



# Town of Highland Beach

Building Department

3616 South Ocean Boulevard • Highland Beach, Florida 33487

## NOTICE OF HEARING

---

**CASE NO. CC-24-86**

**Date: November 4, 2024**

**SETH FISHMAN  
2575 S OCEAN BLVD APT 303S  
HIGHLAND BEACH, FL 33487 1862**

**RE: 2575 S OCEAN BLVD 303S**

**YOU ARE HEREBY NOTIFIED** that pursuant to your Request to Stay The Fines, the Code Compliance Special Magistrate will be conducting a hearing on *Tuesday, December 10, 2024, at 1:00 P.M.*

The hearing will be held in the town council chambers, 3614 S Ocean Blvd, Highland Beach, FL 33487.

---

Adam Osowsky  
Code Compliance Officer  
561 637 2035  
[aosowsky@highlandbeach.us](mailto:aosowsky@highlandbeach.us)

9589 0710 5270 1134 3547 45

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Harrison, NY 10528

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CC-24-89 NOH

Sent To

Steven L. Kessler, Esq.

500 Mamaroneck Avenue

Street and Apt. No., or PO Box No.

Suite 320

City, State, ZIP+4®

Harrison, N.Y. 10528



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- Complete items 1, 2, and 3.
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1. Article Addressed to:

CC-24-89 NOH  
Steven L. Kessler, Esq.  
500 Mamaroneck Avenue  
Suite 320  
Harrison, N.Y. 10528



9590 9402 5086 9092 0370 89

2. Article Number (Transfer from service label)

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*[Handwritten Signature]*

- ☐ Agent  
☐ Addressee

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C. Date of Delivery

11-8

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| <input type="checkbox"/> Collect on Delivery                     | <input type="checkbox"/> Signature Confirmation™                    |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |

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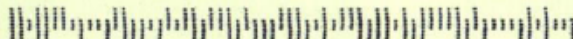
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NOV 12 2024

Town of Highland Beach, FL  
Town Clerk's Office

**TOWN OF HIGHLAND BEACH  
CODE COMPLIANCE  
3614 S OCEAN BLVD  
HB, FL 33487**







# Town of Highland Beach

Building Department

3616 South Ocean Boulevard • Highland Beach, Florida 33487

## AFFIDAVIT OF POSTING

CASE NO. CC-24-86

TOWN OF HIGHLAND BEACH, FLORIDA

VS.

SETH FISHMAN  
2575 S OCEAN BLVD 303S  
Highland Beach FL, 33487

Re: 2575 S OCEAN BLVD 303S., Highland Beach FL 33487 (PCN: 24-43-46-28-47-001-4120)

I, Adam Osowsky, being duly sworn, depose and say that:

1. I am a   x   Code Compliance Officer for the Town of Highland Beach.
2. I posted   x   the "Notice of Hearing/Appearance"   x   at the Property address above &   x   at Town Hall 3618 S. Ocean Boulevard, Highland Beach, FL 33487.
3. The posting at the location marked above began on   November 4, 2024   and continued for at least ten (10) days.
4. Copies of the notice(s) and a photograph of the posting(s) are attached hereto as Composite Exhibit "A".

I understand that I am swearing or affirming under oath to the truthfulness of the claims made above.

Adam Osowsky  
Code Compliance Officer/Clerk

  November 4, 2024    
Date

STATE OF FLORIDA  
COUNTY OF PALM BEACH

Sworn to and subscribed before me by means of ☒ physical presence or ☐ online notarization, this   4<sup>th</sup>   day of   November  , 20  24  , by   Adam Osowsky  

Notary Public, State of Florida  
My Commission Expires:

Personally Known ☒ OR Produced Identification         
Type of Identification Produced:       



[www.highlandbeach.us](http://www.highlandbeach.us)

Tel (561) 278-4540 • Fax (561) 278-2606





# Town of Highland Beach

Building Department

3616 South Ocean Boulevard • Highland Beach, Florida 33487

## **NOTICE OF HEARING**

**CASE NO. CC-24-86**

**Date: November 4, 2024**

**SETH FISHMAN  
2575 S OCEAN BLVD APT 303S  
HIGHLAND BEACH, FL 33487 1862**

**RE: 2575 S OCEAN BLVD 303S**

**YOU ARE HEREBY NOTIFIED** that pursuant to your Request to Stay The Fines, the Code Compliance Special Magistrate will be conducting a hearing on *Tuesday, December 10, 2024, at 1:00 P.M.*

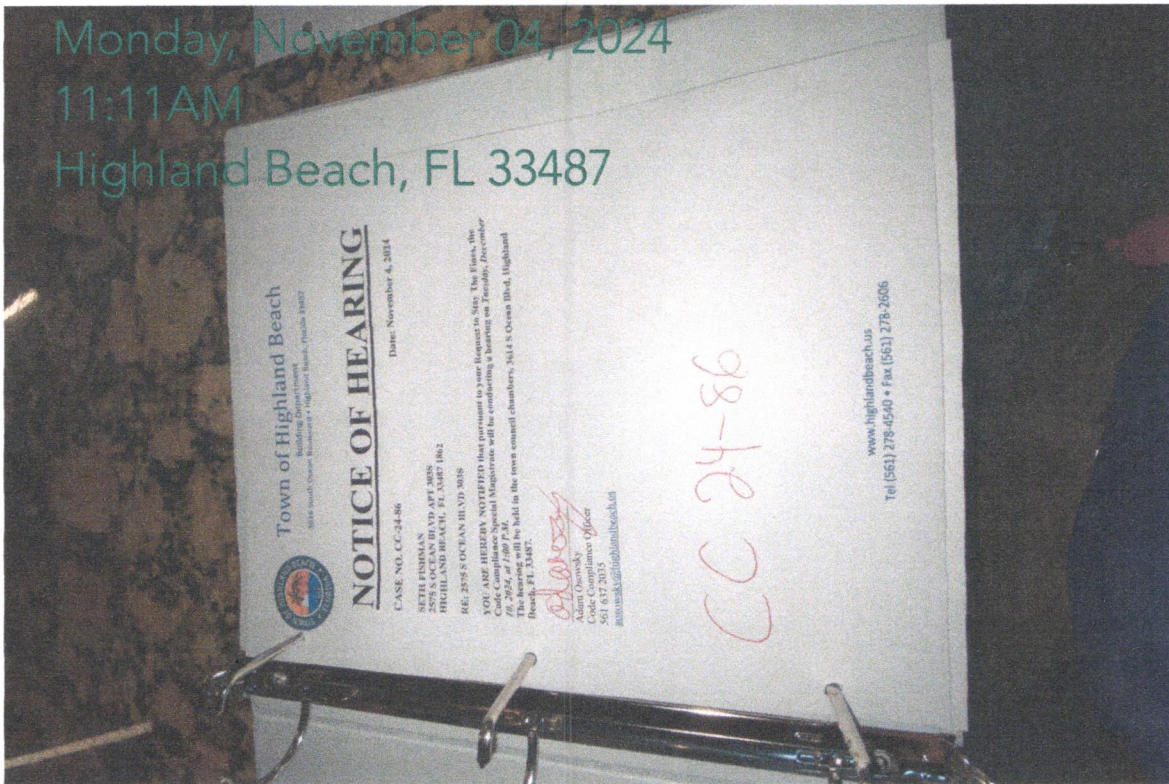
The hearing will be held in the town council chambers, 3614 S Ocean Blvd, Highland Beach, FL 33487.

Adam Osowsky  
Code Compliance Officer  
561 637 2035  
[aosowsky@highlandbeach.us](mailto:aosowsky@highlandbeach.us)

Monday, November 04, 2024

11:11AM

Highland Beach, FL 33487



Monday, November 04, 2024  
10:53AM  
Highland Beach, FL 33487



TOWN OF HIGHLAND BEACH, FLORIDA  
CODE ENFORCEMENT BOARD

TOWN OF HIGHLAND BEACH, FLORIDA,

Petitioner,

v.

SETH FISHMAN  
2575 S. Ocean Boulevard, Apt. 303S  
Highland Beach, FL 33487

Case No: CC-24-86

PCN: 24-43-46-28-47-002-3030

Respondents.

LEGAL: TOWNHOUSES OF HIGHLAND  
BEACH COND BLDG SOUTH UNIT 303-S

**ORDER FINDING VIOLATION**

THIS MATTER having come before the Code Enforcement Board on June 11, 2024, and having heard the testimony of the parties, and having considered the evidence presented by the parties, and having been fully appraised of the circumstances, the Board does find as follows:

**FINDINGS OF FACT**

1. Respondent is the owner of the property located at 2575 South Ocean Boulevard, Apt. 303S, Highland Beach, Florida, as described above.
2. By Notice of Violation, the Town advised Respondent that he was in violation of Section 30-122(B) of the Town Code of Ordinances for an expired building permit, Permit E21-0047.
3. Respondent was not in attendance.
4. All required notices were served in compliance with Section 162.12, Florida Statutes, and Section 2-106 of the Town Code of Ordinances.
5. The testimony and evidence presented at the hearing demonstrated that the violation remained on the Property as of the date of the hearing.

**CONCLUSIONS OF LAW**

1. By reason of the foregoing, Respondent is in violation of Section 30-122(B) of the Town Code of Ordinances and are therefore subject to the provisions of Article V, Chapter 2, of the Code of Ordinances of the Town of Highland Beach, under the authority of Chapter 162 of the Florida Statutes, as both may be amended from time to time.
2. Respondent remains in violation of the Code sections cited above.



## COMPLIANCE

1. IT IS HEREBY ORDERED that Respondent shall comply with the above section of the Town of Highland Beach's Code of Ordinances as follows:

a. Respondent shall comply with the Town Code within two (2) weeks of the date of the hearing **or by June 25, 2024.**

b. Should Respondent fail to bring the Property into compliance by the date specified above, **a fine in the amount of \$250.00** shall be assessed against Respondent for each day the Property remains in violation past the date set for compliance.

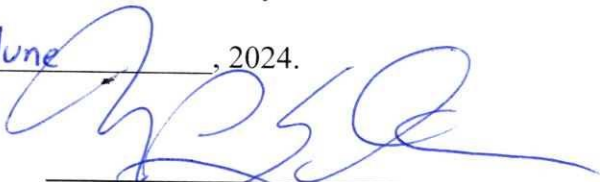
c. No further action shall be required for the entry of such fine.

2. Respondent is further ordered to reimburse the Town in the amount of \$250.00 for administrative costs incurred in prosecuting the case before the Board, which shall be included in the Lien amount. Said costs shall be paid by the date set for compliance.

3. Should Respondent violate the same code section cited herein, such reoccurrence may subject the Respondent to a repeat violator fine of up to \$500.00 per day for every day of the violation, plus administrative costs in enforcing the action, pursuant to Chapter 162, Florida Statutes.

4. Respondent may submit a written request for a hearing to challenge this Order prior to its recordation as a Lien provided Respondent does so within sixty (60) days from the date this Order was executed. If Respondent fails to comply with the Town Code within the specified deadline and timely request such a hearing in writing to the Town, the Town may record a certified copy of this Order in the Public Records of Palm Beach County, Florida, and thereafter the Order shall constitute an Order Imposing Lien against the real and/or personal property owned by Respondent. If such a hearing is requested, the Town shall notify Respondent of the hearing date by regular and certified mail. Respondent is not entitled to a rehearing of the case, and there shall be no presentation of evidence as to the existence or non-existence of the violation. Instead, Respondent shall Show Cause why this Order should not be recorded as a Lien in the Public Records of Palm Beach County, Florida.

DONE AND ORDERED this 14 day of June, 2024.

  
\_\_\_\_\_  
Myles Schlam, Chair  
Code Enforcement Board

Copies Furnished to:

**Respondents**

THE LAW OFFICES OF

**STEVEN L. KESSLER**

November 18, 2024

Mr. Adam Osowsky  
Code Compliance Officer  
Town of Highland Beach  
3616 S. Ocean Boulevard  
Highland Beach, FL 33487

Re: ***2575 South Ocean Boulevard  
Unit 303S  
Highland Beach, Florida***

Dear Adam:

Thank you again for your assistance with regard to Dr. Fishman's condominium at 2575 South Ocean Blvd, Unit 303S, in Highland Beach.

In advance of the scheduled Court appearance, I would like to update you regarding a matter which you may not know about, but which relates to the condo unit. In January 2021, Dr. Fishman contracted with contractors Elliot Buran, EJB Kitchens Home Improvements and Consulting, Inc., to renovate the apartment. Dr. Fishman paid Buran's substantial bill in advance, as Buran required. For reasons unknown, however, Buran suddenly stopped working on the unit. Dr. Fishman sued Buran in Palm Beach County. Around March 2022, a settlement was signed by the parties. According to the terms of the settlement, Buran was to sell two of his properties to raise \$66,000 from each to be used to complete renovations to Seth Fishman's condo. One of Mr. Buran's properties was in fact sold and \$66,000 of the proceeds was deposited into the escrow account of the closing agent. But Buran then chose not to sell the second property, thereby breaching the settlement. And did Buran not perform any further work on the condo, despite having secured all of the required permits. Since the contractor was doing all of the work on the unit, Dr. Fishman was unaware of the specific permits which Buran had secured, let alone that any of those permits, including the electrical permit, had expired. Everything to do with the renovations was handled by the contractor. In any event, the work remains incomplete and the condo unit remains unoccupied.

A motion to dismiss the lawsuit against Buran for failure to proceed was filed in court. After Dr. Fishman and his father appeared by telephone on the hearing date and both sides argued the matter before the court, the motion to dismiss the action was withdrawn by the judge and the Court adjourned the matter, scheduling the next court date for April 2, 2025, giving the parties further time for negotiations. In fact, Buran's attorney has already reached out to Robert Fishman seeking to resolve this. In the meantime, not surprisingly, Dr. Fishman is looking for a new contractor, who, of course, would again secure the necessary permits before completing the work on the unit. The catch, however, and why further proceedings remain on hold, is that the Court in the federal case in New York restrained all of Dr. Fishman's assets – real and liquid, including substitute assets. Release of any assets, therefore, remains contingent on the outcome of the federal case.

Dr. Fishman's conviction was appealed and his appeal was argued on September 18, 2024 before the United States Court of Appeals in Manhattan. In addition to the conviction itself, we raised issues relating to the propriety of the forfeiture and restitution judgments. Despite the prosecutorial slant on most federal appellate courts these days, during oral argument, the Court appeared favorable to or at least open to our arguments regarding the dismissal or modification of the financial penalties, including forfeiture and restitution. Such a result would allow Dr. Fishman to use his funds or even release them entirely, a result that would, of course, have a positive impact on your matter as well. In any event, we are awaiting the decision from the appellate court. We will keep you posted as events unfold.

Thank you again for your and Jeff's assistance. Have a great holiday.

Sincerely,



Steven L. Kessler  
LAW OFFICES OF STEVEN L. KESSLER  
500 Mamaroneck Avenue, Suite 320  
Harrison, New York 10528  
(212) 661-1500  
[KesslerLawNYC@gmail.com](mailto:KesslerLawNYC@gmail.com)

SLK:rmaf  
Encls.



USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 7/11/22

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
UNITED STATES OF AMERICA

- v. -

SETH FISHMAN,

Defendant.  
----- x

:  
:  
: POST-SENTENCING  
: RESTRAINING ORDER

: S6 20 Cr. 160 (MKV)  
:  
:

Upon the Indictment, S6 10 Cr. 160 (MKV), and the conviction of defendant SETH FISHMAN (the "defendant"), and the application of DAMIAN WILLIAMS, United States Attorney for the Southern District of New York, by Sarah Mortazavi, Assistant United States Attorney, of counsel, pursuant to the All Writs Act, 28 U.S.C. § 1651(a);

IT IS HEREBY ORDERED that:

The defendant and all attorneys, agents, employees, and anyone acting on his behalf, and all persons or entities, acting in concert or participation with any of the above, shall not take any action prohibited by this Order; and

IT IS HEREBY FURTHER ORDERED that the defendant, his attorneys, agents, employees, and anyone acting on their behalf, and all persons or entities acting in concert or participation with any of the above, and all persons and entities having actual knowledge of this order, shall not, directly or indirectly, transfer, sell, assign, pledge, hypothecate, encumber, or dispose of in any manner; cause to be transferred, sold assigned, pledged, hypothecated, encumbered, disposed of in any manner; or take, or cause to be taken, any action that would have the effect of depreciating, damaging, or in any way diminishing the value of the following property, except as approved by the Court and the Government:

All right, title and interest of SETH FISHMAN, the defendant, in any and all property, or interests property, held in the name of, or for the benefit of, SETH FISHMAN (collectively, the "Assets").

IT IS HEREBY FURTHER ORDERED that:

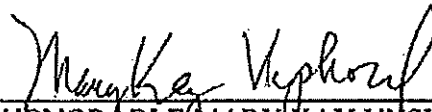
The defendant shall not use or permit the Assets to be used for any illegal activity, or in any manner that would invalidate insurance on the Assets or diminish the value of the Assets, neither shall they cause any alteration to the Assets without the prior written consent of the United States Attorney's Office.

IT IS HEREBY FURTHER ORDERED that this Restraining Order shall be binding upon the defendant, his attorneys, agents and employees, and all persons in active concert or participation with any of the above, or any other person having actual knowledge of this Order.

IT IS HEREBY FURTHER ORDERED that service of a copy of this Order shall be made forthwith on the defendant's attorneys by electronic mail following the filing of this Restraining Order.

Dated: New York, New York  
July 11, 2022

SO ORDERED:

  
HONORABLE MARY KAY VYSKOCIL  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 10/16/2023

----- x  
UNITED STATES OF AMERICA :

- v. - :

SETH FISHMAN, :

Defendant. :

**PRELIMINARY ORDER OF  
FORFEITURE AS TO  
SUBSTITUTE ASSETS**

: S6 20 Cr. 160 (MKV)  
:  
----- x

WHEREAS, on or about November 5, 2020, SETH FISHMAN (the "Defendant"), among others, was charged in two counts of a five-count Superseding Indictment, S6 20 Cr. 160 (MKV) (the "Indictment"), with conspiracy to misbrand and adulterate drugs in interstate commerce with intent to defraud or mislead, in violation of Title 18, United States Code, Section 371, and Title 21, United States Code, Sections 331 and 333 (Counts One and Two);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One and Two of the Indictment, seeking forfeiture to the United States, pursuant to Title 21, United States Code, Section 334, and Title 28, United States Code, Section 2461, of any and all drugs that were adulterated or misbranded when introduced into or while in interstate commerce or while held for sale (the "Forfeitable Property"), including but not limited to a sum of money in United States currency representing the value of such property;

WHEREAS, on or about February 2, 2022, the Defendant was found guilty, following a jury trial, of Counts One and Two of the Indictment;

WHEREAS, On or about July 10, 2023, the Court entered an Order of Forfeiture/Money Judgment (D.E. 1109), imposing a money judgment against the Defendant in the amount of \$10,312,627.40 in United States Currency (the "Money Judgment").



WHEREAS, to date, the entirety of the Money Judgment entered against the Defendant remains unpaid;

WHEREAS, as a result of acts and/or omissions of the Defendant, the United States has not been able to locate, obtain or collect the Forfeitable Property, despite the exercise of due diligence in investigating the Defendant;

WHEREAS, the Government has identified the following specific assets of the Defendant:

- a. Any and all funds on deposit in Citibank, N.A. account 9144769909, held in the name of Seth Fishman;
- b. Any and all funds on deposit in Citibank, N.A. account 9139136538, held in the name of Seth Fishman;
- c. Any and all funds on deposit in Citibank, N.A. account 9139136525, held in the name of Seth Fishman;
- d. Any and all funds on deposit in Citibank, N.A. account 9139800880, held in the name of Seth Fishman;
- e. Any and all funds on deposit in CreditCorp Bank, S.A. account 4010102652, held in the name of Equine Performance Inc. and beneficially owned by Seth Fishman;
- f. Any and all funds on deposit in CreditCorp Bank, S.A. account 4010102668, held in the name of Equine Performance Inc. and beneficially owned by Seth Fishman;
- g. Any and all funds on deposit in Paypal account 2009696405473359310, held in the name of Seth Fishman;
- h. The real property located at street address 2565 South Ocean Blvd Apartment 412 N, Highland Beach, Florida 33487 with a legal description of Unit No. 412-N, in the Townhouses of Highland Beach Condominium, a condominium, according to the Declaration of Condominium thereof, as recorded in Official Recorded Book 3466, at Page 791, of the Public Records of Palm Beach County, Florida;

- i. The real property located at street address 2575 South Ocean Blvd Unit 303 South, Highland Beach, Florida 33487 with a legal description of Unit No. 303-S, in the Townhouses of Highland Beach Condominium, a condominium, according to the Declaration of Condominium thereof, as recorded in Official Recorded Book 3466, at Page 791, of the Public Records of Palm Beach County, Florida and any amendments therein together with its undivided share in the common elements.
- j. \$70,049.59 in United States currency on deposit in Wells Fargo account number ending in -9455, held in the name of Green & Willstatter Attorney Trust;

(a. through j., collectively, the "Substitute Assets"); and

WHEREAS, the Government is seeking the forfeiture of all of the Defendant's right, title and interest in the Substitute Assets.

**NOW IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:**

1. All of the Defendant's right, title and interest in the Substitute Assets are hereby forfeited to the United States of America, for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853(n).
2. Upon entry of this Preliminary Order of Forfeiture of Substitute Assets, the United States Marshals Service (or its designee) is hereby authorized to take possession of the Substitute Assets and to keep it in its secure, custody and control.
3. Upon entry of a Final Order of Forfeiture, the Substitute Assets shall be applied towards the satisfaction of the Money Judgment entered against the Defendant.
4. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall publish for at least thirty (30) consecutive days on the official government internet

forfeiture site, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Preliminary Order of Forfeiture as to Substitute Assets and provide notice that any person, other than the Defendant in this case, claiming an interest in the Substitute Assets must file a petition within sixty (60) days from the first day of publication of the notice on this official government internet site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

5. The notice referenced in the preceding paragraph shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Substitute Assets, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the Substitute Assets and any additional facts supporting the petitioner's claim and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

6. The United States may also, to the extent practicable, provide direct written notice to any person, other than the Defendant, known to have an alleged interest in the Substitute Assets, as a substitute for published notice as to those persons so notified.

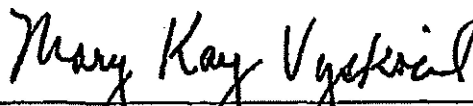
7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Substitute Assets, pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.



8. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture as to Substitute Assets, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

Dated: New York, New York  
October 16, 2023

SO ORDERED:

  
\_\_\_\_\_  
HONORABLE MARY KAY VYSKOCIL  
UNITED STATES DISTRICT JUDGE

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

---

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 10<sup>th</sup> day of January, two thousand twenty-four.

Present:

Gerard E. Lynch,  
William J. Nardini,  
Maria Araújo Kahn,  
*Circuit Judges.*

---

United States of America,

*Appellee,*

v.

22-1600 (L),  
22-2063 (Con),  
23-6819 (Con)

Jorge Navarro, AKA Sealed Defendant 1, et al.,

*Defendants,*

Seth Fishman, AKA Sealed Defendant 7, et al.,

*Defendants-Appellants.*

---

Defendant-Appellant Seth Fishman moves to stay the forfeiture of substitute assets pending appeal. The Government opposes, and Defendant-Appellant Fishman has replied in further support.

Upon due consideration, it is hereby ORDERED that the motion is DENIED. Having carefully considered the parties' arguments and submissions, we conclude that Defendant-Appellant has not shown that a stay is warranted under either the four-factor test of *Nken v. Holder*, 556 U.S. 418, 434-35 (2009), or the alternative test of *United States v. Silver*, 203 F. Supp. 3d 370, 385 (S.D.N.Y. 2016). Specifically, he has not shown that he will suffer irreparable harm absent a stay because the Government has represented that it will not sell the real property until this appeal concludes or the district court grants express authorization to do so, and he has not otherwise shown that the value of the forfeited assets will appreciate over time.

FOR THE COURT:  
Catherine O'Hagan Wolfe, Clerk of Court

Catherine O'Hagan Wolfe



Green & Willstatter  
ATTORNEYS AT LAW  
200 MAMARONECK AVENUE  
SUITE 605  
WHITE PLAINS, NEW YORK 10601

THEODORE S. GREEN  
RICHARD D. WILLSTATTER

(914) 948-5656  
FAX (914) 948-8730

E-MAIL: WILLSTATTER@MSN.COM

September 24, 2024

Hon. John J. Parnofiello  
Circuit Judge  
Circuit Court, Fifteenth Judicial Circuit  
in and for Palm Beach County  
205 N. Dixie Hwy.  
West Palm Beach, FL 33401

Re: Seth Fishman v. Elliot Buran, EJB Kitchens  
Home Improvements and Consulting, Inc.  
Case No.: 50-2021-CA-011137-XXXX-MB

Dear Judge Parnofiello:

I represent Seth Fishman, the plaintiff, in connection with an appeal pending in the United States Court of Appeals for the Second Circuit. I am not Seth Fishman's lawyer in the Palm Beach case and am not admitted to practice in Florida. However, I have a copy of the Court's August 13, 2024 order notifying the parties that the action will be dismissed if no new motion has been filed and no stay has been issued or approved within 60 days of August 13, 2024. I write as a courtesy to the Court to inform it of the circumstances.

Seth Fishman was represented by Jonathan Bloom of Boca Raton. A settlement was signed by the parties in or about March 2022. According to the terms of the settlement, the defendant Elliot Buran was to sell two of his properties to raise \$66,000 from each to be used to complete renovations to Seth Fishman's real property. One of Mr. Buran's properties was sold and \$66,000 of the proceeds was deposited into the escrow account of Osborne & Osborne, PA, the closing agent. But Mr. Buran did not sell the second property, perhaps because he learned that my client, Dr. Fishman, was imprisoned. Mr. Buran has performed no work on the property, either.

Later, Mr. Bloom withdrew as plaintiff's counsel. Dr. Fishman's funds are restrained by operation of a Restraining Order issued by the United States District Court in the Southern District of New York, so he cannot pay for new counsel in the Palm Beach case (and could not have paid Mr. Bloom additional fees, either). Seth

Fishman's father, Robert Fishman, has power of attorney for his son, but he is not a practicing lawyer and was never admitted to the Florida bar.

It seems the Court Clerk is aware that Seth Fishman is imprisoned because the August 13, 2024 "Second Notice of Lack of Prosecution, Court's Motion to Dismiss, and Order Setting Hearing" was emailed to Luis Pena who was Dr. Fishman's correctional counselor at FCI Miami. Fortunately, another member of the FCI Miami staff, Jason Cooke, [jcooke@bop.gov](mailto:jcooke@bop.gov), forwarded the Court's order to me. Seth Fishman is unaware of how to submit a motion to enforce the settlement or how to seek a stay. He is pro se at this point. If emails are sent to Mr. Pena, who is no longer Dr. Fishman's correctional counselor, they may not be delivered to Seth Fishman. Letters and notices should be emailed to Mr. Cooke and mailed to Seth Fishman at:

Seth Fishman, Reg. No. 18434-104  
FCI MIAMI  
Federal Correctional Institution  
Satellite Camp  
P.O. BOX 779800  
MIAMI, FL 33177

It would continue to make sense to send notices to Robert Fishman, the plaintiff's father, as well. Robert Fishman informs me that the Court has the incorrect email for him: it should be [robert.fishman@hotmail.com](mailto:robert.fishman@hotmail.com). Mr. Jacobs, defendants' lawyer, is aware that Seth Fishman is imprisoned and has been in contact with Robert Fishman. The defendants have not abided by the terms of the settlement over the last two years.

Please be aware that Seth Fishman cannot appear before you by zoom or otherwise on November 8, 2024 because he is serving a sentence of imprisonment.

I respectfully suggest the Court should hold this matter in abeyance while Seth Fishman's appeal is pending.

Very truly yours,

/s/ Richard D. Willstatter  
RICHARD D. WILLSTATTER

cc: Russell S. Jacobs  
Attorney for Defendants  
20700 W. Dixie Hwy  
Aventura, FL 33180  
[russ@thejacobsllawgroup.com](mailto:russ@thejacobsllawgroup.com)

Robert Fishman  
Dr. Seth Fishman

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Subject: Case no.:50-2021-CA-011137-XXXX-MB

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From robert fishman <robert.fishman@hotmail.com>

Date Mon 11/4/2024 5:47 PM

To CAD-Division AO <CAD-DivisionAO@pbcgov.org>

Cc russ@thejacobslawgroup.com <russ@thejacobslawgroup.com>; Richard Willstatter <willstatter@msn.com>

Dear Judge Parnoffello,

My son, Seth Fishman, is currently in prison in Miami, Fla, serving a criminal sentence which is on appeal to the United States Court of Appeals for the Second Circuit. Oral argument was heard on September 17, 2024 and we re waiting for the Court's decision.

My Son wanted to respond personally to the notice of lack of prosecution, but due to prison circumstances beyond his control he has been unable to. As his power of attorney, I authorized his criminal appeals attorney, Richard Willstatter, to write a letter to the Court to explain Seth's situation & request a stay pending Seth's appeal. Mr. Willstatter wrote to the Court on September 24, 2024, and copied all parties. On October 16, 2024, not having heard from the Court, he wrote to your Honor further explaining the situation and good cause to stay the proceeding and not dismiss the lawsuit.

On October 16, 2024, he was advised by email that "the Judge received your correspondence and filed it in the Court file..." and further stating "if you do not represent Dr. Fishman, the Court is not going to take action on your request."

Under the underlying circumstances of the prisons restraints, I believe justice would be served if Richard Willstatter's letters be accepted by this Court. I pray that the prison will provide Seth the opportunity to appear at the hearing by telephone but that can only happen if the Court will ask the staff at FCI Miami to permit it.

Sincerely

Robert Fishman

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION: AO  
CASE NO.: 50-2021-CA-011137-XXXX-MB

SETH FISHMAN,  
Plaintiff/Petitioner

vs.

ELLIOT BURAN,  
EJB KITCHENS HOME IMPROVEMENTS  
AND CONSULTING INC,  
Defendant/Respondents.

**SECOND NOTICE OF LACK OF PROSECUTION, COURT'S MOTION TO  
DISMISS, AND ORDER SETTING HEARING**

**PLEASE TAKE NOTICE** that it appears on the face of the record that no activity by filing of pleadings, orders or court, or otherwise, has occurred for a period of ten (10) months or more immediately preceding service of this Notice, and no stay has been issued or approved by the Court. Therefore, any interested person, whether a party to the action or not, including the Court, may serve notice to all parties that no such activity has occurred. Such Notice is hereby given.

Pursuant to Florida Rule of Civil Procedure 1420(e), if no such record activity occurs within sixty (60) days following the service of this notice, and if no stay is issued or approved during such sixty (60) day period, this action shall be dismissed by the Court on its own motion or on the motion of any interested person, whether a party to the action or not, after reasonable notice to the parties unless a party shows good cause in writing at least five (5) days before the hearing on the motion why the action should remain pending. Such Notice is herein provided.

It is **ORDERED** as follows:

1. If there is a filing in this case within sixty (60) days immediately following service of this Notice, counsel and all pro se parties shall appear before the Court for a Mandatory Status Conference/Scheduling Conference on November 8, 2024, at 8:30 a.m. via Zoom video <https://us02web.zoom.us/j/94486279201> or by telephone 877-853-5257 Meeting ID: 9448 627 9201 Password: 443 91 754.

A courtesy copy of any filing made after the date of this Notice and prior to the above hearing shall be furnished to this Court. Failure to appear at the hearing may result in the imposition of sanctions including dismissal of the action.

2. If there are no filings within sixty (60) days of this order but Plaintiff files a Showing of Good Cause after the expiration of the sixty (60) day grace period, counsel and all pro se parties **MUST** appear before the Court on November 8, 2024, at 8:30 a.m. via Zoom video <https://us02web.zoom.us/j/94486279201> or by telephone 877-853-5257 Meeting ID: 9448 627 9201 Password: 443 91 754, for a hearing on the Court's Determination of Good Cause.



The Showing of Good Cause shall be filed with the Clerk and Comptroller's Office no less than five (5) days prior to the hearing and a courtesy copy shall be furnished to this Court. Plaintiff is directed to bring a copy of the Showing of Good Cause and a proposed order (with stamped envelopes) to the hearing. Failure to appear at the hearing may result in this matter being dismissed.

3. If no stay has been issued or approved by this Court, no filings made within the sixty (60) day grace period, and no showing of good cause filed at least five (5) days prior to the hearing in accordance with the requirements of paragraph 2 above, **THIS ACTION SHALL BE DISMISSED UPON FURTHER ORDER OF COURT.**
4. If all claims in this case have been settled, dismissal papers must be filed as to all claims, including counterclaims, cross claims and third party claims, as well as to all parties, including all co-defendants. A Mediator's Report does not dismiss the action. To be excused from the hearing at the date and time specified in paragraph 2 above, you must file with the Clerk of Court the appropriate dismissal papers and file a Final Disposition Sheet (Form 1.998) as required by Florida Rule of Civil Procedure 1.100(c)(3).

**DONE AND ORDERED** in Chambers, at West Palm Beach, Palm Beach County, Florida.

50-2021-CA-011137-XXXX-MB-08/13/2024  
John J. Parnoffello, Circuit Judge  
50-2021-CA-011137-XXXX-MB 08/13/2024  
John J. Parnoffello  
Circuit Judge

**COPIES TO:**

RUSSELL S. JACOBS ESQ	20700 W. DIXIE HWY AVENTURA, FL 33180	RUSS@THEJACOBSLAWGR OUP.COM carolina@thejacobslawgroup.c om service@thejacobslawgroup.co m
ROBERT FISHMAN AS POWER OF ATTORNEY FOR SETH FISHMAN	80 GREENLEAF HILL GREAT NECK, NY 11023	FISHMAN@HOTMAIL.COM
MIAMI FEDERAL CORRECTIONAL INSTITUTION	ATTENTION: LUIS PENA LPENA@BOP.GOV 15801 SW 137TH AVE MIAMI, FL 33177	