

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, WEST PALM BEACH, FL 33401

Case Number: 4D2025-1033
LT No. 502018CA002317

BERNSTEIN FAMILY REALTY, LLC,
Appellant(s)

v.

WALTER E. SAHM and PATRICIA SAHM,
Appellee(s).

**MOTION BY APPELLANT BFR, LLC FOR PERMISSION TO SEEK A
REASONABLE EXTENSION OF THE TIME TO FILE THE INITIAL
APPELLANTS BRIEF**

PLEASE TAKE NOTICE that the Appellant, Bernstein Family Realty, LLC (BFR) through the undersigned attorney, hereby respectfully moves this Court for permission to seek a reasonable extension of time to file the initial Appellants Brief and for other relief as is just and proper.

1. I am the attorney for Bernstein Family Realty, LLC and respectfully seek permission to request an extension of time being just beyond the due date of the initial brief and believe this will support Judicial economy and is for good cause.

2. Consistent with the Florida Rules of Appellate Procedure I did meet and confer with opposing counsel Kathryn Lewis to obtain her consent to this extension and this was done timely as of the due date of the initial brief and raised the issue of judicial economy but opposing counsel did not and does not consent.
3. I still assert there is good cause for the extension and make this request in good faith.
4. I have been seeing eye doctors at Bascom Palmer since May of 2025.
5. In July after several visits it was determined that eye surgery was necessary to remove a cataract in my right eye.
6. This was after many tests on my left eye which was ultimately determined to be too far gone even for surgery.
7. I had cataract surgery on my right eye on August 13th. I also had a follow up exam on August 14 and 16th and go back on September 9th.
8. I had significant eye difficulty during the time this Court Ordered the brief to be filed.

9. Additionally, my primary Law assistant had a death in his immediate family during this time and was not available to assist me for some time.
10. There are at least 2 related Appeals in Case Numbers 4D2025-0994 and 0996.
11. I have obtained the Records filed in the 0994 case but have not heard back from attorneys Inger Garcia or Robert Sweetapple if all records were submitted which is relevant as both attorneys were accusing the other in the Trial Court of fraud and the Trial Court found fraud but did not specify the fraud.
12. This lack of specificity and competent evidence is one meritorious issue for appeal and other meritorious issues have been raised in the related 0996 case.
13. There is a Conference hearing scheduled in the Trial Court on September 10, 2025 where just like in the 0996 case most of the issues for appeal will potentially become moot.
14. I suggest it is in the interests of Judicial economy to extend or stay this Appeal until after the results of the Trial Court proceeding.
15. In the Trial Court attorney Garcia stated the following when seeking to be discharged as attorney of record for BFR, Paragraph 7

of Inger's March 17, 2025 Emergency Motion to Withdraw - "The undersigned will provide the proof of fraud to the relevant courts as she remains convinced that the plaintiffs are the only ones who committed any wrongdoing in this case as well as all the other cases involved related to this matter."

16. Ms. Garcia had also requested to come forward in the related federal bankruptcy cases as a Whistleblower on the fraud that relates to the bankruptcy and state cases but has not done so yet.

17. Ms. Garcia was also recently asked to come forward to my office and provide the proof of fraud so I have a better understanding of what took place in the Trial Court for these appeals and in general but has refused to come forward without a very substantial payment of \$50,000 for prior fees before even understanding what the strategy was and what the fraud is she wishes to report.

18. At the same time Ms. Garcia allowed her own appeal in Case 0994 to lapse and be dismissed.

19. The Appellant believes the 0994, 0996 and 1033 cases should be consolidated and a briefing schedule set after the Trial Court Conference coming up.

20. It is possible it will be moved from September 10, 2025 as Ms.

Garcia is unavailable that date and is a necessary party to be present in the proceedings at this time as the Order on Appeal suggesting fraud came during her representation.

WHEREFORE, it is respectfully prayed for an Order allowing the extension request and granting a stay or extension until at least a reasonable time after September 10, 2025 or after the Trial Court conference is held and consolidating the Appeals in 0994, 0996 and 1033 and for such other and further relief as is just and proper.

Respectfully submitted,

Dated: September 8, 2025

/ s/ Eric Cvelbar

Bar Number: 166499

Attorney for Bernstein Family Realty, LLC

Eric J. Cvelbar Esq.

1181 NW 57th St

Miami, FL 33127-1307

Office: 305-490-1830

ecvelbar@hotmail.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all parties requiring service were served electronically via the Florida ECourt filing portal on this 8th day of September, 2025 as follows:

Alexander Demetrios Varkas, Jr.
SWEETAPPLE, BROEKER & VARKAS, P.L.
Attorneys for Appellees - Plaintiff
4800 N. Federal Hwy., Suite D306
Boca Raton, Florida 33431-3413
Tel.: (561) 392-1230
E-Mail: Pleadings@Sweetapplelaw.com
paralegal@sweetapplelaw.com

Amber Patwell
Incarcerated
amber@aplpinellas.com
amber@aplpinellas.com
amber@aplpinellas.com

Kathryn Lewis
Main 561.721.0600
Direct 561.614.6746
Kathryn@kitroserlaw.com

Dated: September 8, 2025

/ s/ Eric Cvelbar

Bar Number: 166499
Attorney for Bernstein Family Realty, LLC
Eric J. Cvelbar Esq.
1181 NW 57th St
Miami, FL 33127-1307

Office: 305-490-1830
ecvelbar@hotmail.com