

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

CASE NO.: 2018-CA-002317

WALTER E. SAHM and
PATRICIA SAHM

Plaintiffs,

v.

BERNSTEIN FAMILY REALTY, LLC,
BRIAN O'CONNELL, AS SUCCESSOR
PERSONAL REPRESENTATIVE OF
THE ESTATE OF SIMON L. BERNSTEIN;
ALEXANDRA BERNSTEIN, ERIC BERNSTEIN,
MICHAEL BERNSTEIN, MOLLY SIMON,
PAMELA B. SIMON, JILL IANTONI,
MAX FRIEDSTEIN, LISA FRIEDSTEIN,
INDIVIDUALLY AND TRUSTEES OF
THE SIMON L. BERNSTEIN REVOCABLE
TRUST AGREEMENT DATED MAY 20, 2008,
AS AMENDED AND RESTATED;
ELIOT BERNSTEIN, AND CANDICE
BERNSTEIN, INDIVIDUALLY AND AS
NATURAL GUARDIANS OF MINOR
CHILDREN JO., JA. AND D. BERNSTEIN;
AND ALL UNKNOWN TENANTS.

Defendants.

**MOTION TO EXTEND DEADLINES IN THE ORDER DIRECTING PRE-HEARING
SCHEDULE FOR ATTORNEY FEES AND COST MOTIONS PENDING
CLARIFICATION FROM THE BANKRUPTCY COURT**

Plaintiff, CHARLES REVARD, as Guardian of the person and property of PATRICIA SAHM, by and through undersigned counsel, hereby files the within motion and requests that the Court enter an order Extending the deadlines contained in the Order Directing Pre-Hearing Schedule for Attorney Fees and Cost Motions and says:

1. As the Court is aware, this case has been contentiously litigated.

2. On March 7, 2025, the Court entered an Order Directing Pre-Hearing Schedule for Attorneys' Fees and Cost Motions. See **Exhibit A**.
3. On that same date, March 7, 2025, the Court also entered an Order Resetting Foreclosure Sale for April 14, 2025, in connection with the Final Judgment entered on December 21, 2021.
4. On the date of Sale, April 14, 2025, Defendant, Eliot Bernstein, filed a Chapter 13 Bankruptcy action just prior to the start of the sale at 10:00 a.m., but did not serve undersigned counsel with a copy of same. See **Exhibit B**.
5. The Bankruptcy case is currently pending in the United States Bankruptcy Court, Southern District of Florida, Case No. 25-14028-PDR.
6. Based upon Mr. Bernstein's filing, undersigned counsel requests an extension pending clarification from the U.S. Bankruptcy Court as to whether a stay has been issued pursuant to 11 U.S.C 362(a) or any other provision of the U.S. Bankruptcy Code.

WHEREFORE, Plaintiff CHARLES REVARD, as Guardian of the Property of PATRICIA SAHM, prays this Court enter an order extending the deadlines contained in the Order Directing Pre-Hearing Schedule for Attorney Fees and Cost Motions pending clarification from the Bankruptcy Court as to whether a stay is in effect, and for such other and further relief as this Court deems just and proper.

SWEETAPPLE, BROEKER & VARKAS, P.L.

Attorneys for Plaintiff

4800 N. Federal Hwy., Suite D306

Boca Raton, Florida 33431

Tel.: (561) 392-1230

E-Mail: Pleadings@Sweetapplelaw.com

By: /s/ Robert A. Sweetapple

ROBERT A. SWEETAPPLE, ESQ.

Florida Bar No. 0296988

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via the E-Filing Portal to all parties listed on the Service List on the portal via email on this 6th day of May, 2025.

By: /s/ Robert A. Sweetapple
ROBERT A. SWEETAPPLE, ESQ.
Florida Bar No. 0296988

IN THE CIRCUIT COURT IN AND FOR
PALM BEACH COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION: "AO"
CASE NO.: 50-2018-CA-002317-XXXX-MB

WALTER E SAHM,
CHARLES REVARO AS GUARDIAN OF THE WARD PAMELA A SAHM,
Plaintiff/Petitioners
vs.
BERNSTEIN FAMILY REALTY LLC,
ALL UNKNOWN TENANTS,
BRIAN O'CONNELL,
et al.,
Defendant/Respondents.

**ORDER DIRECTING PRE-HEARING SCHEDULE FOR
ATTORNEY FEES AND COST MOTIONS**

THIS MATTER came before the Court on Plaintiffs' Motion to Strike Alleged Settlement Agreement for Fraud and for Sanctions. By order dated March 6, 2025, this Court granted entitlement to the Plaintiffs against Defendant Eliot Bernstein, Defendant, Bernstein Family Realty, LLC, and counsel Inger Garcia Esq., and entered an order to that effect on March 6, 2025. Accordingly, it is hereby **ORDERED AND ADJUDGED** as follows:

1. The parties and the Court will benefit by pre-hearing disclosures and party conferences to clarify the extent and basis of any objections to the motion on an item by item basis and resolve as much of the dispute as possible through good faith negotiations. To that end, the parties may, by agreement, extend each deadline imposed in this Order by up to 30 days without further Order of the Court.
2. Within 60 days, the movant(s) shall submit to the parties from whom fees or costs are sought the name and address of the fee/cost expert that will be used in support of the motion along with copies of all billing, timesheets, invoices for costs, and any other documentary evidence relating to attorneys' fees and/or court costs claimed (collectively the "Claim"). Failure to specifically identify and itemize any fee or cost may result in a waiver of the right to have it awarded or taxed.
3. Within 30 days after service of the itemized Claim required by paragraph 2 of this Order, any party opposing any part of the Claim shall respond to the movant(s) by providing specific objection to each disputed line item and the legal or factual basis for each objection. They shall also identify the name and address of any expert it intends to use in rebuttal. Failure of a party to specifically object to an item may result a waiver of any right to object. All objections must be in good faith and frivolous or baseless requests or objections may be deemed waived.
4. Within 15 days after service of any objections required by paragraph 3 of this Order, the parties and their respective experts shall meet for the purposes of conferring over each disputed item of the Claim. If the parties cannot resolve the Claim, they shall file a joint report within 15 days of meeting that:

- (a) Lists each specific line items of the Claim that remains in dispute;
- (b) Identifies by line item the legal or factual basis for each objection and the specific response of the movant(s) to each objection;
- (c) Provides legal authorities in support of each parties position, and
- (d) Proposes the exact amount of time necessary for an evidentiary hearing.

Copies of the joint report should be sent to Chambers by email at CAD-DivisionAO@pbcgov.org. If an evidentiary hearing is anticipated to take a half-hour or less the parties may use the on the on-line scheduling system, and the hearing shall be set within 20 days from filing of the report. Evidentiary hearings requiring more than a half-hour will be set before a Senior Judge or will be set at calendar call. Failure to comply with this Order in the time frames set forth above may result in the motion being deemed abandoned and the case closed without further notice.

DONE AND ORDERED in Chambers, at West Palm Beach, Palm Beach County, Florida.

50-2018-CA-002317-XXXX-MB 03/07/2025
John J. Parnofiello Circuit Judge
ADMINISTRATIVE OFFICE OF THE COURT

50-2018-CA-002317-XXXX-MB 03/07/2025
John J. Parnofiello
Circuit Judge

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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

SUGGESTION OF BANKRUPTCY

Defendant Eliot Bernstein having been named as a defendant party in a Final Judgment of Foreclosure, hereby files this SUGGESTION OF BANKRUPTCY FILING notifying all parties that a Chapter 13 Voluntary Bankruptcy petition was filed by individual Debtor Eliot Bernstein in the U.S. Bankruptcy Court, Southern District of Florida on April 14, 2025 under the US Bankruptcy laws in case number 25-14028-EPK. **Pursuant to 11 U.S.C. 362, an automatic stay is in effect**, in which any pending proceedings may be stayed pursuant to the aforementioned statutory authority, subject to any exceptions set forth therein. This pleading

Exhibit B

serves the limited purpose of advising the Court and parties below of the
aforementioned bankruptcy proceeding.

DATED: April 14, 2025

/s/Eliot Bernstein

Eliot Bernstein
2753 NW 34th St
Boca Raton, FL 33434
561-245-8588
iviewit@iviewit.tv

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing has been furnished to parties
listed on Electronic Service List by E-mail Electronic Transmission on this
14th day of April, 2025.

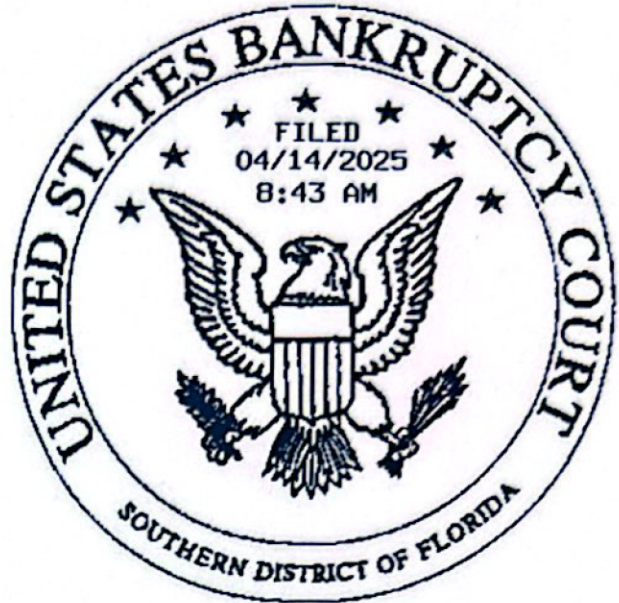
/s/Eliot Bernstein

Eliot Bernstein
2753 NW 34th St
Boca Raton, FL 33434
561-245-8588
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United States Bankruptcy Court
Southern District of Florida**Notice of Bankruptcy Case Filing**

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 13 of the United States Bankruptcy Code, entered on 04/14/2025 at 09:00 AM and filed on 04/14/2025.

Eliot Ivan Bernstein
2753 NW 34th St
Boca Raton, FL 33434
561-886-7628
SSN / ITIN: [REDACTED]



The bankruptcy trustee is:

Robin R Weiner
Robin R. Weiner, Chapter 13 Trustee
Post Office Box 559007
Fort Lauderdale, FL 33355
954-382-2001

The case was assigned case number 25-14028-EPK to Judge Erik P. Kimball.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available at our *Internet* home page www.flsb.uscourts.gov or at the Clerk's Office, , .

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

Joseph Falzone
Clerk, U.S. Bankruptcy Court