

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,

EMERGENCY MOTION:
STATEMENT OF GOOD CAUSE
AFFIDAVIT OF INTERVENOR
TO DISCHARGE SHOW CAUSE
ORDER

-against-

BERNSTEIN FAMILY REALTY, LLC and
ALL UNKNOWN TENANTS.

Defendants.

KEVIN R. HALL, being duly sworn, declares under oath and penalties of perjury and respectfully shows this Court as follows:

1. My name is Kevin R. Hall and I file this Affidavit and Statement of Good Cause as an Intervenor under Florida Rule 1.230 to Discharge the Show Cause Order issued by Judge Parnofield under DE No. 343 and Appear specifically to contest the jurisdiction of Judge Parnofield to act who should

have mandatorily disqualified under Florida Statute and Court Rule upon the First Mandatory Disqualification filed under DE No. 280.

2. I do offer respectful apologies to the Court for the timeliness of this submission as the primary Case Search AI tool I have used for months suddenly “changed” in the last 48 hours leaving me with challenging resources to review and research thus causing delay in this filing.

3. It is without question that Judge Parnofielo exceeded his authority and violated Court Rule in the denial of the First Mandatory Disqualification and both the Florida Supreme Court and 4th DCA has said this itself is a basis to Order prohibition and mandatory Disqualification which should occur now. On October 2, 2024 under DE No. 283 Judge Pornofielo illegally denied Disqualification and violated mandatory Court Rule and law of the Florida Supreme Court as follows: Fl. R. Gen. Prac. Jud. Admin. 2.330

DISQUALIFICATION OF TRIAL JUDGES (h) Determination - Initial Motion. Rule 2.330 -“The judge against whom an initial motion to disqualify under subdivision (e) is directed may determine only the legal sufficiency of the motion and shall not pass on the truth of the facts alleged. If any motion is legally insufficient, an order denying the motion shall immediately be entered. No other reason for denial shall be stated, and an order of denial shall not take issue with the motion.”.

4. Judge Parnofielo clearly violated these standards and took issue with the motion and passed on the truth of the allegations by unlawfully attempting to mischaracterize the allegations as merely showing dissatisfaction with adverse rulings.

5. In fact in both this Denial and a recent Denial against Eliot Bernstein Judge Parnofielo has not just violated the Rule but improperly cited Zuchel v State in doing so which is a case where Prohibition was granted for the very same type of allegations I have made in this case.

6..As the Florida Supreme Court has ruled, “Although we have concluded that the ground for disqualification asserted in the initial motion was legally insufficient, we agree with the decision below that Breakstone's subsequent motion for disqualification should have been granted. This Court noted in Bundy v. Rudd, 366 So.2d 440, 442 (Fla. 1978), that: ***Regardless of whether respondent ruled correctly in denying the motion for disqualification as legally insufficient, our rules clearly provide, and we have repeatedly held, that a judge who is presented with a motion for his disqualification "shall not pass on the truth of the facts alleged nor adjudicate the question of disqualification." When a judge has looked beyond the mere legal sufficiency of a suggestion of prejudice and attempted to refute the charges of partiality, he has then exceeded the proper scope of his inquiry***

and on that basis alone established grounds for his disqualification. Our disqualification rule, which limits the trial judge to a bare determination of legal sufficiency, was expressly designed to prevent what occurred in this case — the creation of "an intolerable adversary atmosphere" between the trial judge and the litigant. (Emphasis added; citations omitted.) In ruling on Breakstone's motion for disqualification, Judge MacKenzie went beyond a mere determination of the legal sufficiency of the motion and passed upon the truth of the facts alleged.” See, MacKenzie v. Super Kids Bargain Store, 565 So. 2d 1332 (Fla. 1990).

7. Judge Parnofielo improperly cited Zuchel which actually shows: “Zuchel alleged that he feared bias and prejudice by the trial judge because at the bond hearing the judge would not allow his lawyer to cross-examine the victim in the pending “stalking” and “violation of restraining order” charges.

The victim's testimony was used by the State, however, in its opposition to the motion to reduce bond.

We disagree with the State's contention that petitioner has only alleged his dissatisfaction with an adverse judicial ruling, which generally is not a sufficient legal ground for judicial disqualification. See Barwick v. State, 660 So.2d 685, 692 (Fla.1995), cert. denied, 516 U.S. 1097, 116 S.Ct. 823, 133 L.Ed.2d 766 (1996). *Here, the challenge is not so much to the*

propriety of the judge's evidentiary ruling; rather, Zuchel asserts that the judge's refusal to allow defense counsel to cross-examine the victim indicates his unwillingness to hear Zuchel's side of the case. We agree that Zuchel's allegation that the outright denial of the basic and fundamental right of cross-examination, see Medina v. Sandstrom, 384 So.2d 927 (Fla. 3d DCA 1980) (holding that the right to cross-examination is fundamental in a bail proceeding), would give a reasonably prudent person a well-founded fear of judicial bias." ZUCHEL v. STATE (2002)

8. Denial of due process and right to be heard is exactly what was claimed in the first Disqualification and this is now more egregious when Judge Parnofielo has knowingly made false Findings and Rulings against me without allowing me to be heard while I specifically have tried to be heard before this Court.

9. The 4th DCA just reiterated the rule in July of 2023, Of equal importance, however, is also the longstanding, well-established Florida Supreme Court rule that a trial court may not address the truth of the facts alleged in a motion to disqualify: "Regardless of whether [the trial judge] ruled correctly in denying the motion for disqualification as legally insufficient, ***our rules clearly provide, and we have repeatedly held, that a judge who is presented with a motion for his disqualification "shall not pass on the truth of the facts alleged nor adjudicate***

the question of disqualification." When a judge has looked beyond the mere legal sufficiency of a suggestion of prejudice and attempted to refute the charges of partiality, he has then exceeded the proper scope of his inquiry and on that basis alone established grounds for his disqualification. Our disqualification rule, which limits the trial judge to a bare determination of legal sufficiency, was expressly designed to prevent what occurred in this case-the creation of "an intolerable adversary atmosphere" between the trial judge and the litigant.

MacKenzie v. Super Kids Bargain Store, Inc., 565 So.2d 1332, 1339 (Fla. 1990) (quoting Bundy, 366 So.2d at 442)." See, Manuel v. Estate of Manuel, No. 4D23-102 (Fla. Dist. Ct. App. July 12, 2023) (emphasis added).

10. Judge Parnofielo has knowingly denied a Hearing and right to be heard on Intervention.

11. The Statute is clear that intervention may be sought "at any time" by "anyone claiming an interest" and there is no frivolous filings in this regard.

12. Judge Parnofielo improperly again denied the 2nd motion for disqualification in his Order under DE No. 298 again creating an adversarial atmosphere this time using the term "party" when the Florida Supree Court and 4th DCA both have issued rulings showing the right of Disqualification is available to all "litigants" and AI shows yes this right is available even when intervention is pending where

biased and prejudiced conduct occurs including denial of a Hearing all which is present here.

13. In Wargo v Wargo the 4th DCA said, “The question of disqualification focuses on those matters from which a litigant may reasonably question a judge's impartiality rather than the judge's perception of his ability to act fairly and impartially. Livingston v. State, 441 So.2d 1083, 1086 (Fla.1983) (emphasis supplied).”

14. The 4th DCA uses the term “litigant” not “party”.

15. The Florida Supreme Court has said, “The judiciary cannot be too circumspect, neither should it be reluctant to retire from a cause under circumstances that would shake the confidence of litigants in a fair and impartial adjudication of the issues raised.” and “Every litigant, including the State in criminal cases, is entitled to nothing less than the cold neutrality of an impartial judge.” It is the duty of courts to scrupulously guard this right of the litigant and to refrain from attempting to exercise jurisdiction in any matter where his qualification to do so is seriously brought in question. The exercise of any other policy tends to discredit and place the judiciary in a compromising attitude which is bad for the administration of justice. 16. State ex rel. Mickle v. Rowe, 100 Fla. 1382, 1385, 131 So. 331, 332 (1930).”. See Livingston v. State, 441 So.2d 1083, 1086 (Fla.1983).

16. Judge Parnofiello knows with actual knowledge that multiple witnesses like Amber Patwell, Bill Stansbury, a Notary Public, myself and others were never brought before the Court.

17. Judge Parnofiello knows no proper determination could be had without these Missing Witnesses including myself who directly tried to be heard and thus the finding of “beyond a reasonable doubt” is a retaliatory tactic from biased and prejudiced conduct.

18. I don’t know why Inger Garcia has done or not done many things but she did seek Protective Order and claimed fraud.

19. I do know from the Transcript of the first Bankruptcy as follows: JUNE 8 2022 Case 22-13009-EPK "I have the

10 death certificate and I provided it also to the
11 trustee that he died 18 months ago. **The final judgment**
12 was done in the name of a dead man. I plan on going
13 back to the state court to Judge Castranacis
14 (phonetic) who I respect because he was my professor
15 in law school, got me my first job with the State
16 Attorney Janet Reno. He's an incredible judge. He was
17 misled in the court, and I want to go back to that
18 court and correct his final judgment, but in the
19 meanwhile, Judge, I'm asking don't convert it to a 7.

20. I also know neither attorneys Shraiberg, Sweetapple, Alan Rose or Inger Garcia informed the first Bankruptcy Judge of the violation of the federal Bankruptcy Stay by Judge Kastranakes on May 25, 2022 denying 1.530 relief without a hearing in violation of the Bankruptcy Stay which occurred the morning of the first in person Bankruptcy appearance.

21. I came into the Eliot Bernstein family life through a Washington DC contact investigating corruption in the Judiciary who still is and after I had prior interaction with members of the US Secret Service, US Senate Members on Judiciary and Intelligence, member of the FBI and US Marshals, Assistant US Attorneys and Federal Corruption Investigators, interaction with State Organized Crime Task Force attorney, County District Attorneys, Judges, State Assistant Attorneys General and Executive Agency and Executive Chamber staff and believe the machinery of corruption in this case and related cases is so extreme that even a Federal Monitor may be appropriate.

22. I have extensive testimony on Pat Sahm, Sr who has asked more intelligent questions than most any professional in the case and I have necker sought to take advantage of her but at her request have appeared as needed and have only hoped she would find an independent attorney to truly represent her interests regardless of any Settlement with BFR, LLC.

23. Case law on Intervention shows many cases where Intervention is granted Post Final Judgment and even after 3 or 4 attempts to intervene before being granted.

24. Intervention was even more appropriate on the last Disqualification where Judge Parnofielo is selling the asset held by BFR where the asset secures non contingent direct immediate rights to payment while Judge Parnofielo is wantonly denying due process and cover up of fraud in the taking of a False Final Judgment where Robert Sweetapple has knowingly taken False Clerk's Default and Final Judgement against BFR where this Court has no jurisdiction over BFR, no hearing on Attorneys Fees, no determination or resolution of conflicts of interest and clearly missing Witnesses.

25. Because Judge Parnofielo has never allowed me to be heard he does not know as Manager of BFR, LLC I was never called to any Meeting to Waive Conflicts of Inger Garcia representing multiple clients simultaneously nor ever called to a Meeting to Hire Ms. Garcia for BFR, LLC where I am a Manager and thus the company where I am manager and have rights has never properly been heard before this Court.

26. Judge Parnofielo knows even while incarcerated Amber Patwell could still have been heard before the Court and should have been heard and needs to be heard before the Court. See, Gosby v. Third Judicial Circuit Annotate this Case 586 So. 2d 1056 (1991).

27. There is nothing frivolous and nothing to justify a Florida Bar attorney to do filings as a Manager.

28. I reserve the right to supplement as the law and justice allows.

WHEREFORE, it is respectfully prayed for an Order discharging the Show Cause and for other and further relief as is just and proper.

VERIFICATION

I, Kevin R. Hall, an Intervenor and interested person, state that I have read the foregoing Affidavit to Discharge Show Cause Order of Judge Parnofielo and that the facts stated therein are true to the best of my own knowledge except any matter stated upon information and belief and as to those matters to the best of my knowledge and belief, I believe the same to be true.

Dated: April 4, 2025

/s/ **Kevin R. Hall, Pro Se Intervenor**
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that Judge Parnofielo was Served under law at CAD-DivisionAO@pbcgov.org and all parties requiring service were served electronically via the Florida ECourt filing portal on this 4th day of April, 2025.

Dated: April 4, 2025

/s/ Kevin R. Hall, Pro Se Intervenor
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