

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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**CASE STATUS BY DEFENDANTS BFR, LLC AND ELIOT, CANDICE,  
JOSHUA, JACOB AND DANIEL BERNSTEIN**

COMES NOW Eric Cvelbar, attorney for BFR, LLC, Eliot, Candice, Joshua, Jacob and Danile Bernstein who respectfully shows this Court as follows:

1. I am the attorney for Bernstein Family Realty, LLC and Eliot, Candice, Joshua, Jacob and Danny Bernstein individually and attach the following Exhibits for Case Status as of October 2, 2025.
2. Exhibit 1 - 4th DCA Order of September 29, 2025 granting BFR, LLC a 30 day extension to file the Initial Brief on Appeal of the Trial Court March 6, 2025 Order.

3. Exhibit 2 - September 29, 2025 Email to Robert Sweetapple seeking Voluntary production of Concealed Deposition of Inger Garcia claimed as "Material Witness", production of missing Exhibits from the Record on Appeal, Stipulations to Voluntary Stay, other requests to Stipulate, notice of Trial Court Judge Parnofelio as Witness to Foreclosure Clerk matters **"outside the record"** and acting on Bankruptcy matters without jurisdiction etc.
4. Exhibit 3 - October 1, 2025 filed stamped Motion to Reinstate individual appeal for Eliot, Candice, Joshua Jacob, Daniel Bernstein of the March 6, 2025 Trial Court Order in Case No 4D2025-0996 based on same Jurisdiction granted by 4th DCA in Case No. 4D2025-1033.

Respectfully submitted,

Dated: October 2, 2025

**/ s/ Eric Cvelbar**

Bar Number: 166499  
Attorney for Bernstein Family Realty, LLC  
Eric J. Cvelbar Esq.  
1181 NW 57th St  
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Office: 305-490-1830  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all parties requiring service were served electronically via the Florida ECourt filing portal on this 2nd day of October, 2025.

Dated: October 2, 2025                    **/ s/ Eric Cvelbar**

Bar Number: 166499  
Attorney for Bernstein Family Realty, LLC  
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WALTER E. SAHM and  
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**CASE STATUS OCTOBER 2, 2025 EXHIBIT 1**

Exhibit 1 - 4th DCA Order of September 29, 2025 granting BFR, LLC a 30 day  
extension to file the Initial Brief on Appeal of the Trial Court March 6, 2025 Order.

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

September 29, 2025

BERNSTEIN FAMILY REALTY, LLC,  
Appellant(s)

v.

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

**CASE NO. - 4D2025-1033**  
L.T. No. - 502018CA002317

**BY ORDER OF THE COURT:**

Upon consideration of appellee's September 19, 2025 response, it is

ORDERED that appellant's September 9, 2025 motion for extension of time is granted, and appellant shall serve the initial brief within thirty (30) days from the date of this order. In addition, if the initial brief is not served within the time provided for in this order, the above-styled case may be subject to dismissal or the court in its discretion may impose other sanctions.

Served:

Clara Crabtree Ciadella  
Eric Joseph Cvelbar  
Kathryn Lewis  
Amber H. Patwell  
Alexander Demetrios Varkas, III

RA

**I HEREBY CERTIFY** that the foregoing is a true copy of the court's order.

*Lonn Weissblum*  
4D2025-1033 September 29, 2025  
**LONN WEISSBLUM, Clerk**  
**Fourth District Court of Appeal**  
4D2025-1033 September 29, 2025



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  
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Plaintiffs,

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ALL UNKNOWN TENANTS.

Defendants

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**CASE STATUS OCTOBER 2, 2025 EXHIBIT 2**

Exhibit 2 - September 29, 2025 Email to Robert Sweetapple seeking  
Voluntary production of Concealed Deposition of Inger Garcia claimed as  
“Material Witness”, production of missing Exhibits from the Record on  
Appeal, Stipulations to Voluntary Stay, other requests to Stipulate, notice of  
Trial Court Judge Parnofelio as Witness to Foreclosure Clerk matters  
**“outside the record”** and acting on Bankruptcy matters without jurisdiction  
etc.

**Chase**

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date: Sep 29, 2025, 11:31 AM

**From:** Law Offices Eric Cvelbar <ecvelbar@hotmail.com>

**Date:** September 29, 2025 at 9:46:26 AM EDT

**To:** Lawrence Bryant <lawrence@elawonline.net>

**Subject:** Eric - FINAL CORRECTED UPDATED EMAIL Please send asap to  
Sweetapple et al Missing Deposition, Missing Exhibits etc 9.28.25

SUBJECT: Mr. Sweetapple, Certifying for Record on Appeal, Inger  
Garcia Deposition, Missing Exhibits etc 9-26-25

Mr. Sweetapple,,

As you are aware, on August 5th, 2025 over 6 weeks ago I had reached out to your office directly and your paralegal and Inger Garcia as I was new in this case for the Eliot Bernstein family defendants and the company BFR, LLC and was seeking voluntary cooperation to ensure all proper documents, pleadings, exhibits and any items necessary for a proper Appeal had been filed with the Court and uploaded into ECASEview for a complete Record on Appeal of Judge Parnofielo's March 6, 2025 Order.

Since that time in over 6 weeks you have failed to respond although "somehow" my clients are being charged with delay and dilatory conduct.

The prepared Record on Appeal is over 4000 pages long and as you are aware you have charged attorney Inger Garcia in fraud and Ms. Garcia has charged your office in fraud in relation to the Foreclosure against real property in Boca Raton, Florida which is the Bernstein family home held by deed to BFR, LLC done as part of Asset Protection by Simon Bernstein for the benefit of the Eliot Bernstein family. It is my understanding that William Stansbury was never called as a Witness in your recent "Trial" on your Motion even though Mr. Stansbury was Trustee and Trust Protector for Simon Bernstein and provided an Affidavit in March of 2022 that a dedicated income stream from the Simon and Shirley Bernstein Estates and Trusts was available to Satisfy the friendly business deal Private Note with Walter and Pat Sahm, Sr and this fact was confirmed by Handwritten Letters from Walt

and Pat Sahm, Sr back in 2013 and filed with the State Court in foreclosure and the US Bankruptcy Court as well.

From my review, the one Handwritten letter of 2013 by Walt and Pat Sahm, Sr. to Ted Bernstein asked for payment and who was responsible for BFR, LLC at that time as Ted had somehow taken over as Fiduciary in the Estate and Trust cases of Simon and Shirley Bernstein even though the Text of Documents Ted relied on makes him ineligible as Fiduciary and this was after Eliot Bernstein had exposed fraud before Judge Martin Colin with the offices of Donald Tescher and Robert Spallina using Deceased Simon Bernstein As If Alive to File documents to close his wife's case in Shirley Bernstein yet both were deceased at that time.

Somehow, years later, Ted Bernstein was the only party you did not sue in the Foreclosure as instead you were working with Alan Rose as attorney for Ted Bernstein and checking matters with Alan Rose as you, Mr. Sweetapple, yourself, had likewise filed papers in Foreclosure as if Walter Sahm was still alive when in fact he had been deceased months earlier and concealed this Death from the parties and the Court. Specifically, I have seen the Transcript of Nov. 22, 2021 when you not only physically appear before Judge Kastranakes as if Walter Sahm was Alive when in fact Walter Sahm was Deceased over 10 months and further admit on record that you were checking numbers on Fees with Alan Rose aa attorney for Ted Bernstein.

I am further aware that both you and Ted Bernstein - Alan Rose have recently been found in the Registry fund part of the Shirley Bernstein case Case Number: 50-2014-CP-003698-XXXX-NB

Case Style: BERNSTEIN, SHIRLEY to have No Standing against the Funds held in the Registry for Joshua, Jacob and Daniel Bernstein yet for the last 3 or more years Alan Rose and Ted Bernstein who you have colluded with were wrongfully blocking release of those Funds to satisfy the actual Secured Creditors Walt Sahm while alive and now Pat Sahm Sr. while you simultaneously litigated in this Court increasing attorneys fees even though Eliot and Candice Bernstein and his now adult Sons attempted to settle with Walt and Pat Sahm for years but were being wrongfully blocked from their own funds to settle even though

according to former Trustee William Stansbury dedicated funds were available to satisfy Walt and Pat Sam back in 2013 but this was blocked by Ted Bernstein, Alan Rose and others.

We respectfully suggest that Ted Bernstein is and always has been a Necessary Party in this Foreclosure suit and as you know having admitted before Judge Kastranakes in March of 2020 that the Service on BFR, LLC was improper and Alan Rose and Ted Bernstein have known since 2014 the party you served for BFR, LLC Donald Tescher had already resigned and could not accept Service for BFR, LLC after the fraud Eliot Bernstein exposed before Judge Colin back then in 2014. I am further aware that you have actual knowledge that your attempt to Lien the Registry Funds of the Sons in the Shirley Bernstein case was for the Estate of Walter Sahm yet you know the Estate has never been a party in the Foreclosure and has no rights to the Judgment. To my knowledge this is another reason why the Inger Garcia Deposition is necessary as you are implicated in that fraud with Mr. Shraiberg and Joanna Sahm pursued different rights in different courts as inger Garcia notified Judge Parnofelio.

In reviewing the recent Record on Appeal it shows that despite you filing multiple motions for the Deposition of Inger Garcia and obtaining

Court Order by Judge Parnofelio for such Deposition that no such Deposition Transcript appears in the Records even though you had taken a nearly 3 Hour Deposition of Ms. Garcia?

It is my understanding that during this Deposition you specifically charged Ms. Garcia as a "Material Witness" in the Hearing and Trial on your Motion being Material to the alleged fraud you were trying to prove and had stated this within the first 30 minutes of the Deposition that attorney Kathryn Lewis also attended. I further understand that in addition to the nature of your questions of Ms. Garcia that you admitted you were making Statements on the Record in the Deposition as an Officer of the Court and I understand many statements in the Deposition can be construed as Admissions against Interest in relation to your conduct in the case and further in response to Ms. Garcia's replies to your questions.

I presume you have preserved the Electronic Stored Information audio of the Deposition or have had the Stenographer do the same being the Inger Garcia Deposition of October 2024 same day as the Eliot Bernstein deposition.

My clients BFR, LLC and the Eliot Bernstein family individually absolutely need and are entitled to this deposition in relation to Motions to file in the case and rights in the Appeals Court. For over 6 weeks we have politely and professionally sought the cooperation of your office in relation to the outstanding matters in this case. I remind you of the following:

RULE 1.330. USE OF DEPOSITIONS IN COURT PROCEEDINGS

(a) Use of Depositions. At the trial or upon the hearing of a motion or an interlocutory proceeding, any part or all of a deposition may be used against any party who was present or represented at the taking of the deposition or who had reasonable notice of it so far as admissible under the rules of evidence applied as though the witness were then present and testifying in accordance with any of the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of the deponent as a witness or for any purpose permitted by the Florida Evidence Code.

1. Please confirm if you have an Official written production of the Deposition and provide the same immediately.
2. If no written copy is available please confirm you have had the Stenographer you hired preserve the Electronic Stored Information copy and have the written production ordered immediately and provide a copy to my office immediately for use in motions to vacate and seek other relief in this Foreclosure.

While I understand you did not have a Jury Trial on your motion and merely a Bench Trial with Judge Parnofelio, adverse inferences can still be available when a party like yourself knows of evidence and has the evidence within its control and it is reasonably expected to be in your favor but yet is concealed from the proceedings.

I understand Judge Parnofelio ordered other Transcripts to be filed into the Record but not in relation to this Deposition?

## **EXHIBITS**

I understand there were at least 2 Exhibits submitted the same day as part of Eliot Bernstein's Deposition which include Reports to the Palm Beach Sheriff's Office in relation to you falsely filing Official documents in the Official Court records affecting Title to the Real Estate wherein you filed multiple official documents as if Walter Sahm was alive when you knew he was deceased and concealed the death from the parties and Court for over a year.

Do you have these Exhibits in your possession and why were these not filed with the Court to be part of the Official Record of proceedings and On Appeal?

It is my understanding that within a few weeks after you were questioned by the Palm Beach Sheriff's Office on this on or about March of 2023, that Joanna Sahm was implicated in fraud with attorney Shraiberg in US Bankruptcy proceedings including the Chapter 13 Bankruptcy of Eliot Bernstein filed in 2023 . Further that it was just 4 days after Joanna Sahm was implicated in the federal Bankruptcy case that she commenced a Guardianship against her mother Pat Sahm, Sr. even though in the 8-10 months before Joanna had Pat Sahm Sr. living alone being considerable distance away, was allowing her to drive complicated intersections even in the days before the filing and day of the filing and your necessity as a Witness is further shown in the Inger Garcia Deposition presently withheld from these proceedings.

3. Please explain why these Exhibits were not filed in the Record of proceedings.

4. Please file these into the Case and provide copies as soon as possible.

I believe you should be further aware that even after Judge Parnofelio's March 6, 2025 Order Inger Garcia as an attorney and Officer of the Court filed a statement showing in Paragraph 7, "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." See DE No. 323 March 17 2025 Case Number: 50-2018-CA-002317-XXXX-MB Case Style: SAHM, WALTER E V BERNSTEIN FAMILY REALTY LLC.

Without granting a hearing or affording my clients an opportunity to respond under due process, in less than 24 hours Judge Parnofelio issued a Charging Lien in Ms. Garcia's favor despite making no findings of any fruit of the labor that benefitted my clients and despite Ordering less than 2 weeks earlier that Ms. Garcia had committed fraud upon the Court leaving my clients in an extortionate atmosphere being denied their own records and even I being denied any knowledge of strategy of Ms. Garcia without a \$50,000 payment before knowing what the fruits of the labor are and having access to any documents or records.

As you know, Ms. Garcia also has tried to come forward to the US Trustee in Bankruptcy as she claims to have knowledge as a former Intern Prosecutor licensed attorney of fraud in both the bankruptcy and state cases but neither Judge Parnofelio has Ordered her to come forward despite granting her a Lien in her favor nor did the Bankruptcy Court which is on Appeal to the US District Court of South Florida.

Despite knowing Ms. Garcia sought to come forward with evidence of fraud in the foreclosure case, your office through Cynthia Miller arranged a UMC with Judge Parnofelio on Sept. 10, 2025 knowing Ms. Garcia could not be present and knowing a UMC is not proper for Case Management yet Ms. Miller assured only Scheduling would occur this day yet Judge Parnofelio moved right into Deciding motions and has since done so without Ms. Garica being heard and without my clients having the Deposition you have concealed from the proceedings and without other exhibits. Judge Parnofelio proceeded to improperly rule on Bankruptcy issues and apply state law to Bankruptcy without any jurisdiction to do so. As you know my office and clients were denied the proper 5 day Notice period from both the recent Case Management Orders where we had proposed alternative orders.

As you also know or should know. Judge Parnofelio purported to rule on actions of the Palm Beach County Foreclosure Clerk while you personally know your office did not obtain any statement from such Clerk and no statement of such Clerk is in the Record. Please disclose how these Facts came before Judge Parnofelio from "outside the record"? The Foreclosure Clerk is a fact witness never before either Court and never heard and this is also on Appeal by Eliot Bernstein in Bankruptcy.

We are aware of the 4th DCA Order yesterday in the Eliot Bernstein family individual appeals and are moving to rehear and reinstate as this ruling has no basis in fact or law and was already decided by the 4th DCA and even Ms. Miller conceded in the BFR case as to jurisdiction in part.

5. We ask you to stipulate that Ted Bernstein was a Necessary witness and indispensable party.

6. We ask that you stipulate to Vacate the Final Judgment or at least Vacate all recent Orders of Judge Parnofelio going back to March of 2025;

7. Alternatively we ask you to stipulate to a Stay of any enforcement of any alleged Sale until all proper Records are before the Court, Ms. Garcia is heard or until the Appeals are decided.

8. We ask that you further Stipulate to Cancel and remove any Liens against the Sons from Bankruptcy or see that Mr. Shraiberg does so immediately as this impairs the Sons ability to get credit and is a wrongful judgement against them.

Please act in good faith so that this matter may be fairly resolved.

I look forward to your timely reply.

Sincerely,

Eric Cvelbar

Attorney for BFR, LLC and Eliot Bernstein Family

Sept 26, 2025

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

---

**CASE STATUS OCTOBER 2, 2025 EXHIBIT 3**

Exhibit 3 - October 1, 2025 filed stamped Motion to Reinstate individual appeal for Eliot, Candice, Joshua Jacob, Daniel Bernstein of the March 6, 2025 Trial Court Order in Case No 4D2025-0996 based on same Jurisdiction granted by 4th DCA in Case No. 4D2025-1033.

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

Case Number: 4D2025-0996  
LT No. 502018CA002317

Eliot Bernstein, et al

Appellant(s)

v.

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

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**MOTION BY APPELLANTS FOR REHEARING AND TO REINSTATE THE  
APPEAL ON SPECIFIED JURISDICTION UNDER RULE 9.130**

**PLEASE TAKE NOTICE** that the Appellants Eliot Bernstein, Candice Bernstein, Joshua Bernstein, Jacob Bernstein and Daniel Bernstein, through the undersigned attorney, hereby respectfully move this Court on Rehearing to Reinstate the Appeal on specified jurisdiction and for other relief as is just and proper.

1. Appellants file this motion under Florida Rules of Appellate Procedure 9.330 for Rehearing and reinstatement of the appeal upon specified

jurisdiction already determined in a related appeal in Case No. 4D2025-1033.

2. Rehearing is sought for this Court's Decision and Order issued just 6 days ago on September 25, 2025 and is thus timely within Rule 9.330.
3. As counsel I am confused by the Court's Order to sua sponte dismiss on jurisdiction as the grounds in the Dismissal stated in the sua sponte Order have never been raised by the Appellants as it relates to appealing a nonfinal "order granting entitlement to fees", but perhaps this was inadvertence or mistake or misunderstood and is now clarified.
4. Appellants had initially sought Appeal of 2 Orders and one did relate to the Scheduling of a Foreclosure Sale but Appellants concede that Order of March 7, 2025 is not properly before the Court at this time.
5. Appellants do concede that those 2 areas of Appeal from the sua sponte Dismissal for jurisdiction being the entitlement to fees as a Nonfinal Order and Scheduling of a Sale are not appealable.
6. However, Appellants had made it clear in a prior extension motion filed on or about July 10, 2025 in this case and docketed July 11, 2025 that it was appealing that part of the Sanction Order of March 6,

2025 “that strikes all their pending motions including a motion to vacate under Rule 1.540 and motion to dismiss for lack of jurisdiction and improper service and other motions that were not heard but instead Struck as Sanctions where Ms. Garcia was solely in control of the strategy and conduct of the Trial.” See, Paragraph 19, Appellants Extension Motion docketed July 11, 2025.

7. This Court does have jurisdiction under “Florida Rule 9.130(a)(5) Orders entered on an authorized and timely motion for relief from judgment are reviewable by the method prescribed by this rule” as the Trial Court’s Order decided and struck without a hearing or affording due process opportunity to be heard the Appellants’ timely motions for relief from judgment under Florida Rule 1.540.
8. This Honorable Court has already accepted the related statement of jurisdiction filed by Bernstein Family Realty, LLC ( BFR ) in Case No. 4D2025-1033 which is an Appeal of the very same Order of the Trial Court issued March 6, 2025 and Appellants agree these cases can be consolidated.
9. On August 20, 2025 this Court found in related Case 4D2025-1033 as follows: “Upon consideration of appellant’s June 24, 2025 jurisdictional brief, and the clerk of the lower tribunal’s July 23, 2025

response, it is ORDERED that this appeal is dismissed in part as to the March 7, 2025 order. See Pridgen v. First Union Bank, 879 So. 2d 21 (Fla. 2d DCA 2004) ("An order that merely schedules a foreclosure sale is not a final appealable order."). **Further, ORDERED that this appeal shall proceed from the March 6, 2025 order. Further, ORDERED sua sponte that the court determines that this appeal seeks review of an order entered on an authorized and timely motion for relief from judgment, which is reviewable by the method prescribed by Florida Rule of Appellate Procedure 9.130.**  
**Fla. R. App. P. 9.130(a)(5).**" See, 4D2025-1033 Order 8-20-25.

10. This appeal in the instant case rests on the same jurisdiction as in the BFR Case 4D2025-1033 and that part of the Appeal should now be reinstated.
11. On July 22, 2025 in this case this Court had even Ordered the Initial Brief to be filed.
12. In the July 11, 2025 motion for extension Appellants had further shown other merits to this Appeal found in Paragraph 19 as follows: "The Appellants believe there is strong merit to this Appeal which includes the Order of the Trial Court's Sanctions being overly broad, not supported by substantial competent evidence, the product of 2

licensed attorneys accusing each other of fraud and misconduct being Ms. Garcia and Robert Sweetapple and also raise fundamental due process grounds on Appeal as the Appellants had no notice or opportunity to be heard that the conduct of the Trial by Ms. Garcia would lead to a Sanction Order that strikes all their pending motions including a motion to vacate under Rule 1.540 and motion to dismiss for lack of jurisdiction and improper service and other motions that were not heard but instead Struck as Sanctions where Ms. Garcia was solely in control of the strategy and conduct of the Trial.” See July 11, 2025 Docketed Motion Paragraph 19.

13. Further, in Paragraph 20, “The Appellants state there are numerous Witnesses that were never called at Trial including but not limited to a Notary Public, a UPS Store Worker, former CBS News I-Team member Daniele DaRos, William Stansbury who had relevant testimony on the Asset protection done around the Private Note and a dedicated income stream that was supposed to pay off the Note, other witnesses such as Ted Bernstein, potentially Alan Rose, Robert Sweetapple who was supposed to be Deposed but Appellants do not know why not, Michelle Weppener, Charlie Revard, Kevin Hall, and

other witnesses not called such as Candice Bernstein.” See July 11, 2025 Docketed Motion Paragraph 20.

14. Again, in the 4D2025-1033 case with BFR, LLC this Honorable Court just granted an extension to file the Initial Brief in that case within 30 days of this Court’s Order of September 29, 2025 thus allowing the same appeal to go forward on the same claims to jurisdiction.

15. Appellants seek Reinstatement for specified jurisdiction under Rule 9.130(a)(5) and would request a similar briefing schedule as the 4D2025-1033 case.

16. Additionally, as it relates to Joshua and Jacob Bernstein individually, there appears to be further jurisdiction under Rule 9.130(a)(3)(C)(i) jurisdiction of the person as the Order of March 6, 2025 also struck motions contesting jurisdiction over these two individuals that had never been heard.

### **COMPLIANCE**

17. To address what I believe to be the only areas of compliance outstanding with this Court, as to the 8-15-25 Order of this Court, while I do not believe I had missed any area of Registration in the ACIS system I simply “restarted” and did everything over and did get

access to the Records on Appeal from the Garcia Appeal under 4D2025-0994 and this was completed back in August 2025.

18. With respect to this Court's Order of 8-26-25 that refers back to the April 16, 2025 Order I did not believe there was any issue not addressed as the July 11, 2025 motion had indicated the consent of the Appellants to have this case consolidated with the Garcia case of 4D2025-0994 but to any extent this was not clear before my respectful apologies to this Court and yes the Appellants believe this case should be consolidated with Case 4D2025-0994 although that case is now Dismissed for lack of prosecution by Ms. Garcia.

19. To the extent it is or was not clear that the Appellants concede that the March 7, 2025 Order was not appealable, the Appellants now concede and take no appeal or issue at this time with the March 7, 2025 Order.

20. I further wish this Court to consider I have diligently attempted to engage in polite and professional negotiation and conferring with adverse counsel in a case like I have never seen with adverse attorneys raising fraud against each other and across multiple cases with allegations of reports to the FBI and missing emails and hacking and tampering and yes in between I had delays with eye issues but

have attempted to be very mindful of and promote judicial economy so the merits of the cases may be resolved.

21. Respectfully, we request this case be Reinstated immediately on specified jurisdiction as set out herein.

**WHEREFORE**, it is respectfully prayed that the instant case and Appeal be reinstated upon specified jurisdiction and a briefing schedule established and for such other and further relief as may be just and proper.

Respectfully submitted,

Dated: October 1, 2025

**/ s/ Eric Cvelbar**

Bar Number: 166499

Attorney for Eliot Bernstein et al

Eric J. Cvelbar Esq.

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Office: 305-490-1830

[ecvelbar@hotmail.com](mailto: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 1st day of October, 2025 as follows:

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Dated: October 1, 2025

**/ s/ Eric Cvelbar**

Bar Number: 166499  
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