

**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

L.T. No.: 2011CP000653XXXXSB
2014CP003698XXXXNB

ELIOT IVAN BERNSTEIN

v.

TED BERNSTEIN, AS
TRUSTEE, ET AL.

Appellant / Petitioner(s)

Appellee / Respondent(s)

**MOTION FOR EXTENSION OF TIME AND TO STAY PROCEEDINGS
AND GRANT AN EXTENSION**

Comes now Eliot I. Bernstein, pro se Appellant, who respectfully pleads and shows this Court as follows:

1. I am the Appellant pro se and make this motion for a reasonable extension of time to file and serve the Reply brief herein.
2. The showing herein is for extraordinary circumstances and the harm to myself and family as Appellant is irreparable and material thus satisfying the conditions of this Court's Sept. 22, 2016 Order.
3. In addition to the extreme medical conditions herein which in and of itself constitute extraordinary circumstances, there has also been a State of Emergency in Florida and Evacuation Orders due to Hurricane Matthew with several elevated days of "Warnings" ahead of time resulting in time

expended in preparation for a Natural Disaster, the Closure of the 15th Judicial and 4th District Court of Appeals Courts themselves for multiple days, 2 major Holidays (Labor Day) and Jewish holiday Yom Kippur in addition to which my wife Candice who assists me in many matters has been severely sick and ill for nearly 10 days resulting in Medical treatment herself just yesterday and several prescribed medications for her as well.

4. The medical conditions I have had over the last 7 weeks include cracked ribs, bruised cartilage and vasovagal attacks are such that the ability to sit and focus at a computer for periods of time has been impossible and further stress is a primary cause of vasovagal attacks, which can lead to further faintings and serious and life threatening injuries.
5. Under these circumstances, attempting to complete an Initial Brief for 3 cases plus another separate appeal also due has been impossible.
6. I suffers from Vasovagal and has been diagnosed with such over two years ago and this occurred during the litigation and the court was informed at the time of the diagnosis and medical condition that has caused severe injury in the past.
7. Vasovagal has several triggers that can cause fainting, including but not limited to,

Cause[edit]

Vasovagal syncope occurs in response to a trigger, with a corresponding malfunction in the parts of the nervous system that regulate heart rate and blood pressure. When heart rate slows, blood pressure drops, and the resulting lack of blood to the brain causes fainting and confusion.[6]

Typical triggers for vasovagal episodes include:[7]

Prolonged standing or upright sitting

Stress directly related to trauma[8]

Stress

Any painful or unpleasant stimuli, such as:

Trauma (such as hitting one's funny bone)

Sudden onset of extreme emotions

Lack of sleep

Coughing

Swallowing[12]¹

8. It should be noted that I had a tracheotomy done with a pen on the side of a road when I was 19 that has been identified as a possible trigger of the attacks by doctors in the first instance of my Vasovagal attacks and in the first diagnosed instance the fainting led to severe injury from passing out at a friends home and falling forward off a chair directly onto a marble floor, which injury then included bleeding on the brain.
9. The damages to my throat and airways was believed to be a primary trigger and if further identified as the cause after upcoming scheduled cardiologist and neurologist appointments and tests, I may need an ENT surgery to fix

¹ https://en.wikipedia.org/wiki/Vasovagal_response

the damage if possible and this may cause a further delay that I will keep the Court abreast of.

10. I suffered from a fall previously in 2013 that caused bleeding on the brain and left me hospitalized for days and suffering from injuries for several months to my skeletal frame in the neck and shoulders caused by the fall.
11. I have been to neurologists and cardiologists to make diagnoses of what was happening after the first hospitalization, as sudden fainting can lead to very serious injuries as were sustained in both attacks that led to hospitalization.
12. I have been feeling highly stressed handling over 15 legal cases involving the estates of Simon and Shirley Bernstein in both state court and federal court and multiple filings have been due and hearings held that are all contributing to a mass of stress and lack of sleep.
13. I was recommended for further treatment after the initial attack and injuries but put off more rigorous tests at that time due to a mass of court filings and criminal complaints that were due at the time and therefore postponed treatment for this medical condition.
14. I began feeling vasovagal attacks coming on in June of 2016 and as it grew worse I sought to find a few weeks break to consult with doctors and get treatment. I found the attacks getting to the point of dangerous when I began

fainting repeatedly primarily in bed but also while walking about or sitting and working.

15. I was planning on scheduling medical visits with both cardiologists and neurologists to determine a course of treatment and sought in advance a several week break and stay to deal with these very serious and **life threatening** issues and requested such break from opposing counsel Alan Rose and Steven Lessne who refused.
16. On 9/5/2016, I fainted in my kitchen and my son Jacob happened to be standing near me when he saw me coughing, then turn purple and then faint. As I began to fall backward my son caught me and broke most of the fall saving me from another traumatic head injury.
17. However, my 17 year old son seeing his father unconscious decided to give resuscitation to me and begin CPR which he had seen on TV and learned in swim class years earlier. Being a varsity athlete he compressed my chest with all of his strength, whereupon he heard a loud cracking and ripping and whereby I woke immediately and cried out asking where he was and did somebody hit him in the chest with a bat.
18. I then went to the Emergency room on 9/6/2016 and it was determined that I cracked my ribs and had injured and bruised cartilage and was told it would

take 4-6 weeks to heal and was prescribed pain medicine and anti-inflammatory drugs.

19. I was advised not to undergo stressful events that could trigger further attacks and seek immediate consultation regarding the fainting spells by a cardiologist and neurologist as soon as I recovered from the rib injury and felt well enough to undergo tests that involve strenuous physical activities, such as stress tests and more.
20. I followed up with my primary doctor on 9/12/16 and was ordered to see a cardiologist and neurologist and referrals were made and appointments are now scheduled to have new tests run and determine a course of treatment. It is anticipated that after the appointments and tests there will be several weeks to get results and determine further treatment, which may involve a complicated surgery.
21. I am scheduled for the soonest appointment with a cardiologist recommended by my Primary Physician after my rib has been given time to heal to perform stress tests and more and after the doctor returns from the holidays on October 17, 2016.
22. I am scheduled for the soonest appointment with a neurologist recommended by my Primary Physician on October 24, 2016.

23. I have been on pain medication for several weeks already and unable to prepare any briefs or other major filing and have hardly been able to review or respond to the rash of Orders and pleadings filed during this time by this court, the lower court and the attorneys involved, since I notified the court of my medical condition, If the court would like to review medical records they are available on request from any or all of the doctors involved.
24. I have three children and a wife and I cannot jeopardize my health to accommodate the court's current schedule.

WHEREFORE Appellant prays for a 6 week stay and extension to any filings due in this court and the lower court in order to seek proper and necessary medical treatments and appropriate time to get medical results back as defined herein and determine if I can return to the stress of these proceedings safely. I will notify the court of the prognosis when I receive the results from doctors and if I can return to work safely before the requested stay time I will give proper notice.

Dated:

/s/Eliot Ivan Bernstein
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CERTIFICATE OF SERVICE

Petitioner does hereby certify that the foregoing Petition was served on all parties on the attached service list by e-mail this 10th day of October 2016.

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