

Mr. Sweetapple, Ms. Miller - Stay - Continuance of Dec. 15, 2025 Objections hearings based on 4th DCA Order of December 8, 2025

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To: serviceimglaw@yahoo.com, Robert Sweetapple <rsweetapple@sweetapplelaw.com>, AD-Division AO <CAD-DivisionAO@pbcgov.org>, paralegal@sweetapplelaw.com, cmiller@sweetapplelaw.com, attorney@floridapotlawfirm.com

Mr. Sweetapple, Ms. Miller,

As you both are aware, the Schedule of the December 15, 2025 Objections hearings was made while the Eliot Bernstein family individual defendants and BFR, LLC was awaiting an Order from the 4th DCA accepting our Initial Brief on Appeal and granting our motion to accept the brief a few days late.

I am sure you are both aware that the 4th DCA denied your client's motion to Dismiss our Appeal as moot and Ordered your client to file an Answer Brief within 30 days. The 4th DCA Order was Docketed into the Trial Court Foreclosure case on Monday, December 8, 2025 under DE No. 455 and I have attached this Order in case you are unaware.

I am respectfully requesting that your office immediately withdraw the Hearing on Objections presently Scheduled for December 15, 2025 on multiple grounds and agree to Stay or Continue such Hearing until the 4th DCA case is fully briefed and determined.

As Defendants BFR, LLC and Eliot Bernstein family individually showed the 4th DCA on the motion to Accept the few days late Brief on Appeal which was granted, "The sound basis for the interests of justice motion is the strong merits to the appeal that should be predominantly controlled by cases of this 4th District and specifically this Court's decision and Order last year in 2024 in National Loan Acquisitions Company v Tabernacle Christian Center Ministries, Inc. No. 4D2023-1692 (2024) which found a Judgment void for ordering relief not requested by any pleading and not noticed to be heard and violating entirely any due process notice to the Appellants of unduly harsh sanctions and any opportunity to be heard on such sanctions."

Defendants further showed, "However, because it is believed the Non Final Order is void based on the National Loan case, Appellants ask the discretion of the Court to accept this late brief with no substantial prejudice to the appellee. 15. In fact renewed efforts to seek voluntary agreements even on a Stay have proven ineffective and time has been expended as the Appellee has moved with the Trial Court even ex parte in recent weeks to advance a taking of the real property by actions which are believed to violate Florida Rule of Appellate Procedure 9.130(f)."

In your client's opposition to our motion and your client's motion to dismiss our appeal which the 4th DCA denied entirely against your client, at no time did counsel Kathryn Lewis address the Merits that Judge Parnofelio's Order of March 6, 2025 is VOID under National Loan Acquisitions Company v Tabernacle Christian Center Ministries, Inc. No. 4D2023-1692 (2024).

Nor did the opposition filed by Kathryn Lewis address any of the claims that the Trial Court and your office is proceeding in violation of Florida Rule of Appellate Procedure 9.130(f)..

As you are or should be aware my clients have moved on Appeal to Reassign this case to a new Judge based on prejudicial conduct and the threats of indirect criminal contempt based on the standards of National Loan Acquisitions Company v Tabernacle Christian Center Ministries, Inc. No. 4D2023-1692 (2024) which reassigned that case to a new Judge.

Thus, just a few of the appeal issues before the 4th DCA is that the March 6, 2025 Order is Void entirely which includes the direction to submit the Order of Sale Ex Parte and the appeal brings up many meritorious grounds under Rule 1.540 to Vacate the Final Judgment and expressly seeks the removal of Judge Parnofelio from this case.

Not only is a withdrawal / stay / continuance of the Objections Hearing proper for Judicial economy purposes, but the Sale Order came out of an Order that was Void as a matter of law and further the Trial Court and your office is acting in violation of Florida Rule of Appellate Procedure 9.130(f)..

More importantly, I had made it clear the number of Witnesses that will be necessary for a proper Evidentiary Hearing on the Objections and specifically have Noticed the Court and parties that Judge Parnofelio is a material fact witness at this stage who will have to recuse from Hearing the Objections as he is the first Witness the Defendants will call in relation to the extrajudicial findings relating to the Foreclosure Clerk and the actions outside jurisdiction in improperly ruling on exclusively Bankruptcy issues which Eliot Bernstein has on Appeal at the US District Court presently.

In fact, my office had prepared Subpoenas for Judge Parnofelio, yourself Robert Sweetapple and Inger Garcia on this Monday, December 8, 2025 that just needed Signing and the Witness Fee to be Served but this process was stopped when the 4th DCA Order in our favor came in later that day. I have attached the drafted Subpoenas to this email.

As you also should be aware, Judge Parnofelio has been asked more than once to voluntarily recuse under the Judicial Obligations as being a necessary material fact witness and he has further denied legally sufficient motions for mandatory disqualification which have raised these grounds.

It is our hope that these matters can be worked out voluntarily without having to resort to Chief Judge Honorable Glenn Kelley and the 4th DCA to resolve this matter.

I can agree to using the presently scheduled hearing date on the 15th only as a Case Management Conference instead.

Please advise.

Regards,

Eric Cvelbar
Attorney for BFR, LLC and Eliot Bernstein family individually

5 attachments

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