

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

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**EXHIBIT 2 TO  
STATUS REPORT BY CANDICE BERNSTEIN ON RELATED  
BANKRUPTCY FILINGS OF ELIOT BERNSTEIN**

**BANKRUPTCY DE NO. 46**

Notice of Appeal and Election to Appeal To District Court Filed by Debtor Eliot Ivan Bernstein (Re: [35](#) Order Granting Amended Motion For Stay Relief (Re: [19](#)) (Wilson, Melissa) , [37](#) Order Denying Debtors Motion For Temporary Stay or Continuance of Hearing (Re: [29](#)) ([19](#) Amended Motion ([18](#) Renewed Motion for Relief from Stay *for In Rem Stay Relief* [Consent for the 30 day Waiver] [Fee Amount \$199]) ). (Wilson, Melissa) , [38](#) Order Granting Trustee's Request for Order Dismissing Case Upon Denial of Confirmation of Plan (Re: # 28 ) [Filing Fee Balance Due: \$0.00] (Wilson, Melissa) , [43](#) Order Denying Debtors Emergency Motions to Vacate Orders and Disqualify Judge Pursuant to 28 U.S.C. § 455 and Bankruptcy Rules 9023, 9024, and 8002 (Re:

[\*\*41\*\*](#) and (Re: [\*\*42\*\*](#)) (**Wilson, Melissa** ). Appellant Designation due 7/24/2025.  
(Ferere, Magali) (Entered: 07/10/2025)

Official Form 17A (12/14)

UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF FLORIDA  
 FORT LAUDERDALE DIVISION

FILED-2025BC-FLS-FTL  
 '25 JUL 10 PM3:46

In Re:

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

Eliot Bernstein,

Debtor,

**NOTICE OF APPEAL AND STATEMENT OF ELECTION**

**Part 1: Identify the appellant(s)**

1. Name(s) of appellant(s):

ELIOT I. BERNSTEIN, DEBTOR

2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

Plaintiff  
 Defendant  
 Other (describe) \_\_\_\_\_

For appeals in a bankruptcy case and not in an adversary proceeding.

Debtor  
 Creditor  
 Trustee  
 Other (describe) \_\_\_\_\_

**Part 2: Identify the subject of this appeal**

1. Describe the judgment, order, or decree appealed from: Debtor Appeals DE No. 35, DE No. 37, DE No. 38, DE No. 43 Orders Granting In Rem Relief, Dismissal of Case, Denying Continuance and Evidentiary Hearing, Denying Disqualification 28 USC Sec. 455, Denying Vacating Orders and Denying

## Official Form 17A (12/14)

Reinstatement of the Automatic Stay and appeals each and every part of said Orders and Judgments.

2. State the date on which the judgment, order, or decree was entered:  
DE No. 35 Entered 6-5-25; DE No. 37, No. 38 Entered 6-9-25; DE No. 43 Entered 6-26-25.

**Part 3: Identify the other parties to the appeal**

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: Eliot I. Bernstein, Debtor Appellant Pro Se

2753 NW 34th Street  
Boca Raton, Fl 33434  
561-886-7628  
iviewit@gmail.com

2. Charles Revard, Guardian Attorney: Bradley Shraiberg

SHRAIBERG PAGE P.A.  
Counsel for the Secured Creditors  
2385 NW Executive Center Drive, #300  
Boca Raton, Florida 33431  
Telephone: 561-443-0800  
Facsimile: 561-998-0047  
bss@slp.law  
ependergraft@slp.law  
Bradley S. Shraiberg  
Florida Bar No. 121622  
Eric Pendergraft  
Florida Bar No. 91927

3. US Trustee Robin Weiner PO Box 559007

Official Form 17A (12/14)

Fort Lauderdale, FL 33355-9007

**Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)**

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

**Part 5: Sign below**

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Signature of attorney for appellant(s) (or appellant(s) if not represented by an attorney)

Date: July 10, 2025

Name, address, and telephone number of attorney (or appellant(s) if not represented by an attorney):

Eliot I. Bernstein, Debtor Appellant

2753 NW 34th Street

Boca Raton, FL 33434

561-886-762

iviewit@gmail.com

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.



**ORDERED in the Southern District of Florida on June 4, 2025.**



**Peter D. Russin, Judge  
United States Bankruptcy Court**

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION

In re:

Eliot Ivan Bernstein,

Case No. 25-14028-PDR

Debtor.

Chapter 13

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**ORDER GRANTING AMENDED MOTION FOR STAY RELIEF**

THIS MATTER came before the Court for hearing on June 2, 2025, upon the *Amended Motion for Stay Relief* (the "Motion") filed by Charles Revard, as Guardian of the Ward of Patricia Sahm (the "Secured Creditor"). ECF No. 19. The Court has reviewed the Motion, has heard the statements of the parties and is otherwise advised.

Pursuant to Fed. R. Civ. P. 52, as applied by Fed. R. Bankr. P. 7052 and 9014, and for the reasons stated on the record, which are incorporated herein by reference, the Court **FINDS AND CONCLUDES** as follows:

**A. Findings of Fact.**

1. The debtor in this bankruptcy case, Elion Ivan Bernstein (the "Debtor") resides at 2753 N.W. 34th Street, Boca Raton, Florida 33434 (the "Real Property"). The legal description of the Real Property is:

Lot 68, Block G, BOCA MEDERA UNIT 2, according the Plat thereof, recorded in Plat Book 32, Pages 59 through 60, of the Public Records of Palm Beach County, Florida.

2. The title-holder to the Real Property is non-debtor, Bernstein Family Realty, LLC.

3. The Secured Creditor is the holder of that certain *Final Judgment of Foreclosure* against Bernstein Family Realty, LLC (the "Judgment"), which Judgment was entered by the Circuit Court for the Fifteenth Judicial Circuit in and for Palm Beach County, Florida (the "State Court") in Case No. 2018-CA-002317AXX (the "State Court Case").

4. On or about April 19, 2022, the Debtor encouraged his children to commence an involuntary bankruptcy case against Bernstein Family Realty, LLC in this Court, Case No. 22-13009-EPK. The Court determined that such bankruptcy case was filed improperly, and in bad faith, solely to prevent a scheduled foreclosure sale of the Real Property. The case was therefore dismissed with two years' prejudice.

5. On or about April 3, 2023, the Debtor filed a separate voluntary bankruptcy petition in his individual capacity, Case No. 23-12630-PDR, again in a bad faith effort to cancel a foreclosure sale of the Real Property. On or about April 14, 2023, the Court granted prospective stay relief such that, for two years, no voluntary or involuntary petition filed

under title 11 of the United States Code would operate as a stay of any act against the Real Property. The Court also dismissed the bankruptcy case.

6. On March 6, 2025, following almost two years of additional litigation, the State Court entered an order, *inter alia*: (a) striking all pending motions attacking the Judgment, and (b) sanctioning the Debtor, his State Court counsel, Ingar Garcia, Esq., and Bernstein Family Realty, LLC. The Debtor, Ms. Garcia and Bernstein Family Realty, LLC have each appealed the order to the District Court of Appeal of the State of Florida, Fourth District, Case Nos. 4D2025-0994, 4D2025-0996, and 4D2025-1033.

7. On March 7, 2025, the State Court directed its Clerk of Court to reschedule a foreclosure sale of the Real Property for April 14, 2025.

8. On April 14, 2025, the Debtor filed a voluntary petition for chapter 13 relief, initiating the above-captioned bankruptcy case (the "2025 Bankruptcy Case"). Thereafter, the Debtor filed a suggestion of bankruptcy with the State Court asserting that the automatic stay is in effect (the "Suggestion of Bankruptcy").

9. The Debtor filed the 2025 Bankruptcy Case as part of a continuing bad faith scheme to delay and hinder the Secured Creditor (and its predecessors in interest) with respect to enforcing the Judgment against the Real Property.

10. The Suggestion of Bankruptcy states in relevant part, "Pursuant to 11 U.S.C. § 362, an automatic stay is in effect, in which any pending proceedings may be stayed..." The Suggestion of Bankruptcy caused the State Court Clerk to terminate a foreclosure sale process regarding the Real Property after the Secured Creditor submitting the winning \$375,000 bid. The Court finds that the Suggestion of Bankruptcy was designed to mislead the State Court and/or the Clerk of the State Court into so terminating the foreclosure sale.

**B. Conclusions of Law.**

11. The Motion [ECF No. 19] is **GRANTED** as follows.
12. The automatic bankruptcy stay in 11 U.S.C. § 362(a) is **MODIFIED** so as to permit any and all litigation against and involving the Debtor in the State Court Case, Case No. 2018-CA-002317AXX, as well as any related appeals, including Case Nos. 4D2025-0994, 4D2025-0996, and 4D2025-1033 pending in the District Court of Appeal of the State of Florida, Fourth District.
13. Pursuant to 11 U.S.C. § 362(d)(4)(B), the automatic bankruptcy stay set forth in 11 U.S.C. § 362(a) is modified so that, for the next two years from the date of this Order, no voluntary or involuntary petition filed under title 11 of the United States Code shall operate as a stay of any act against the Real Property located at 2753 N.W. 34th Street, Boca Raton, Florida 33434, the legal description of which is:

Lot 68, Block G, BOCA MEDERA UNIT 2, according the Plat thereof, recorded in Plat Book 32, Pages 59 through 60, of the Public Records of Palm Beach County, Florida.

14. The Secured Creditor may file a copy of this Order in the case styled *Sahm v. Bernstein Family Realty LLC*, Case No. 2018-CA-002317AXX pending in the Circuit Court for the Fifteenth Judicial Circuit in and for Palm Beach County, Florida.

15. The Secured Creditor shall record a certified copy of this Order in the Official Records of Palm Beach County, Florida with respect to the Real Property.

[Remainder of Page Intentionally Left Blank]

16. Notwithstanding Federal Rule of Bankruptcy Procedure 4001(a)(3), this Order shall be immediately effective.

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Submitted by:

Bradley S. Shraiberg, Esq.  
Shraiberg Page P.A.  
Attorneys for the Secured Creditor  
2385 NW Executive Center Drive, #300  
Boca Raton, Florida 33481  
Telephone: 561-443-0800  
Facsimile: 561-998-0047  
bsst@slp.law

Bradley S. Shraiberg is directed to immediately serve a conformed copy of this Order and to file a Certificate of Service evidencing same.



**ORDERED in the Southern District of Florida on June 6, 2025.**



**Peter D. Russin, Judge  
United States Bankruptcy Court**

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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION**

In re:

Case No. 25-14028-PDR

Eliot Ivan Bernstein,

Chapter 7

Debtor.

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**ORDER DENYING DEBTOR'S MOTION FOR  
TEMPORARY STAY OR CONTINUANCE OF HEARING**

This matter came before the Court for hearing on June 2, 2025 at 10:30 A.M. on the pro se 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* (Doc. 29) (the "Motion"). The Court **ORDERS**:

1. The Motion is **DENIED** for the reasons stated on the record.

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Copies Furnished To:  
All parties in interest.

CGFD43 (4/23/19)



**ORDERED** in the Southern District of Florida on June 9, 2025

Peter D. Russin

Peter D. Russin  
United States Bankruptcy Judge

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**United States Bankruptcy Court**  
**Southern District of Florida**  
**[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)**

Case Number: 25-14028-PDR  
Chapter: 13

**In re:** (Debtor(s) name(s) used by the debtor(s) in the last 8 years, including married, maiden, and trade)

Eliot Ivan Bernstein  
2753 NW 34th St  
Boca Raton, FL 33434

SSN: xxx-xx-2566

### **ORDER DENYING CONFIRMATION AND DISMISSING CHAPTER 13 CASE**

This case came before the court for confirmation of a proposed chapter 13 plan. Based on the record, it is

**ORDERED** as follows:

1. Confirmation of the proposed chapter 13 plan is denied.
2. This case is dismissed.

3. All pending motions are denied as moot.
4. The trustee shall file a final report prior to the administrative closing of the case.
5. (If applicable) the debtor shall immediately pay to the Clerk, U.S. Court, Federal Building, 299 E Broward Blvd, Room 112, Ft Lauderdale FL 33301, \$0.00 for the balance of the filing fee as required by Local Rule 1017-2(E). Any funds remaining with the trustee shall be applied to this balance and the trustee must dispose of any funds in accordance with the Bankruptcy Code, and Local Rule 1017-2(F), unless otherwise ordered by the court. The court will not entertain a motion for reconsideration of this order unless all unpaid fees are paid at the time the motion is filed.
6. A motion to rehear, reconsider, or reinstate a dismissed case must be filed in accordance with the requirements of Local Rule 9013-1(E).
7. In accordance with Local Rule 1002-1(B), the clerk of court is directed to refuse to accept for filing any future voluntary petitions submitted by this debtor if the refiling violates a prior order of the court or if the petition is accompanied by an Application to Pay Filing Fee in Installments and filing fees remain due from any previous case filed by the debtor.

The clerk shall serve a copy of this order on all parties of record.

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*Page 2 of 2*



**ORDERED in the Southern District of Florida on June 25, 2025.**



**Peter D. Russin, Judge  
United States Bankruptcy Court**

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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION**

In Re:

Eliot Ivan Bernstein

Debtor.

Case No.: 25-14028-PDR

Chapter 13

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**ORDER DENYING DEBTOR'S EMERGENCY MOTIONS TO VACATE  
ORDERS AND DISQUALIFY JUDGE PURSUANT TO 28 U.S.C. § 455  
AND BANKRUPTCY RULES 9023, 9024, AND 8002**

This matter is before the Court on the pro se Debtor's *Emergency Motion to Vacate All Judgments and Orders of Hon. Judge Russin Upon Mandatory Disqualification and Reinstate the Automatic Stay Pending New Trial and Hearing and Other Relief Under Federal Rules of Bankruptcy Procedure 9023 and 9024 and Timely Filed to Extend the Time for Filing an Appeal Under Rule 8002(b)* (Doc. No.

41), and the Debtor's *Supplemental Submittal Motion and "Newly Discovered Evidence" to Vacate All Judgments and Orders of Hon. Judge Russin* (Doc. No. 42) (together, the "Motions"). The Court, having reviewed the Motions, the case record, and applicable law, and being otherwise fully advised in the premises, denies the requested relief for the reasons set forth below.

## **I. Background**

The Debtor commenced this Chapter 13 case on April 14, 2025, the same day a foreclosure sale was scheduled for the property located at 2753 NW 34th Street, Boca Raton, Florida (the "Property"). The Property is not owned by the Debtor, but by a non-debtor entity, Bernstein Family Realty, LLC.

This case represents the third filing by or involving parties related to the Debtor with the purpose of halting foreclosure proceedings. Prior filings include:

- **2022:** An involuntary Chapter 11 case initiated by the Debtor's children against the LLC, dismissed with prejudice and accompanied by sanctions;<sup>1</sup>
- **2023:** A voluntary Chapter 13 petition filed by the Debtor, dismissed after this Court entered an in rem stay relief order pursuant to 11 U.S.C. § 362(d)(4), finding that the case was filed in bad faith;<sup>2</sup>
- **2025:** The current Chapter 13 case, filed precisely two years after the prior in rem order.

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<sup>1</sup> See *Order Dismissing Case with Prejudice*, Case No. 22-13009-EPK, Doc. No. 79, p.2.

<sup>2</sup> See *Order Granting In Rem Relief from the Automatic Stay and Order Dismissing Case*, Case No. 23-12630-PDR, Doc. Nos. 22 and 37.

Following a hearing on June 2, 2025, the Court granted stay relief to the secured creditor,<sup>3</sup> denied the Debtor's motion for a continuance,<sup>4</sup> and subsequently dismissed the case at the request of the Chapter 13 Trustee due to Debtor's failure to make pre-confirmation plan payments.<sup>5</sup>

In his motion and supplemental filing, Bernstein alleges that the undersigned should be disqualified based on purported bias and prejudice stemming from prior rulings in this case and allegedly improper conduct in unrelated matters and seeks to vacate three of this Court's orders.<sup>6</sup> He broadly asserts that the Court has exhibited hostility toward him, favored opposing counsel, and issued rulings that suggest a lack of impartiality. As an example, Bernstein references the June 2, 2025 hearing, claiming that the Court "refused to hear" his argument and "cut [him] off," which he characterizes as evidence of bias. However, he does not cite the hearing transcript, provide any quotations, or identify any specific statements or rulings made by the Court during that proceeding. Nor does he cite any particular order or act demonstrating favoritism or prejudice. Bernstein also devotes considerable space to allegations that opposing parties, their counsel, and other third parties have committed fraud, perjury, or other forms of misconduct. These allegations, even if taken at face value, are not grounds for judicial disqualification and are not relevant to the question of the Court's impartiality. In any event, Bernstein provides no

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<sup>3</sup> Doc. No. 35

<sup>4</sup> Doc. No. 37

<sup>5</sup> Doc. No. 38

<sup>6</sup> Doc. Nos. 35, 37, and 38.

competent or admissible evidence to support those claims. He further references unspecified transcripts and filings from other proceedings as “newly discovered evidence,” but attaches none of them and fails to explain their relevance. The filings are entirely conclusory and unsupported by any factual or evidentiary foundation.

## II. Legal Analysis

### A. Motion for Disqualification under 28 U.S.C. § 455

Disqualification of a judge under 28 U.S.C. § 455(a) is warranted where a reasonable person, fully informed of the facts, would question the judge’s impartiality.<sup>7</sup> Under § 455(b)(1), disqualification is mandatory where the judge harbors a personal bias or prejudice.

The Debtor’s assertions of bias are based entirely on the Court’s rulings and conduct during the June 2, 2025, hearing. It is well settled that “judicial rulings alone almost never constitute a valid basis for a bias or partiality motion.”<sup>8</sup> The Debtor points to no extrajudicial source of bias nor any objective facts that would lead a reasonable observer to question the Court’s impartiality. Accordingly, the request for disqualification is denied.

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<sup>7</sup> *United States v. Amedeo*, 487 F.3d 823, 828 (11th Cir. 2007).

<sup>8</sup> *Liteky v. United States*, 510 U.S. 540, 555 (1994).

**B. Attempted Collateral Attack on 2023 Order**

To the extent the Motions seek to challenge the Court's April 14, 2023, in rem stay relief order entered in Case No. 23-12630-PDR, such challenge is impermissible. That order was not appealed and is now final.<sup>9</sup>

Furthermore, relief under Fed. R. Civ. P. 60, made applicable through Bankruptcy Rule 9024, must be sought in the case in which the order was entered. The Debtor filed no such motion in the 2023 case. Therefore, this Court lacks authority to revisit the 2023 order in the present proceeding.

**C. Relief Under Rules 9023 and 9024**

The Debtor seeks reconsideration and vacatur of several prior orders, namely the Court's *Order Granting Amended Motion for Stay Relief*,<sup>10</sup> *Order Denying Debtors Motion for Temporary Stay or Continuance of Hearing*,<sup>11</sup> and *Order Granting Trustee's Request for Order Dismissing Case Upon Denial of Confirmation of Plan*.<sup>12</sup> Reconsideration is sought pursuant to Bankruptcy Rule 9023 (incorporating Fed. R. Civ. P. 59) and Rule 9024 (incorporating Fed. R. Civ. P. 60). These rules allow for post-judgment relief under narrowly defined circumstances.

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<sup>9</sup> See *In re Optical Techs., Inc.*, 425 F.3d 1294, 1300 (11th Cir. 2005) (final orders may not be collaterally attacked in subsequent proceedings).

<sup>10</sup> Doc. No. 35

<sup>11</sup> Doc. No. 37

<sup>12</sup> Doc. No. 38

1. Rule 9023

Rule 9023 permits a party to seek to alter or amend a judgment within 14 days of its entry. Relief under this rule is appropriate only where the movant demonstrates:

- a manifest error of law or fact,
- newly discovered evidence that could not have been presented earlier with due diligence, or
- an intervening change in controlling law.<sup>13</sup>

The Debtor has not identified any legal or factual error in the Court's rulings that would justify reconsideration. Nor has the Debtor submitted any newly discovered evidence and certainly none that could not have been previously raised. To the extent the Supplemental Motion cites additional information concerning parallel state court proceedings or alleged actions by third parties, none of this information is shown to have been both material and previously unavailable through due diligence, as required for relief under Rule 59. Instead, the Debtor's arguments largely restate prior contentions already considered and rejected by the Court, which does not support relief under Rule 9023.<sup>14</sup>

The Motions do not present newly discovered evidence material to the decisions at issue. The Debtor's allegations of fraud are largely directed to third parties and

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<sup>13</sup> See *Arthur v. King*, 500 F.3d 1335, 1343 (11th Cir. 2007) (citing *In re Kellogg*, 197 F.3d 1116, 1119 (11th Cir.1999)).

<sup>14</sup> See *Jacobs v. Tempur-Pedic Int'l, Inc.*, 626 F.3d 1327, 1344 (11th Cir. 2010) ("Reconsidering the merits of a judgment, absent a manifest error of law or fact, is not the purpose of Rule 59.").

are speculative and unsupported by competent evidence. Moreover, the Supplemental Motion simply reiterates prior arguments without demonstrating any mistake, fraud, or exceptional circumstance warranting relief.

2. Rule 9024

Rule 9024, incorporating Fed. R. Civ. P. 60, provides that the Court may relieve a party from a final order or judgment for certain limited reasons, including:

- mistake, inadvertence, surprise, or excusable neglect (60(b)(1));
- newly discovered evidence (60(b)(2));
- fraud, misrepresentation, or misconduct by an opposing party (60(b)(3));
- any other reason that justifies relief (60(b)(6)).<sup>15</sup>

Here, the Debtor asserts that certain third parties engaged in fraud or unethical conduct and that newly discovered evidence warrants vacatur. The fraud allegations are directed to third parties and are generalized and unsupported by sworn, admissible evidence. No specific act of misrepresentation that directly affected the outcome of the prior rulings is clearly identified. There is no evidence submitted and therefore the Motions fail to meet the required thresholds and do not demonstrate that the Debtor was prevented from fairly presenting his case.

Rule 60(b)(6) is not a catch-all for discontent with the Court's rulings. It applies only in extraordinary circumstances not covered by other subsections, and only where

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<sup>15</sup> See *Cano v. Baker*, 435 F.3d 1337, 1342 (11th Cir. 2006) ("Relief under Rule 60(b)(6) is an extraordinary remedy which may be invoked only upon a showing of exceptional circumstances.").

relief is consistent with the balance of finality and fairness.<sup>16</sup> The Debtor has not demonstrated such extraordinary circumstances here.

**D. Rule 8002(b) Tolling**

The Debtor filed his initial motion on June 18, 2025, within the 14-day period prescribed by Bankruptcy Rule 8002(b),<sup>17</sup> and the Court finds that the motion qualifies as one of the types listed in Rule 8002(b)(1). While the motion ultimately fails to meet the substantive standards for relief under Bankruptcy Rules 9023 or 9024, it was timely filed and sufficiently invoked post-judgment relief under those rules. As such, it tolled the deadline for filing a notice of appeal pursuant to Rule 8002(b) until entry of this order resolving the motion.

**III. Conclusion**

The Debtor has failed to establish any legal or factual basis to grant the relief sought in either of the Motions. The record before the Court instead reflects a repeated misuse of the bankruptcy system to obstruct lawful foreclosure actions, and the orders in question were entered after due consideration and in accordance with applicable law. Accordingly, it is hereby ORDERED that:

1. The Debtor's Emergency Motion (Doc. No. 41) and Supplemental Motion (Doc. No. 42) are DENIED.
2. The Court will not vacate its prior orders at Doc. Nos. 35, 37, and 38.
3. The case remains dismissed.

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<sup>16</sup> See *Toole v. Baxter Healthcare Corp.*, 235 F.3d 1307, 1316 (11th Cir. 2000).

<sup>17</sup> Doc. Nos. 35, 37, and 38 were dated June 4, 2025, June 6, 2025, and June 9, 2025, respectively.

4. The Court will take no action to transfer or reassign this case.
5. The Debtor's time to appeal Doc. Nos. 35, 37, and 38 runs from the date of entry of this Order.

# # #

Copies to:

All parties in interest.