

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

In Re:

Case No. **25-14028-PDR**
Ch. 13

Eliot Bernstein,

Debtor,

EMERGENCY SUBMITTAL
BY DEBTOR UNDER LOCAL RULE

**DEBTOR'S EMERGENCY SUBMITTAL UNDER 11 U.S.C. § 105(a) for
Temporary Stay or Continuance of Hearing and under LOCAL RULE 4001-1
and Rule 5071-1 and Response in Opposition to Amended Motion for Stay
Relief, Request for Evidentiary Hearing after Discovery**

Eliot Bernstein, the Debtor herein, respectfully shows this Court as follows:

1. I am the Debtor Pro Se.
2. I am still under Emergency Medical Treatment outlined in my prior request for an Extension filed under DE No. 15 and granted by this Court.
3. I just had an Oral - Dental procedure yesterday and these are critical to stay on track for my Heart bypass surgery to be scheduled.
4. I have a dental implant that is stuck and may require surgery to remove and all of this relates to being cleared of any infection in order to have the heart surgery.

5. This process could take 2 more months.
6. I seek relief in the form of a Temporary Stay or Continuance of the 15 minute Non Evidentiary Hearing scheduled for June 2, 2025 at 10 AM.
7. I request permission to Appear by Zoom for the Non Evidentiary hearing as I believe the relief should not be granted and I have good cause for my motion for a temporary Stay and/or continuance.
8. I have been emailing with the Office of US Trustee Robin Weiner for over a week now seeking cooperation and support for my filed Chapter 13 Plan which can be Amended and modified as needed and more specifically because Florida Licensed Attorney Inger Garcia who was a prior Intern Prosecutor in the Miami Office of the US Attorney has specifically requested me to ask for Whistleblower Protection from Trustee Weiner's Office so she can report fraud in both the Bankruptcy Court and State Court specifically including Bradley Shraiberg who filed the Amended Motion for Stay Relief being heard this Monday June 2, 2025.
9. I have attached as Exhibit 1 my Request for this Whistleblower Protection with the US Trustee Robin Weiner which also seeks support on certain temporary stay or continuance relief on items relating to one of the Schedule forms and other Bankruptcy compliance.

10. This is a partial excerpt from the Exhibit 1 Letter to US Trustee Weiner showing just some of the Text messages from Attorney Inger Garcia:

8:08 M A ⚡ • 47%

← Candice, Elliot, Florida Attorney ⋮

I went to law school hill
With robin and she is tough and
I want to tell her the truth as a
whistleblower and stop the is
crap already. Don't file stupid
shit as she will kick your ass.

Florida Attorney • May 6, 9:54 PM

Did you get an Order from
Guardianship letting Shraiberg
into Bankruptcy?

Elliot • May 7, 1:31 PM

I need to see motions filed vacating Sahm Guardianship first

And then go from there

Elliott • May 7 1:43 PM

You can't dictate the ga case
you have no standing. The
signed order not back yet

Need to ask Robin Weiner to call me to whistle blow the fraud to assist the boys.

Florida Attorney • May 8, 10:27 AM

Florida Attorney • May 8, 10:27 AM

 Type a message

▲

11. I note for this Court that I did not receive a copy of any Trustee Report on Dismissal for failure to make a Plan Payment to the Trustee and noted to the

Trustee my current Chapter 13 Plan provides for direct lump sum satisfaction and payment with the real party in interest Pat Sahm, Sr.

12. On the very same day as this Court's hearing April 13, 2023 after the Hearing that Joanna Sahm first appeared on and then left before being able to be called as a Witness on information and belief Pat Sahm Sr. had the competence to call a Technology business partner and consultant Mr. Hall who is also a Manager of BFR, LLC for several years and gave Mr. Hall Joanna's Cell asking him to call her to see if something could get worked out in the case and between her 2 daughters.
13. In what I understand was just over an hour call with Joanna Sahm she allegedly did admit that there may have been some paperwork problems in the foreclosure but also stated directly she had already taken action to knock Attorney Morgan Weinstein off the case for her mother Pat Sahm, Sr that very day.
14. Just 4 days after this Court's hearing in my prior 2023 case held on April 13, 2023 Joanna Sahm filed to silence her mother Pat Sahm, Sr. as a Witness by filing a Mental Health case and Guardian case against her.
15. There have been no findings against Pat Sahm, Sr. that have been made by contested evidentiary hearings.

16. The attached Exhibit 1 Letter to Trustee Weiner contains an Affidavit from Pat Sahm, Sr. dated April 19, 2023 that contains upon information and belief her own personal Notations, underlines, exclamation points to show she was competent to read the document yet she has never been allowed to testify in any State court proceedings nor were the Notary and UPS worker and many others ever called at any hearing in the State Court.
17. Exhibit 1 also shows Ms. Garcia has stated on the record that the Guardianship against Pat Sahm, Sr. is illegal and fraudulent and this supports a temporary Stay or continuance of any hearing on the Lift Stay until Ms. Garcia can be properly heard and until Discovery is allowed under Local Rule 4001-1(G).
18. This is a Contested Hearing under Local Rule 4001-1(D) and should be an Evidentiary Hearing under 4001-1(E).
19. The testimony and affidavit of Pat Sahm, Sr. support that I am not a repeat “filer” according to some “scheme” and this prior filing occurred after discussions occurred and where I understood the Bankruptcy sale back in 2023 was being pulled from the Calendar.
20. As I showed the Trustee there allegedly was some “snafu” between Ms. Garcia’s office and Mr. Sweetapple on that and I have to leave that to Ms. Garcia at this time or get Discovery as requested.

21. Between Ms. Garcia stating she has evidence on information on Mr. Shraiberg, Sweetapple and even the Kitroser firm in the State Guardianship against Pat Sahm, Sr. and the Affidavit of Pat Sahm, Sr. and my prior filing in the prior Bankruptcy on April 13, 2023 which appears to have jump started these new areas of fraud there is a real question about the “real party in interest” and whether Mr. Shraiberg has proper authority to even represent Guardian Charles Revard on behalf of Pat Sahm, Sr.
22. My Trustee Letter Exhibit 1 includes my prior filing in this Court from April 13, 2023 and the issues of fraud by Mr. Shraiberg in his representation of Pat Sahm, Sr. are still ripe and not fully heard and there is testimony from Joanna Sahm from State Court that I believe is false and potentially perjury which goes directly to whether Mr. Shraiberg filed a false and fraudulent retainer and Notice of Appearance in the Chapter 11 Bankruptcy by my sons heard before Judge Kimball.
23. Attorney Garcia has informed me that she is working with Investigators on these related matters and has contacted the FBI.
24. In fact Ms. Garcia was telling a State Court Guardian Judge handling a case against Pat Sahm, Sr., the only true Secured Creditor, just on May 6, 2025 about State Court fraud impacting a likely Witness in this case Patty Sahm, Jr, in what appears to be efforts to “Silence” and “intimidate” Patty Sahm, Jr.

as a Witness in this case just like what happened to Pat Sahm, Sr, literally 4 days after I started exposing Fraud in my prior Bankruptcy in Case No. 23-12630-PDR on April 2023 by Testimony and by written filing.

25. That was at an appearance for Charles Revard to be authorized to hire Mr. Shraiberg again and the fraud brought up by Ms. Garcia that day was not addressed.

26. Mr. Shraiberg appears to have filed his first motion for Lift Stay relief that same day May 6, 2025 before the State Court issued an Order for him to be hired.

27. I do not know what day Mr. Shraiberg served me that Motion by mail.

28. Mr. Shraiberg filed an Amended Motion May 8, 2025 that he says was Served by Mail on me on May 12, 2025.

29. Mr. Shraiberg did not attempt at all to meet the burden of showing inadequate protection 11 U.S.C. § 362(d)(1).

30. Mr. Shraiberg did not follow the Local Guidelines for Motions for Relief from the Automatic Stay.

31. My prior Extension which this Court granted showed the present Zillow Value of the real estate to be between \$800K to \$900K which leaves sufficient equity on a false Judgment for approximately \$577K from the Private Note that was really done as “Asset Protection” directly for myself

and my family for \$110K between my father Simon Bernstein now Deceased and Walter and Pat Sahm, Sr.

32. It is the fraud in the related proceedings that has ballooned this \$110K debt to nearly \$577K and Ted Bernstein and Alan Rose have specifically held up Court Registry funds to satisfy the Debt and previously has held up and failed to provide accountancy and disclosures for BFR, LLC and other entities of my parents Estate where there are literally “Missing Millions” as shown to the Federal Court in Chicago years ago and filed with Judge Kimball’s Court in the first Bankruptcy by my sons and now attached as Exhibit 2.

33. Attached as Exhibit 3 is a critical witness William Stansbury former President for Life Insurance and related wealth Planning in Palm Beach County who introduced my Parents and Walt and Pat Sahm, Sr as this private Note was a friendly business deal between them.

34. Mr. Stansbury who was Trustee of my father’s Trust and Trust Protector on his Delaware Trust also shows how there was a separate Income Stream that was supposed to pay off this Note to Pat Sahm, Sr. over 12 years ago now and there are handwritten letters attached as Exhibit 4 from Walt and Pat Sahm, Sr. showing Walt was working with me to “not file” a foreclosure

while we were waiting for Ted Bernstein and Alan Rose to provide proper disclosures and accountancy and distribution of Estate and Trust assets.

35. So the Stansbury affidavit shows my family was not even supposed to have to directly pay the Sahms or have our inheritances diminished but instead through orchestrated proceedings the \$110K debt has improperly ballooned to \$577K although no hearings on attorneys fees occurred and there is other fraud in the Judgment and Inger Garcia can speak to this as well.

36. So between the equity in the property and the “missing millions” and nearly \$270K in a Court Registry Ted Bernstein and Rose have blocked working together with Sweetapple and Shraiberg and Kitroser there is more than adequate protection for Pat Sahm, Sr. who did not want me to be forced by necessity into Bankruptcy and has wanted to Settle the case and upon information and belief stated she believed the “lawyers” had taken over and not let the clients act.

37. It should be noted that prior to the hearing in this Court April 13, 2023 where I exposed what was going on against Pat Sahm, Sr by her own lawyers and daughter Joanna that upon information and belief Joanna had left Pat Sahm, Sr. to live by herself while Joanna lived significant distance away and Pat Sr. was driving where she needed to drive and playing tennis

and going on walks and then all of a sudden after fraud came out on April 13, 2023 she is “incapacitated” and Silenced as a witness

38. Attached as Exhibit 5 is a State Court filing where my Wife Candice and I claim Homestead Protection under the Florida Constitution but we do not claim the Homestead Tax exemption.

39. This filing shows my equity in the real property and this is necessary for my bankruptcy reorganization and this further should deny any Lift stay on those grounds and Mr. Shraiberg did not address this in the motion.

40. I did raise the life estate type interests to Ms. Garcia back in 2023 and this is supported by the Stansbury Affidavit and the Asset Protection done by my father for my Family after he was involved in my Iviewit technology and business where the Involuntary Chapter 11 was done against my companies and Shraiberg came in for my companies without notifying myself of my father both who were Board members at the time.

41. The Asset Protection had also been done due to the car bombing and my parents were bothered that my brother Ted Bernstein who had information on the car Bombing of my family minivan did not come forward to the FBI with this.

42. ChatGPT and other AI and available research shows “**I. A Stay is Warranted to Prevent Further Prejudice Due to Fraud on the Court**

Under 11 U.S.C. § 105(a), the bankruptcy court may issue any order, process, or judgment necessary or appropriate to carry out the provisions of the Bankruptcy Code. Federal courts, including bankruptcy courts, possess inherent authority to stay proceedings where fraud on the court is alleged and supported by credible evidence. Fraud on the court includes conduct that interferes with the judicial process itself, such as the submission of false documents or misrepresentation by an attorney acting without authority. See *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944); *In re Levander*, 180 F.3d 1114 (9th Cir. 1999). **II. Continued Proceedings Would Violate Due Process and Undermine Judicial Integrity** Permitting these proceedings to continue while a potentially unauthorized party actively participates undermines the integrity of this Court and denies the Debtor a fair process. The threshold question of counsel's authority must be resolved before further litigation can proceed.”

43. There are many additional facts and new evidence that this Court did not hear in the prior Bankruptcy of 2023 and some facts occurred later the same day as that last Bankruptcy Hearing.
44. I also note that NY attorney Lalit Jain wishes to represent me without going through the regular pro hac vice process of having a sponsor as prior attorneys for me have been threatened or retaliated and the entire “Fraud

against the United States" charges directed by Harry Moatz then Director of OED of the USPOT involved the Patent and Intellectual Property theft by my own attorneys at Proskauer Rose and others.

45. There is also information from the first bankruptcy by my sons of efforts to restrict outside attorneys from coming into South Florida so I seek to have Mr. Lalit Jain approved if possible without a local sponsor as the danger in my life and cases is very real.

46. Because I do not have full accountancy on many items from the Trusts and Estate cases I seek a temporary stay and continuance and I did Appear at the Creditor's Meeting and have substantially complied to the best able presently with all Schedules but some items will need amendment when I have all the proper information.

47. The filing of Chapter 13 in this case was done based on AI and research showing that it was proper to file and the Automatic Stay would be imposed on the 2 year date based on the language of the Order and thus I believe the Stay went into effect in good faith and if not it should be imposed for Good cause.

48. Mr. Shraiberg is wrong because the Palm Beach County Foreclosure Clerks did the legal research to retroactively Cancel a Sale because of the Stay so that was done by them and not by myself in any improper way but the Sale

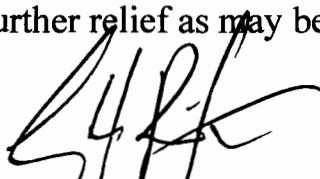
details themselves show Joanna Sahm and Charles Revard were simply buying the property back to themselves by a “one minute” Sale with one straw buyer and the state case has not been about just recovery of the Note which is why proceedings should be stayed in my favor until Mr. Garcia is heard, Discovery occurs and the real party in interest Pat Sahm, Sr. is heard.

49. Mr. Shraiberg’s motion did not have the proper Notice or Warnings under the Local Rules for the time to respond.

50. Any delay in my response should be waived due to the medical emergencies and the fraud in the proceedings.

WHEREFORE, it is respectfully prayed for an Order granting a temporary stay or continuance as proper and Scheduling an Evidentiary Hearing on the Lift Stay motion after Discovery and allowing Zoom appearance on Monday, June 2, 2025 and additional time to submit an outstanding Schedule item and amend as needed and imposing and continuing the automatic Stay in Bankruptcy and good cause shown and for such other and further relief as may be just and proper.

Dated: May 30, 2025

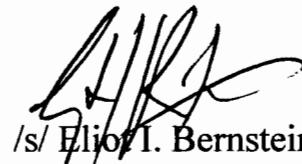


/s/ Eliot I. Bernstein
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CERTIFICATE OF SERVICE

I certify that I served by electronic mail the US Trustee and Mr. Shraiberg and other parties required for Service as known on this day.

Dated: May 30, 2025



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