSTEE, ET AL.

Appellant / Petitioner(s)

Appellee / Respondent(s)

**Motion for Extension of Time and
Stay Proceedings - Notice of Medical Unavailability**

1. Appellant Eliot Bernstein respectfully makes this motion and prays for an Extension of time to file and serve the Initial Brief in the above-referenced cases for at least 9 weeks.

2. Appellant was already going to be moving before this Court for an Extension of time today due to significant related litigation action in the Circuit court below and the Northern District of Illinois where Appellant's time has been significantly involved with nearly 15 or so "Orders" and Service of Court papers occurring in the last 2 weeks in the Circuit Court below and other substantial filings in Illinois.

3. However, as a result of unexpected injuries occurring just yesterday, Appellant Eliot Bernstein now must move for a substantially longer Extension of time and gives this Court notice that due to this injury occurring just yesterday on September 05, 2016 by a vasovagal attack that caused him to faint and fall which led to a cracked rib and bruised ribs and also involved his son catching him during the fall and providing CPR, Appellant will be heavily medicated for the next 6-9 weeks and extremely limited in mobility during this time.

4. Appellant will not be able to attend any hearings during this time and seeks an Extension of time and stay on this case from responses and any other required Hearings and action until such time has elapsed for him to fully recover and cease pain medications.

5. Appellant has been medically advised by his Doctor to avoid stress during this time as stress is a major contributor to vasovagal attacks and rib injuries cause additional stress and therefore seeks this stay to last until November 01, 2016.

Dated: September 6th, 2016

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CERTIFICATE OF SERVICE

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