

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

CASE NO. 4D17-1932

ELIOT IVAN BERNSTEIN

L.T. CASE NOS. 2014CP003698 XXXX NB

Appellant,

v.

TED S. BERNSTEIN, AS TRUSTEE, et al.

Appellee.

/

**APPELLEE'S RESPONSE AND OPPOSITION TO APPELLANT'S
REQUEST FOR A REASONABLE EXTENSION OF TIME TO RESPOND
TO THE JULY 19, 2017 ORDER TO SHOW CAUSE**

Appellee, Ted S. Bernstein, as Successor Trustee of the Shirley Bernstein Trust ("Shirley Bernstein Trust"), hereby files his Response and Opposition to Appellant's Request for a Reasonable Extension of Time to Respond to the July 19, 2017 Order to Show Cause, and states:

1. Twelve days after this Court issued an Order to Show Cause, directing Eliot Ivan Bernstein ("Eliot") "to show cause, within ten (10) days, why this Court should not impose the sanction of no longer accepting his pro se filings," Eliot responded. He did so at 10:37 p.m. on the last day,¹ consistent with numerous last-minute or one-day late filings in these cases.

¹ The tenth day fell on a Saturday, affording Eliot two extra days.

2. In the July 19 Order, this Court dismissed this appeal and ruled Eliot "has initiated numerous meritless and improper pro se proceedings in this court and has abused the court system." Eliot in his filing did not show cause or explain why his prior appeals had any merit. He expressed no remorse or contrition. Instead, he asked for yet more time to delay these proceedings. And he continued his improper and insulting personal attack against the Trustee's counsel – accusing the undersigned of "*continuing further frauds before the lower tribunal*" and engaging an action which is "*fraudulent and illegal from the inception.*"

3. Presumably, the response to the order to show cause was Eliot's last opportunity to demonstrate to this Court that his filings are not meritless and abusive, and that he is not merely a vexatious litigant. That his response does not show cause is self-evident. Eliot has no interest in proceeding in accordance with Florida law or the rules of this Court, nor of acting civilly and respectfully to the litigants, counsel or the Court.

4. This patterns began with Eliot's first appellate petition in these estate and trust matters, a *Petition for All Writs, Writ of Prohibitions, Writ of Mandamus and Petition to Estate Cases*, filed in the Florida Supreme Court (Case No. SC15-1077). It transferred to this Court pursuant to *Harvard v. Singletary*, and assigned Case No. 4D15-3849. That Petition began with a section headed: "**WARNING: POTENTIAL**

CONFLICTS OF INTEREST OF THIS COURT," (Emphasis in original). That petition, at pages 2 through 6, is a diatribe against numerous members of the Florida Supreme Court, the Florida Bar and others. The petition was dismissed; Eliot moved for rehearing en banc, which was denied; and then Eliot invoked the Supreme Court's jurisdiction to review an unelaborated order, which was immediately dismissed. And it has been all downhill since then. (As an example of his abusive conduct, Eliot has filed three more "appeals" to the Florida Supreme Court on unelaborated orders, despite knowing it was wrong. All three cases – SC17-229, SC17-361, and SC17-1282 – were immediately dismissed.)

5. It is obvious Eliot has no good cause to show and the order entered by this Court on July 19, 2017, was long overdue. The document entitled Request for a Reasonable Extension should be the last pro se filing Eliot Bernstein is allowed to file in this Court.

WHEREFORE, Ted S. Bernstein, as Successor Trustee of the Shirley Bernstein Trust, requests that the Court deny the request for extension of time and enter an order imposing the sanction of no longer accepting Eliot Ivan Bernstein pro se filings in this Court.

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing has been served by e-mail on all parties listed on the attached service list, this 2nd of August, 2017.

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