

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.: 4D17-1932  
L.T. No.:  
502014CP003698XXXX

ELIOT IVAN BERNSTEIN                      v.                      ESTATE OF SIMON L.  
BERNSTEIN

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Appellant / Petitioner(s)      Appellee      /                      Respondent(s)

**APPELLANT'S FURTHER PARTIAL RESPONSE TO SHOW CAUSE  
ORDER AND OVERNIGHT HOSPITAL STAYS AND ONGOING  
MEDICAL CONDITION CAUSING REQUEST TO ACCEPT THIS LATE  
FILING AND FOR A FURTHER EXTENSION OF TIME TO FULLY  
SUBMIT BASED ON MEDICAL TREATMENT**

COMES NOW Eliot Ivan Bernstein who respectfully shows this Court and pleads  
as follows:

1. I am the Appellant pro se.
2. I submit this further reply in response to this Court's Show Cause Orders  
and recent Order of Aug. 15, 2017 which gave myself only 2 additional days  
to respond despite showing this Court ongoing medical conditions  
preventing me from properly responding in this and other matters.

3. On or about last Wednesday, August 9th, 2017, I was forced to seek Hospital treatment for this ongoing medical condition which caused me to pass out while speaking on the phone resulting in a significant “Black eye” and contusion to the back of my head and bruising of my ribs.
4. I was in the Delray Hospital overnight for 2 nights due to this condition, **underwent multiple tests, had a heart monitor in place,** and eventually went to an additional Hospital in Palm Beach County last Friday due to what I and my wife believe ( and a staffer ) believed was improper treatment at Delray.
5. At the new hospital, I then found that some of the “tests” from Delray which were re-tested produced different results, was administered a series of anti-biotics and released after multiple hours but with ongoing serious discomfort in the ability to breathe and even sleep.
6. I have not been able to sit upright and remain at my computer for purposes of responding to this Court for more than barely 5-10 minutes at a time on most days.
7. In fact, I have continued to “pass out” in my home where I fell again in my own bathroom cutting up my face and causing a bloody nose and passed out even another time while speaking on the phone.

8. My wife has had to be on constant standby due to my inability to safely sleep through the night.
9. There is pictorial evidence of the significant injuries I have sustained to my face and head and nose just in the last week from this ongoing medical condition.
10. I therefore respectfully move that this response which is less than 12 hours “late” according to the 2 day “Order” of August 15, 2017 be accepted for filing.
11. Under these circumstances and considering that there is no rationale basis for any “immediate” or “pressing” urgent need to have submissions before this Court made as there are Ongoing proceedings in the 15th Judicial and in the Illinois US District Court, any denial of my request for a further extension is in itself an adequate basis to demonstrate that this entire 4th DCA Panel be Disqualified and removed from All cases and all cases Transferred to a new, independent panel consistent with US Constitutional due process standards.
12. In fact, the very fact that this Court only gave me 2 additional days under the facts and Records on appeal in these cases is itself adequate proof that

this Court should be fully Disqualified from all cases and all cases

Transferred to a proper panel.

13. While this 4th DCA Court has granted numerous extension requests in multiple cases, in almost each and every case herein during the time periods where I have been granted “extensions” by this Court, Ted Bernstein and his attorney Alan Rose has continued to move forward in fraud in the lower Court ( and sometimes the Illinois federal Court ) during the same periods of time thus making each “extension” request virtually meaningless as instead of me having time to properly address matters in this Court, I have been occupied by opposing ongoing frauds in the lower court, multiple frauds which are now proven by more than a preponderance yet no action to correct and stop the frauds has occurred by this Court or the lower tribunal.

14. Almost exactly a year ago in 4th DCA Case No. 4D16-0222 I filed a Motion for extension first notifying this Court of the serious medical condition as follows:

“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 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 /s/ Eliot Ivan Bernstein Eliot Ivan Bernstein 2753 NW 34th St. Boca

Raton, FL 33434 561-245-8588 [iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)” See, Sept. 6, 2016 Motion in Case No. 4D16-0222.

14. I had to move again for an extension on Oct. 25, 2016 including Doctor’s Instructions to avoid “stress” for 2 weeks.

15. That case itself further establishes the ongoing pattern by this 4th DCA Court in furthering and continuing the Frauds on the Court and why this Panel should be denied entirely as this Court proceeded to Deny a motion to Supplement the Record on Appeal denying me as a Pro Se litigant fundamental access to the very Records and Documents needed to pursue a proper Appeal. See, Motion filed on 5-25-16 in 4D16-0222.

16. The changing and manipulating of Case and Docket numbers in these cases was shown at that time and yet by the consistent Pattern and Practice this 4th DCA Court DENIED the Motion with NO Identification of what Judges were on the Panel or Decision which furthers the basis for this 4th DCA to be Disqualified in its entirety. See Order of June 9, 2016 in 4D16-0222.

17. That case in 4D16-0222 is illustrative of why this 4th DCA Court must be entirely Disqualified and all cases Transferred to a proper panel.

18. Just one item shown to this Court from the lower tribunal was the entire disregard and violation of Uniform Procedural Rules under the Florida Rules of

Civil Procedure 1.200 totally violated in the case by then Judge Phillips, yet this Court would continue the fraud by totally disregarding the law and doing so by “unknown” and “unnamed” Decisions with no analysis and written opinion to “complete the perfect crime” and escape review at the Florida Supreme Court.

19. As shown in the brief, **“The lower tribunal acted illegally and in violation of Florida Rules of Civil Procedure by Ordering a Trial in a complex case not noticed to be heard, abusing its discretion and violating procedural and substantive due process including but not limited to denying Appellant the fair right and opportunity to be heard at a Case-Management Conference and at trial.”** See, Initial Brief filed 7-12-16.

20. The Brief further showed how, **“Even the limited Records and Indexes provided and certified by Sharon Bock demonstrate the error and abuse of discretion of the lower tribunal in improperly limiting the Trial to “one-day” in advance which was clearly inadequate for appropriate witnesses and evidence including but not limited to the testimony of Donald Tescher, Kimberly Moran, Traci Kratish, Lindsay Baxley, Alan Rose et al.”.** See **Initial Brief filed in 4D16-0222 on 7-12-16,**

21. The Brief and subsequent motions showed multiple Florida Supreme Court rules being violated, 4th DCA case law precedents violated, and multiple case

precedents from other District Courts of Appeal violated and thus calling out for a Written opinion and Florida Supreme Court review all of which has been systematically denied by this Panel in an ongoing pattern and practice of covering up fraud and disregarding obligations of reporting to the Florida Bar and regulating the Bar again all with ‘unknown’ and “unnamed” Judges.

22. I should be granted a further extension to fully respond to this Court’s Orders and further detail the multiple frauds disregarded by this Court and ongoing use of the Court as instrumentalities of the crimes and frauds herein.

**WHEREFORE**, it is respectfully prayed for an Order granting an additional extension for clear medical reasons to permit Appellant additional time to supplement the partial response herein and fully submit such response to this Court’s Order and seeks no less than 10 additional business days from today’s date to respond to this Court’s Order and for such other and further relief as may be just and proper.

Respectfully Submitted,

Dated: August 18, 2017

**By: /S/ Eliot Ivan Bernstein**

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## **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 18th day of August, 2017.

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