

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 0:25-CV-61397-SINGHAL

Eliot I. Bernstein,

Appellant,

v.

Charles Revard,

Appellee.

MEMORANDUM IN OPPOSITION TO MOTION FOR EXTENSION

Appellee, Charles Revard, as Guardian of the Ward of Patricia Sahm (the “Appellee”), hereby responds in opposition to the *Debtor’s Motion for Extension of Time to File the Initial Appellant’s Brief Partially Consented to* [ECF No. 18] (the “Motion”) filed by Appellant, Eliot I. Bernstein (the “Appellant”) as follows:

Relevant Facts and Argument

1. The Court should deny the Motion for three reasons.
2. First, the Appellee consented to the Appellant’s previous request to extend his briefing deadline, and the Court subsequently granted such request and extended the initial briefing deadline to September 11, 2025. ECF No. 17.
3. However, despite any insinuation by the Appellant, the Appellee in no way consents to any of the briefing extension relief sought by the Appellant in the current Motion.
4. Second, the Appellant filed the Motion on September 11, 2025, which was the same day that the Appellant’s initial brief was due. In so doing, the Appellant ignored the clear direction of the Court to timely seek an extension. *See* Notice of Court Practice at ECF No. 5

(“Parties are encouraged to seek extensions of time in a timely fashion. ‘A motion for extension of time is not self-executing; no motion is, unless expressly provided for by the applicable rule. Yet, by filing these motions on or near the last day, and then sitting idle pending the Court’s disposition of the motion, parties essentially grant their own motion. The Court will not condone this.’ *Compere v. Nusret Miami, LLC*, 2020 WL 2844888, at *2 (S.D. Fla. May 7, 2020) (internal citations omitted).”

5. Third, the Motion is just the latest delaying tactic by the Appellant and his affiliates. The controversy between the parties stems from the sale of a house by Patricia Sahn to Bernstein Family Realty, LLC with seller financing in 2008, followed by Patricia Sahn’s initiation of a mortgage foreclosure proceeding (bearing Case No. 50-2018-CA-002317-XXXX-MB) in 2018 in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida (the “State Court Case”).

6. The State Court Case has been pending for over seven years primarily because the Appellant, an affiliated company (Bernstein Family Realty, LLC), and members of the Appellant’s family have: (a) filed four appeals of State Court Case orders with the Florida Fourth District Court of Appeal;¹ and (b) caused three bankruptcy cases to be filed with the United States Bankruptcy Court for the Southern District of Florida,² all in an effort to thwart the foreclosure of the subject mortgage and to prevent the consummation of a foreclosure sale in the State Court Case.

7. All three bankruptcy cases, including the case from which this appeal stems, were dismissed. Two of the four Fourth DCA appeals were ultimately dismissed. In none of those

¹ Case Nos. 4D22-0262, 4D22-0264, 4D25-0996, and 4D25-1033.

² Case Nos. 22-13009-EPK, 23-12630-PDR, and 25-14028-PDR. In each such bankruptcy case, the Bankruptcy Court determined that the bankruptcy petition was filed in bad faith.

four appeals has the appellant therein (be it the Appellant, members of his family, or Bernstein Family Realty, LLC) ever filed an initial appellant's brief. In fact, as set forth in the copy of the Order attached hereto as **Exhibit A**, the Fourth District Court of Appeal has prohibited the Appellant from filing *pro se* papers with that Court.

8. Accordingly, the Appellant's long history of delay tactics with regard to the State Court Case, including the unbriefed appeals and the three bad faith bankruptcies that were each dismissed, weighs heavily against another extension of the Appellant's briefing deadline in the instant appellate case.

Conclusion

8. The Appellee requests that the Court deny the Motion [ECF No. 18].

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on September 12, 2025, via CM/ECF to all parties registered to receive such notice via electronic filing. Additionally, I certify that a true and correct copy of the foregoing was furnished, on September 12, 2025, to Eliot I. Bernstein via email to iviesit@gmail.com, and that the same will be furnished to Eliot I. Bernstein via First Class U.S. Mail on September 12, 2025 or on September 15, 2025 to 2753 N.W. 34th Street, Boca Raton, Florida 33434.

/s/ Eric Pendergraft

Exhibit A

Order of Florida Fourth District Court of Appeal dated August 2, 2022

**IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 110 SOUTH TAMARIND AVENUE, WEST PALM BEACH, FL 33401**

August 02, 2022

CASE NO.: 4D22-0264

L.T. No.: 502018CA002317

ELIOT I. BERNSTEIN

v. WALTER E. SAHM and PATRICIA SAHM, et
al.

Appellant / Petitioner(s)

Appellee / Respondent(s)

BY ORDER OF THE COURT:

According to this court's August 23, 2017 order in case number 4D17-1932, "[t]he Clerk of this Court is directed to no longer accept any paper filed by Eliot Ivan Bernstein unless the document has been reviewed and signed by a member in good standing of the Florida Bar who certifies that a good faith basis exists for each claim presented." Therefore, it is ORDERED that this case is dismissed as appellant is prohibited from pro se filings in this court.

GROSS, CIKLIN and KUNTZ, JJ., concur.

Served:

cc: Robert A. Sweetapple
Hon. John S. Kastrenakes

Eliot Ivan Bernstein *P*

Clerk Palm Beach

dl

Lon Weissblum

LONN WEISSBLUM, Clerk
Fourth District Court of Appeal

