

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION**

Simon Bernstein Irrevocable
Insurance Trust Dtd 6/21/95, et al.,

Plaintiffs,

v.

Heritage Union Life
Insurance Co., et al.,

Defendants.

Case No. 13-cv-3643

Judge John Robert Blakey

Filers:
Eliot Ivan Bernstein, Pro Se

**THIRD-PARTY DEFENDANT ELIOT I. BERNSTEIN'S MOTION FOR LEAVE TO
AMEND COUNTERCLAIMS - THIRD PARTY COMPLAINT**

Third-Party Defendant Eliot I. Bernstein consistent with this Court's most recent Status Conference Order respectfully moves under Fed. R. Civ. P. 15(a), 18(a), 19(a) and 20 for leave to file Amended Counterclaims and Third Party Complaint herein. Specifically, Eliot I. Bernstein seeks to Amend his Answer and Counterclaims-Third Party Complaint to (1) add claims against existing parties to this action over which the Court currently has jurisdiction and; (2) add parties as Third Party defendants which are necessary for complete relief herein and adding other parties and claims arising out of a common nucleus of facts and transactions. Such added claims are in the nature of determining and declaring certain Trust instruments and company entities, tortious interference-delay interference with rights of expectancy-inheritance; breaches of fiduciary duties, negligence, conversion, loss and waste of assets, conspiracy and acting in concert and common and joint action with "state actors" under 42 USC Sec. 1983 to

deprive fundamental due process, First Amendment retaliation claims, conspiracy to deprive fundamental fair access to the courts, deliberate indifference and failure to train, and conspiracy to deny, lose, destroy conceal and alter evidence.

Procedural History

This motion is made after a Status Conference held April 14, 2016 and Order therein setting a schedule for certain actions. This Status Conference came after a prior Conference where this Court issued a Decision and Order denying Summary Judgment to Plaintiffs and after a prior Conference where Third-Party Defendant Eliot I. Bernstein had moved for Injunctive relief under the All Writs Act and Anti-Injunction Act. Discovery is currently closed and had been stayed for a significant time under the prior Judge assigned in this action, Hon. Amy St. Eve who had stayed Discovery pending determination of whether Ted Bernstein was a proper “trustee”. While it was never determined that Ted Bernstein is a proper Trustee, minimal Discovery including one deposition occurred before Hon. Judge St. Eve was suddenly no longer assigned on the case. Plaintiffs moved for Summary Judgment shortly after this Court became assigned and held status conferences in the case and the action was re-scheduled off calendar several times while Decision on the Summary Judgment was awaiting. There has been a significant change in the status of the case recently in that Plaintiffs Jill Bernstein Iantoni and Lisa Friedstein are no longer represented by counsel Adam Simon and the Court and parties are awaiting to see if these Plaintiffs will be represented by counsel or acting pro se. These Plaintiffs had been added to the action by way of Plaintiff's First Amended Complaint. The status of the 2 Plaintiffs and change of counsel occurred shortly after it was disclosed on the record that a gruesome dead body with gun wounds to the head was found at the Boca Raton home of deceased Simon Bernstein at 7020 Lions Head Lane in the day or days before Eliot Bernstein filed for Injunctive relief under the All Writs and Anti-Injunction act. The body is alleged to be

one Mitch Huhem who was allegedly acquiring the property at Lions Head Lane through a transaction involving a shell company and deal with Ted Bernstein and his attorney Alan Rose. Adam Simon who filed the First Amended Complaint for Ted Bernstein now no longer represents the sisters Jill Bernstein Iantoni and Lisa Bernstein Friedstein. Third Party Defendant Eliot Bernstein's original Answer and Counterclaims alleged Ted Bernstein and others to be involved in a massive fraud scheme including fraudulent insurance scheme and fraud upon the courts in Palm Beach County of Florida where the dead body was found.

LEGAL STANDARDS

This is a motion seeking leave to Amend counterclaims against existing parties by adding new counts, adding parties to the new counts, and adding claims under 42 USC Sec 1983. In the Seventh Circuit, “leave to file a second amended complaint should be granted liberally.” Dubicz v. Commonwealth Edison Co., 377 F.3d 787, 792 (7th Cir. 2004). It is well-settled that courts should apply a liberal policy respecting amendments to pleadings so that cases may be decided on the merits. Sitrick v. Freehand Sys., 2004 WL 725306, at *2 (N.D. Ill. Mar. 31, 2004). “[I]n the absence of delay, undue prejudice to the party opposing the motion, or futility of the amendment, leave should be freely given.” Eastern Natural Gas Corp. v. Aluminum Co. of Am., 126 F.3d 996, 999 (7th Cir. 1997).

A court may grant a party leave to add counterclaims if the failure to previously bring those claims was the result of “oversight, inadvertence, or excusable neglect, or when justice requires.” Fed. R. Civ. P. 13(f). Further, leave to amend a pleading should “be freely given when justice so requires,” Fed. R. Civ. P. 15(a), unless “the amendment would be prejudicial to the opposing party, there has been bad faith on the part of the moving party, or the amendment

would have been futile," *Laber v. Harvey*, 438 F.3d 404, 426 (4th Cir. 2006) (internal quotation marks omitted).

If, however, there are at least colorable grounds for relief, justice requires that the motion to amend be granted. *Ryder Energy Distrib. Corp. v. Merrill Lynch Commodities Inc.*, 748 F.2d 774, 783 (2nd Cir. 1984) (quoting *S.S. Silberblatt, Inc. v. East Harlem Pilot Block-Bldg. 1 Housing Dev. Fund Co.*, 608 F.2d 28, 42 (2nd Cir. 1979); *Schwimmer v. Guardian Life Ins. Co.*, No. 93 Civ. 0428, 1996 WL 146004, at *3 (S.D.N.Y. Apr. 1, 1996) (allowing amendment where "it is not so frivolous or outlandish to render it futile"), aff'd, 104 F.3d 354 (2nd Cir. 1996); *Weg v. Macciarola*, 729 F.Supp. 328, 341 (S.D.N.Y. 1990) (motion should be granted unless amendment is frivolous or facially insufficient)). Before dismissing a party's claims on technical or procedural grounds, a court must consider the "sound public policy" preference of deciding cases on their merits. See *Reizakis v. Loy*, 490 F.2d 1132, 1135 (4th Cir. 1974).

The Rule does not prescribe a time limit for the filing of amendments. Consequently, motions for leave to amend have been granted at various stages of litigation, including after the entry of judgment. See, e.g., *Newark Branch, NAACP v. Harrison*, 907 F.2d 1408, 1417 (3rd Cir. 1990).

Rule 15(a) "embodies the liberal pleading philosophy of the federal rules" in order to ensure that claims will be decided on the merits. *Adams v. Gould*, 739 F.2d 858, 864 (3d Cir. 1984), *cert. denied*, 469 U.S. 1122 (1985); *Dole v. Arco Chemical Co.*, 921 F.2d 484, 487 (3d Cir. 1990). The same standard applies when considering a request to add or drop parties. *Rolo v. City Investing Co. Liquidating Trust*, 155 F.3d 644, 654 (3d Cir. 1998).¹

Two claims are part of the same case or controversy if they "derive from a common nucleus of operative facts. A loose factual connection between the claims is generally

sufficient.”” Baer v. First Options of Chicago, Inc., 72 F.3d 1294, 1299 (7th Cir. 1995) (quoting Ammerman v. Sween, 54 F.3d 423, 424 (7th Cir. 1995)).

To establish § 1983 liability through a conspiracy, a plaintiff must [establish that] (1) a state official and private individual(s) reached an understanding to deprive plaintiff of his constitutional rights; and (2) those individual(s) were willful participants in joint activity with the State or its agents.”¹ Williams v. Seniff, 342 F.3d 774, 785 (7th Cir.2003).

Joint activity by a private party and a government agent can also transform the private party into a state actor, where the purpose of the collusion is to violate the federal rights of the plaintiff. *Addickes v. S. H. Kress Co.*, 398 U.S. 144 (1970) (involving conspiracy between “dime store” and local deputy sheriffs to prevent integration of southern lunch counter during Civil Rights Movement).

Similarly, in Dennis v. Sparks, the Court held that private parties who conspired with a judge to fix a case acted under color of law. A nominally private entity controlled by the state is also a state actor. Dennis v. Sparks, 449 U.S. 24, 28-29 (1980). Thus, even though the Palm Beach Judges Colin, French and Phillips may be immune from liability under 1983, private parties acting in concert can be held liable and state Court judges can be made witnesses under 1983.

A private party may be engaged in “state action” if the act which deprived federal rights could not have occurred but for the existence of a governmental framework requiring government approval or action. In *North Georgia Finishing, Incorporated v. Di-Chem, Incorporated*, the Court found state action in a private party’s invocation of a court-ordered attachment that failed to afford due process to the debtor. Similarly, in *Lugar v. Edmondson Oil*

Company, the Court held that a creditor who invokes prejudgment attachment remedies requiring the participation of a court clerk and a sheriff, acts under color of state law.

In *Edmondson v. Leesville Concrete Company*, the Court found that a private attorney using peremptory challenges in a jury trial in a racially biased manner was a “state actor” because his act—use of peremptory challenges—could exist only in the judicial context and with the approval of a state judge. The rule of these cases is that a private party becomes a state actor if he or she uses a state procedure requiring some state intervention. There is a sufficiently close nexus between the State and the challenged action ... so that the action of the [private party] may be fairly treated as that of the State itself. *Blum v. Yaretsky*, 457 U.S. 991, 1004 (1982)).

The Fourteenth Amendment entitles the individual to a fair opportunity to present his or her claim. *Armstrong v. Manzo*, 380 U.S. 545, 552, 85 S.Ct. 1187, 1191, 14 L.Ed.2d 62; *Boddie v. Connecticut*, 401 U.S. 371, 91 S.Ct. 780, 28 L.Ed.2d 113; *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 437, 102 S.Ct. 1148, 1158, 71 L.Ed.2d 265.

Judicial access must be "adequate, effective, and meaningful." *Bounds v. Smith*, 430 U.S. 817, 822, 97 S.Ct. 1491, 1495, 52 L.Ed.2d 72. To deny such access defendants need not literally bar the courthouse door or attack plaintiffs' witnesses. This constitutional right is lost where, as here, police officials shield from the public and the victim's family key facts which would form the basis of the family's claims for redress.

The 7th Circuit has recognized claims under 1983 where actions of Police Officers and other State actors conceal, cover-up and sabotage investigations and therefore deny proper access to the Courts. The right of individuals to pursue legal redress for claims which have a reasonable basis in law and fact is protected by the First and Fourteenth Amendments. *Bill Johnson's Restaurants, Inc. v. NLRB*, 461 U.S. 731, 741, 103 S.Ct. 2161, 76 L.Ed.2d 277 (1983); *Bell v. City of Milwaukee*, 746 F.2d 1205, 1261 (7th Cir.1984). A corollary of this right is that efforts by state

actors to impede an individual's access to courts or administrative agencies may provide the basis for a constitutional claim under 42 U.S.C. § 1983. Judicial access must be "adequate, effective, and meaningful," *Bounds v. Smith*, 430 U.S. 817, 822, 97 S.Ct. 1491, 52 L.Ed.2d 72 (1977), and therefore, when police officers conceal or obscure important facts about a crime from its victims rendering hollow the right to seek redress, constitutional rights are undoubtedly abridged. *Bell*, 746 F.2d at 1261; see also *Stone v. City of Chicago*, 738 F.2d 896 (7th Cir.1984); *Ryland v. Shapiro*, 708 F.2d 967 (5th Cir.1983).

Argument - Amendments

There can be no finding that Eliot Bernstein acted in bad faith or a dilatory motive in seeking to Amend his counterclaims, third party complaint and adding new parties or causes of action.

Eliot Bernstein's motion to amend will foster judicial economy and afford more complete relief amongst the parties. There is no change of theory brought forth by Third-Party Eliot Bernstein herein. All claims and parties to be added are consistent with the original Answer and Counterclaims filed in Sept. of 2013 outlining massive insurance and related frauds and all claims and parties added are the result of the conduct of these parties in furthering the underlying scheme set out therein.

Plaintiffs chose the venue by the very bringing of the original litigation in Illinois which was designed to deprive Eliot Bernstein of rights of expectancy and inheritance. In fact, Third-party Defendant Eliot Bernstein was only brought in to the case by an insurance carrier after Ted Bernstein and those parties acting in concert had filed in Illinois without his knowledge. This Court has both diversity jurisdiction and jurisdiction over claims under 42 USC Sec. 1983. This Court has spent extensive time in the action and the original Summary Judgment proceedings

alone were extensive. This Court is able to hear all such claims and afford more complete relief amongst the parties.

This Court announced at the recent Status Conference that it's Trial Calendar was already heavily booked in the summer. There is ample time for all parties to file answers, responsive pleadings and dispositive motions without affecting any current Trial calendar.

The large extent of information obtained to be set out in an Amended complaint was gathered after Third Party Defendant Eliot Bernstein had already filed an Answer and Counterclaim and after Plaintiffs had already filed their first Amended Complaint.

While this Court did not grant Third Party Defendant's petition for Injunctive relief under the All Writs Act and Anti-Injunction Act filed just 2 months ago in Feb. of 2016, this Court did not strike such pleading as was sought by Plaintiffs and which remains in the record. Said pleading provided a substantial factual background for the amendments sought by Third Party Defendant Eliot Bernstein. See, All Writs @

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20160224%20FINAL%20EIGNED%20MOTION%20FOR%20INJUNCTION%20ECF%20STAMPED%20COPY%20COMBINED%20FILING.pdf>

The Plaintiffs and parties to be added on an amended complaint should not be benefitting by the very frauds alleged and thus, the likelihood of any real prejudice being established is nonexistent. Third-Party Defendant Eliot Bernstein raised the necessity of adding some of the parties back into the case during the Summary Judgment proceedings last year and the parties at that time were well aware of the intention to amend the pleadings herein. As set out in the recent petition for injunction, Third-Party Defendant Eliot Bernstein has been occupied on an almost never-ending basis in the intervening months in responding to sham pleadings, repeated motions with improper notice, sued as Trustee of a Trust that does not exist, children placed in predatory guardianships under a Trust they are sued under that does not exist and otherwise responding to

sharp practices of Ted Bernstein and his Attorney Alan Rose and those acting in concert and thus any such delay in moving for this amendment is caused substantially by the fraudulent and improper conduct of the parties themselves.

The Trusts and Other Simon Bernstein created entities such as Bernstein Family

Investments, Bernstein Family Realty, Bernstein Holdings:

All of these entities to be added to an amended pleading are non-probate entities and are civil in nature. Part of the conspiracy alleged against Ted Bernstein and those parties acting in concert is a scheme to deny, lose, make unavailable and alter ALL “Original” documents such that Ted Bernstein himself admitted in an orchestrated pre-determined “one-day” “validity” hearing before Florida Judge John Phillips in Dec. of 2015 that he had never seen ANY of the “Originals” of the Trusts and at that same hearing Ted’s former attorney and former Co-Trustee and Co-PR of the Estate and Trust of Simon Bernstein, who had resigned after admitting to fraud and who admitted at the validity hearing to fraudulently creating a Shirley Bernstein Trust document, Robert Spallina, Esq., also claimed not to know where the original documents were at the time of the hearing. Spallina claiming he did not know where they were despite a court order that demanded his law firm turn over ALL records to the now dead successor Curator, Benjamin Brown, Esq., who upon receipt of the documents informed Defendant Eliot Bernstein that NO original documents relating to the Estates and Trusts or other documents of Simon and Shirley’s were originals, in defiance of the court order. Yet, in the First Amended Complaint filed by Adam Simon on behalf of Ted Bernstein in this action, *an affirmative representation was made to this Court* in such Amended Complaint that an “exhaustive” search for the Trust and Insurance documents from this action had been made by Ted Bernstein, Tescher and Spallina, the Simons and related parties as of January 2014. Such a representation asks this Court to

believe that NO Original document exists anywhere for now deceased Simon Bernstein who was a financially successful insurance salesman for 50 years using multiple attorneys and having record and files for decades, running certain of the trust companies that administered and sold the missing life insurance policy at the heart of this lawsuit all of which apparently seem to be lost with no explanation.

Many of the “copies” of said Trusts have references to Insurance and insurance proceeds. Several of the named Trusts such as the “Family Trusts” and Marital Trusts” and Trust for Eliot Bernstein and family and Jill Bernstein and Family and Lisa Friedstein and family were never produced or entered into the Florida proceedings whether by copy or original or any form at all and yet are alleged to have existed by the copies of other trusts produced. Nor were any of the instruments creating Bernstein Family Holdings and Bernstein Family Investments and Bernstein Family Realty ever produced at such Florida validity proceeding.

All such items should now be allowed to be added as parties to an Amended pleading to determine the proper Instruments and proper terms and conditions. Such an amendment is directly in support of determining the original insurance action herein and likely to yield further evidence to permit this Court’s path to judgement on the original action. See Exhibit A - Partial Parties and Entities to be added to Amended Complaint

Ted Bernstein

Third-Party Defendant Eliot Bernstein respectfully seeks to add claims against current party Ted Bernstein in the nature of conversion of assets, adding claims to tortious interference and delay of rights of inheritance and expectancy, breaches of fiduciary duties (if actually a proper fiduciary), conspiracy to deprive fundamental rights, due process and meaningful access

to the courts acting in concert with the County of Palm Beach and PBSO and state actors Judge Colin and Phillips.

Tescher & Spallina, Kimberly Moran, Gutter Chaves Josepher Rubin Forman Fleisher
Miller PA F.K.A. Tescher Gutter Chaves Josepher Rubin Ruffin & Forman PA, the
County of Palm Beach & PBSO

While Third-party Defendant Eliot Bernstein asserts that Hon. Judge St. Eve erred in dismissing Tescher & Spallina from this action, new evidence to support bringing these parties back in and added to an Amended pleading such as TS Bates Discovery obtained AFTER these parties were Dismissed by Judge St. Eve and referenced in the Feb. 2016 Petition for Injunction including but not limited to: July 1, 2010 Email to Chris Prindle showing fraud in claiming Spallina had “certified” Orders regarding the takeover of certain Trusts by Oppenheimer allegedly signed by Judge Colin and another Email of the same date by Spallina showing the “close” relationship he had with Judge Colin by claiming to a Stanford related partie Maggie Brown how he would “walk the orders through” the next week that Spallina was telling Prindle had already been signed and certified by the Court. Said information was never even discovered produced until mid to late 2014 and thus Eliot Bernstein had no opportunity to Discover such information at the time of the original Answer and Counterclaims.

Same with the June 2010 Petition allegedly filed by Spallina with Judge Colin regarding the Trusts moving from Stanford to Oppenheimer which again Eliot Bernstein never discovered or received or was produced until 2014 well after his original responsive pleading and after Plaintiff’s first Amended Complaint. Said Petition signed by Robert Spallina is instrumental in the claims with the County of Palm Beach and PBSO as direct claims of Fraud were made by Eliot Bernstein before both Judge Colin and the PBSO who sabotaged and spoiled any such

investigation against Spallina in this regard in denial of 14th Amendment rights and thus is supportive of the claims under 42 USC Sec. 1983. Eliot Bernstein obtained direct information from the PBSO after his original Answer and Counterclaims were filed in this action of Judge Colin's "involvement" and interference in the fraud investigations ongoing in his own Court. Sufficient information exists to plead claims under 42 USC 1983 naming the County of Palm Beach, PBSO Officers Panzer, Miller & Groover herein.

Oppenheimer, JP Morgan, Steve Lessne, Alan Rose, Gerald Lewin, Brian O'Connell, Joy Foglietta and the Ciklin law firm and Stanford and Oppenheimer entities:

Third-party Defendant Eliot I. Bernstein seeks to add said defendants for claims relating to conspiracy to deprive fundamental rights of due process and meaningful access to the Courts, tortious interference and delay in rights of inheritance and expectancy, breach of fiduciary duties, loss, concealment and destruction of evidence, conversion and waste of assets, and negligence. It is noted for this Court that on the date in Feb. 2016 when the Petition for an Injunction was presented to this Court and where it was not disclosed to this Court or myself that the dead body with gruesome gun-shot wounds to the head had been discovered just a day or so before at one of the property assets seeking to be enjoined, later that same day attorney Alan Rose acting with Ted Bernstein arranged the Probate proceedings with Judge Phillips which allegedly were for a Guardianship Proceeding to NOT be Electronically Recorded despite information from Court Administrative Officers that all GAL (Guardianship) proceedings were required to be electronically recorded. This Court is otherwise referred to those sections of the petition for injunctive relief for the primary factual predicate and background for this motion.

Jackson, Heritage, LaSalle, Reinsurance America, Bank of America

Third party Defendant Eliot Bernstein respectfully seeks leave to add such parties back to the action to afford complete relief amongst the parties and for claims relating to loss, destruction, concealment of evidence and records herein.

WHEREFORE, it is respectfully prayed for an Order granting Third-Party Defendant's motion for leave to amend the Counterclaims and Third-Party Complaint and responsive pleadings herein and for such other and further relief as may be just and proper.

Respectfully Submitted,

Date: April 29, 2016

/s/ Eliot Ivan Bernstein

Eliot Ivan Bernstein
Third Party Defendant/Cross Plaintiff
PRO SE
2753 NW 34th St.
Boca Raton, FL 33434
Telephone (561) 245-8588
iviewit@iviewit.tv
www.iviewit.tv

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 29, 2016 I electronically filed the foregoing with the Clerk of the Court using CM/ECF and/or email. I also certify that the foregoing is being served this day on all counsel of record identified below via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner.

/s/ Eliot Ivan Bernstein

Eliot Ivan Bernstein

Third Party Defendant/Cross Plaintiff
 PRO SE
 2753 NW 34th St.
 Boca Raton, FL 33434
 Telephone (561) 245-8588
iviewit@iviewit.tv
www.iviewit.tv

SERVICE LIST

James J. Stamos and STAMOS & TRUCCO LLP One East Wacker Drive, Third Floor Chicago, IL 60601 Attorney for Intervenor, Estate of Simon Bernstein jstamos@stamostrucco.com , dvasquez@stamostrucco.com and Kevin Patrick Horan sberkin@stamostrucco.com , khoran@stamostrucco.com	Adam Michael Simon, Esq. #6205304 303 East Wacker Drive, Suite 2725 Chicago, Illinois 60601 Attorney for Plaintiffs (312) 819-0730 asimon@chicago-law.com	Ted Bernstein, 880 Berkeley Boca Raton, FL 33487 tbernstein@lifeinsuranceconcepts.com
Alan B. Rose, Esq. PAGE,MRACHEK,FITZGERALD, ROSE, KONOPKA, THOMAS & WEISS, P.A. 505 South Flagler Drive, Suite 600 West Palm Beach, Florida 33401 arose@pm-law.com and arose@mrachek-law.com	Pamela Simon President STP Enterprises, Inc. 303 East Wacker Drive Suite 210 Chicago IL 60601-5210 psimon@stpcorp.com	Estate of Simon Bernstein Personal Representative Brian M. O'Connell, Partner and Joelle Foglietta, Esq. Ciklin Lubitz Martens & O'Connell 515 N Flagler Drive 20th Floor West Palm Beach, FL 33401 boconnell@ciklinlubitz.com
Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com	Lisa Friedstein 2142 Churchill Lane Highland Park, IL 60035 Lisa@friedsteins.com lisa.friedstein@gmail.com lisa@friedsteins.com	David B. Simon, Esq. #6205304 303 East Wacker Drive, Suite 2725 Chicago, Illinois 60601 Attorney for Plaintiffs (312) 819-0730
Michael Duane Sanders mds@pw-law.com , sjohnson@pw-law.com	Glenn E. Heilizer glenn@heilizer.com	John M. O'Halloran joh@mcveyparsky-law.com

EXHIBIT A

1. Simon L. Bernstein Trust Agreement (2008) and its current and former trustees, fiduciaries and counsel;
2. Simon L. Bernstein Irrevocable Trust Agreement (2008) and its current and former trustees, fiduciaries and counsel;
3. Simon L. Bernstein Estate and Will of Simon L. Bernstein (2008) and its current and former trustees, fiduciaries and counsel;
4. Simon L. Bernstein Estate and Will of Simon L. Bernstein (2012) and its current and former trustees, fiduciaries and counsel;
5. Simon L. Bernstein Amended and Restated Trust Agreement (2012) and its current and former trustees, fiduciaries and counsel;
6. Wilmington Trust 088949-000 Simon L. Bernstein Irrevocable Trust and its current and former trustees, fiduciaries and counsel;
7. Estate and Will of Shirley Bernstein (2008) and its current and former trustees, fiduciaries and counsel;
8. Shirley Bernstein Trust Agreement (2008) and its current and former trustees, fiduciaries and counsel;
9. Shirley Bernstein Irrevocable Trust Agreement (2008) and its current and former trustees, fiduciaries and counsel;
10. Simon Bernstein Irrevocable Insurance Trust dated 6/21/1995 (currently missing and legally nonexistent) and its current and former trustees, fiduciaries and counsel;
11. Shirley Bernstein Marital Trust and Family Trust created under the Shirley Bernstein Trust (2008) and its current and former trustees, fiduciaries and counsel;
12. S.B. Lexington, Inc. 501(C)(9) VEBA TRUST and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
13. Trust f/b/o Joshua Bernstein under the Simon L. Bernstein Trust dtd 9/13/2012 and its current and former trustees, fiduciaries and counsel;
14. Trust f/b/o Daniel Bernstein under the Simon L. Bernstein Trust dtd 9/13/2012 and its current and former trustees, fiduciaries and counsel;
15. Trust f/b/o Jake Bernstein under the Simon L. Bernstein Trust dtd 9/13/2012 and its current and former trustees, fiduciaries and counsel;
16. Eliot Bernstein Family Trust dated May 20, 2008 and its current and former trustees, fiduciaries and counsel;
17. Daniel Bernstein Irrevocable Trust dated September 7, 2006 and its current and former trustees, fiduciaries and counsel;
18. Jake Bernstein Irrevocable Trust dated September 07, 2006 and its current and former trustees, fiduciaries and counsel;

19. Joshua Z. Bernstein Irrevocable Trust dated September 07, 2006 and its current and former trustees, fiduciaries and counsel;
20. Traci Kratish, Fiduciary;
21. Christopher Prindle, personally;
22. Christopher Prindle, professionally;
23. Peter Montalbano, personally;
24. Peter Montalbano, professionally;
25. S.T.P. Enterprises, Inc., and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives, Attorneys, Insurers and Fiduciaries;
26. S.B. Lexington, Inc. and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
27. National Service Association, Inc. (of Illinois) and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
28. Life Insurance Concepts, Inc. and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
29. LIC Holdings, Inc. and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
30. LIC Holdings, LLC and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
31. Arbitrage International Management LLC and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
32. Arbitrage International Marketing, Inc. and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
33. Arbitrage International Holdings, LLC and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
34. National Services Pension Plan and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
35. Arbitrage International Marketing Inc. 401 (k) Plan and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns,

Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;

36. Bernstein Family Realty, LLC and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
37. Bernstein Holdings, LLC and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
38. Bernstein Family Investments, LLLP and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
39. Legacy Bank of Florida and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives, Attorneys, Insurers and Fiduciaries;
40. Chicago Title Land Trust and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
41. Wilmington Trust Company and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
42. Janet Craig, personally;
43. Janet Craig, professionally;
44. Janet Craig, fiduciary;
45. Huntington Worth, personally;
46. Huntington Worth, professionally;
47. Huntington Worth, fiduciary;
48. GrayRobinson, P.A. and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
49. GUNSTER and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives;
50. Mark R. Manceri, Esq., personally;
51. Mark R. Manceri, Esq., professionally;
52. Mark R. Manceri, Esq., P.A. and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives, Attorneys, Insurers and Fiduciaries;

53. Pankauski Law Firm PLLC and its current and former Divisions, Affiliates, Subsidiaries, Stockholders, Parents, Predecessors, Successors Assignors, Assigns, Partners, Members, Officers, Directors, Trustees, Employees, Agents, Administrators, Representatives, Attorneys, Insurers and Fiduciaries;
54. John J. Pankauski, Esq., personally;
55. John J. Pankauski, Esq., professionally;
56. Steven A. Lessne, Esq., personally;
57. Steven A. Lessne, Esq., professionally;
58. Kimberly Francis Moran, personally;
59. Kimberly Francis Moran, professionally;
60. Lindsay Baxley aka Lindsay Giles, personally;
61. Lindsay Baxley aka Lindsay Giles, professionally;