

Hon. John R. Blakey
United States District Court
ATTN: Courtroom Deputy -- Gloria Lewis
Room 1732
219 S. Dearborn St.
Chicago, IL 60604

**RE: Simon Bernstein Irrv. Trust Dtd 6/21/95 v. Heritage Union Ins. et al, No. 13 cv 3463 -
Clarification of Last Conference Call of Jan. 25, 2017 and pending Motions**

Courtroom Deputy Lewis:

I did want to Clarify a few matters from the last Court Conference of Wed, Jan. 25th 2017 last week and see from an Oct. 18, 2016 submission by Adam Simon that his office had contacted the Judge's law Clerk to clarify matters thus I am using the same procedure. (See Attached Adam Simon Letter of Oct. 18, 2016 delivered Via Messenger).

As you know, I had trouble getting On the Call last week on Jan. 25th as I had been waiting on the Conference Line until Disconnected and then called again and waited and then after I contacted your office and was told the case was being called by the time I got on the line the Judge was already moving forward with the parties. It was also difficult to fully hear everything and understand what was going on.

One of the issues I had planned to address with the Court by way of formal filing - motion before this Conference was the Oct. 18, 2016 Ex Parte Letter and Submission by Adam Simon's Office on behalf of the Plaintiff's and Ted Bernstein which enclosed Binders and Submissions to the Court which I never received a copy of. Part of what has been going on in the Florida Courts with these parties is Providing AND Filing Directly FALSE and Fraudulent Information to the Court that the Court then uses in making subsequent determinations.

Now first I want to point out that as far as I know, this Oct. 18th, 2016 Submission by Adam Simon is not part of the DOCKET Listed anywhere on PACER and I didn't know if this was a mistake or not?

Second, I want to get Access to the Exact Submissions that Adam Simon provided to this Court to Review and ensure that Further Fraud has not been committed by these parties after proven fraud has already occurred. It should also be noted that Adam Simon's Letter of Oct. 18, 2016 is incorrect in that the Exhibit referenced was 7,202 (seven-thousand two-hundred and two) pages, not 1100, thus raising an issue to clarify there as what has or has not been received and provided to the Court.

Third, I had planned to both Notify the Court and make a motion about important circumstances in the Florida Courts which I believe are consistent with what I notified this Court about in my All Writs petition where there is Direct collusion between the parties in the Florida proceedings which are impacting the Integrity of this Court's proceedings and path to Judgment. Specifically, that in Florida, the Estate of Simon Bernstein and PR Brian O'Connell are now directly acting in Unity with Ted Bernstein and Alan Rose and even permitting Ted Bernstein's attorney Alan Rose act as the Counsel for the Estate which is a major conflict of interest. This conflict has also been raised in Florida by the Creditor's attorney Peter Feaman and Hearings are scheduled in a few weeks in Florida to address this Conflict and it is also important to note that these hearings are before a new Judge, Judge Scher, and all the Orders that the Plaintiff's are relying upon for Collateral Estoppel before this Court were issued by a Judge Phillips who has now left the Bench prematurely and retired.

I believe I can show in a Motion how these Conflicts are relevant to this Court's proceedings and even the Motions for Summary Judgment and would seek Leave to file a

Supplemental Motion in this regard and also had planned to Ask for Leave anyway since the Plaintiff Ted Bernstein had in "essence" filed a New Summary Judgment Motion that had never been the Subject of a Briefing Schedule by this Court and thus I should have had further opportunity to respond in writing formally.

I had planned to bring these matters up previously but for months I was under Serious Life Threatening Medical Emergency and Doctor's Orders and kept trying to get Extensions in the Florida Courts so I could address matters in this Court as well and also preserve my life but had to continually respond to a series of multiple motions and filings in the Florida Courts which has delayed me in responding to this Court which had changed the Conference Dates on more than one occasion anyway.

I also wish to Note that filings with the new Judge in Florida will also be attacking and moving to Vacate many of the Orders relied upon by Plaintiffs in this Court as such Orders were issued at least in part on direct frauds.

Thus, I do want to file a Supplemental Motion for the Court to Consider before finalizing the Summary Judgment Decisions and at least want to be on Record that I am trying to get these matters to the Court immediately.

Because of the pending Decisions of this Court, I seek direction at this time.

Thank you,

/s/ Eliot Bernstein
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 30, 2017 I electronically filed the foregoing with the Clerk of the Court using CM/ECF. 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

Third Party Defendant/Cross
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EXHIBIT 1

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VIA MESSENGER

October 18, 2016

Hon. John R. Blakey
United States District Court
ATTN: Courtroom Deputy -- Gloria Lewis
Room 1732
219 S. Dearborn St.
Chicago, IL 60604

Re: *Simon Bernstein Irrv. Trust Dtd 6/21/95 v. Heritage Union Ins. et al*,
No. 13 cv 3463 -- Counter-Party Motion for Summary Judgment as to the Claims of
Eliot Bernstein

Dear Judge Blakey:

Enclosed please find a three-ring binder containing courtesy copies of the following documents relating to the above-referenced motion for summary judgment:

1. Movants' Motion for Summary Judgment as to Eliot Bernstein's claims, counter-claims, cross-claims and third-party claims;
2. Movants' Memorandum of Law in Support of their Motion;
3. Movants' Statement of Undisputed Facts;
4. Movants' Appendix to Statement of Undisputed Facts- Exhibit List;
5. Movants' Exhibits No. 1-14;
6. Eliot Bernstein's Reply to Statement of Undisputed Facts;
7. Eliot Bernstein's Memorandum in Opposition to the Motion for Summary Judgment; and
8. Movants' Memorandum in Reply to Eliot Bernstein's Opposition.

Please note that respondent, Eliot Bernstein electronically filed an Exhibit in support of his opposition that is approximately 1100 pages in length. As a result, I contacted Judge Blakey's law clerk and confirmed that the court did not want this exhibit included in the courtesy copies due to its length. If needed, Movants will provide a hard copy of this Exhibit upon the court's request.

Thank you for your consideration of this motion.

Very truly yours,

Adam M. Simon
Attorney for Movants