IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT, IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO.: 50-2018-CA-002317

WALTER E. SAHM and
PATRICIA SAHM,

Plaintiffs,

v.

BERNSTEIN FAMILY REALTY, LLC and
ALL UNKNOWN TENANTS.

Defendants

DEFENDANT'S RESPONSE TO PLAINTIFF'S RESPONSE TO MOTION FOR REHEARING

COMES NOW, Defendants, JOSHUA ENNIO ZANDER BERNSTEIN, JACOB NOAH ARCHIE BERNSTEIN, and DANIEL ELIJSHA ABE OTTOMO BERNSTEIN, by and through their undersigned Attorney, pursuant to Fla.R.Civ.P.Rule 1.530, files this Motion for Rehearing as follows:

1. On (02-10-2022), the Plaintiff filed his Response to Defendants' Motion for Rehearing nearly a month after it what court ordered to response, and only after the Defendants filed their Motion for Order to Show Cause for the Plaintiff's failure to response pursuant to this Court's Order.
2. In the Plaintiff's Response to the Defendants' Motion for Rehearing, he fails to address or provide any law that would negate the main issues pled in the Motion for Rehearing, which include that he submitted a Final Judgment, falsely informing this Court that it was a consented Final Judgment. Furthermore, the Plaintiffs fail to respond to his failure to schedule a hearing on Attorney Fees, for the determination of whether or not they were reasonable as directed by this Court. Lastly, the Plaintiffs incorrectly cite that an affidavit

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was not required for a summary judgment hearing. This is not conclusive of the arguments the Plaintiff failed to address in his response.

3. The Plaintiff has attempted to deviate from the major issues alleged in the Motion for Rehearing and takes it a step further by insinuating the Motion was so meritless that he found it difficult to answer. This appears to be an overly confident approach, based on his opinion rather then any substantive arguments of case law or law that would negate the Defendants arguments in their Motion for Rehearing.
4. The Defendants will not re-allege what has already been alleged in the Motion for Rehearing, as the Court has already been provided these arguments. However, the purpose of this Response is to point out the Plaintiff's failure to respond to any arguments with any law that would substantiate the Plaintiff's position as a prevailing position over the Defendants. Thus, this Court should find in favor of the Defendants.

WHEREFORE, Defendants, JOSHUA ENNIO ZANDER BERNSTEIN, JACOB NOAH ARCHIE BERNSTEIN, and DANIEL ELIJSHA ABE OTTOMO BERNSTEIN, requests this Court to:

A. Vacate the Final Judgment Entered on December 21, 2021
B. Order a Hearing on Attorney Fees
C. Sanction Counsel for the Plaintiffs for intentional misconduct by misleading this Court that Counsel for the Defendants had been copies and consented to the Final Judgment
D. Award Attorney Fees for Defendants Counsel for having to bring forth this Motion
E. All Other remedies necessary and just under statute

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CERTIFICATE OF SERVICE

WE DO CERTIFY, that a copy of the foregoing has been furnished electronically with the Clerk of Courts by using the EPORTAL system to all parties of record in the pending case to include: ROBERT SWEETAPPLE, ESQ. bsweetapple@sweetapplelaw.com

2-14-22 /s/Leslie Ferderigos

Dated

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