

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

SIMON BERNSTEIN IRREVOCABLE)
INSURANCE TRUST DTD 6/21/95,)

Plaintiff,)

v.)

HERITAGE UNION LIFE INSURANCE)
COMPANY,)

Defendant,)

HERITAGE UNION LIFE INSURANCE)
COMPANY)

Counter-Plaintiff)

v.)

SIMON BERNSTEIN IRREVOCABLE)
INSURANCE TRUST DTD 6/21/95)

Counter-Defendant)

and,)

FIRST ARLINGTON NATIONAL BANK)
as Trustee of S.B. Lexington, Inc. Employee)
Death Benefit Trust, UNITED BANK OF)
ILLINOIS, BANK OF AMERICA,)
Successor in interest to LaSalle National)
Trust, N.A., SIMON BERNSTEIN TRUST,)
N.A., TED BERNSTEIN, individually and)
as purported Trustee of the Simon Bernstein)
Irrevocable Insurance Trust Dtd 6/21/95,)

Case No. 13 cv 3643
Honorable John Robert Blakey
Magistrate Mary M. Rowland

STATUS REPORT

Filers:

ELIOT IVAN BERNSTEIN

and ELIOT BERNSTEIN,)
)
_____)
Third-Party Defendants.)
)
ELIOT IVAN BERNSTEIN,)
)
Cross-Plaintiff)
)
v.)
)
TED BERNSTEIN, individually and)
as alleged Trustee of the Simon Bernstein)
Irrevocable Insurance Trust Dtd, 6/21/95)
)
Cross-Defendant)
and,)
)
PAMELA B. SIMON, DAVID B.SIMON,)
both Professionally and Personally)
ADAM SIMON, both Professionally and)
Personally, THE SIMON LAW FIRM,)
TESCHER & SPALLINA, P.A.,)
DONALD TESCHER, both Professionally)
and Personally, ROBERT SPALLINA,)
both Professionally and Personally,)
LISA FRIEDSTEIN, JILL IANTONI)
S.B. LEXINGTON, INC. EMPLOYEE)
DEATH BENEFIT TRUST, S.T.P.)
ENTERPRISES, INC. S.B. LEXINGTON,)
INC., NATIONAL SERVICE)
ASSOCIATION (OF FLORIDA),)
NATIONAL SERVICE ASSOCIATION)
(OF ILLINOIS) AND JOHN AND JANE)
DOES)
)
Third-Party Defendants.)
_____)
BRIAN M. O'CONNELL, as Personal)
Representative of the Estate of)
Simon L. Bernstein,)

Intervenor.

)
)
)

STATUS REPORT JULY 13, 2017 HEARING

Honorable Judge John Robert Blakey, US District Court Northern District of Illinois:

The following is provided as a Status Memorandum tendered by Eliot I. Bernstein for a Status Hearing / Conference to be held on March 15, 2016 submitted under Local Rule 16.2 and Federal Rule 16 in furtherance of:

1. expediting disposition of the action;
2. establishing early and continuing control so that the case will not be protracted because of lack of management;
3. discouraging wasteful pretrial activities;
4. improving the quality of the trial through more thorough preparation; and
5. facilitating settlement.

And other topics under this Rule.

CURRENT PROCEDURAL POSTURE:

This action comes on for a Status Conference after recent Summary Judgment proceedings and then Court Ordered Settlement and Mediation proceedings and Pre-trial and Trial Scheduling where the Pre-Trial scheduling date has now been stricken by this District Court.

While Eliot I. Bernstein notifies this Court of direct “Fraud Upon the Court” by at least Plaintiff Attorney Adam Simon and Ted Bernstein directly impacting any alleged “Settlement Agreement” and proceedings and the recent Summary Judgment Decision by this Court, Eliot I. Bernstein was allegedly “**terminated**” from this Action after a Summary Judgment Memorandum Opinion and Order announced Jan. 25, 2017 (Docket Entry 272) and issued Jan. 30, 2017 (Docket Entry 273).

After filing a Notice of Appeal and submitting a Motion and Jurisdictional Statement to the US 7th Circuit Court of Appeals demonstrating how Appellant had been terminated from Electronic Notices in the District Court, Eliot I. Bernstein thereafter began receiving Electronic Notices from the US District Court including Docket Entry No. 288 received July 10, 2017 containing a Minute Order setting this Status Conference. Eliot I. Bernstein made appropriate timely arrangements to appear by Telephone consistent with the Instructions from this District Court. The US 7th Circuit Court of Appeals Dismissed Appellant's Appeal as "premature" and for lack of jurisdiction noting that this District Court has a clearly scheduled "Trial Date" on its calendar and the action is ongoing.

Thus far, due to directly provable Fraud Upon the Court by Plaintiff Ted Bernstein and Plaintiff's Attorney Adam Simon, Eliot I. Bernstein was denied any due process Opportunity to be heard or participate in recent Pre-Trial and Trial Scheduling at this time.

ALLEGED "SETTLEMENT AGREEMENT" RECEIVED AS "URGENT" FROM PLAINTIFF'S ATTORNEY ADAM SIMON July 11, 2017:

Late in the Day on July 11, 2017, Eliot I. Bernstein received an Email from Plaintiff's Attorney Adam Simon titled, "**URGENT--RESPONSE REQUIRED-- Settlement Agreement**". Eliot I. Bernstein had not and has not had any Due Process Opportunity to be Heard in any Court Ordered Settlement and Mediation proceedings that gave rise to this alleged Settlement Agreement. On the same day July 11, 2017 at or around close of business 5 pm EST, Eliot I. Bernstein received a Case Filing from alleged Creditor William Stansbury, Claimant in the Simon Bernstein Estate, notifying the Florida 15th Judicial Probate Court Judge Scher of this "Executed Settlement Agreement" which was not fully Executed yet being presented to the Florida 15th Judicial in relation to ongoing Hearings to Discharge William Stansbury from

further Payment Obligations to pay the Estate of Simon Bernstein's Chicago Litigation counsel in this Action where the Estate was allowed to Intervene.

**VOLUNTARY REQUEST TO PLAINTIFF'S ATTORNEY ADAM SIMON AND
RELATED PARTIES TO CORRECT THE FRAUD UPON THIS US DISTRICT
COURT:**

On the same day, July 11, 2017, Eliot I. Bernstein transmitted an Email Request attached herein as Exhibit 1 sent to Plaintiff's Attorney Adam Simon to Voluntarily Correct proven Fraud upon this Court by at least Adam Simon on behalf of Ted Bernstein, Fraud which directly impacted this US District Court's Order on Summary Judgment and the subsequent Termination of Eliot Bernstein from the Action and subsequent Orders of this Court in relation to Settlement Proceedings, Mediation and the Pre-Trial and Trial Calendar.

As shown by the full Email in Exhibit 1 to Plaintiff's Attorney Adam Smon, "As you are and should be aware, this fraud committed by your office and at least Ted Bernstein **has directly impacted the US District Court's actions specifically including but not limited to the Summary Judgment Decision and Memorandum issued by the US District Court on Jan. 30, 2017 and Minute Orders and Entries including but not limited to Docket Entries No. 272, 273, 274 and 287.**" (**Emphasis Added**).

Eliot I. Bernstein transmitted this Voluntary request to correct the Fraud not only to Plaintiff's Attorney Adam Simon, but also an FBI Office where Eliot Bernstein has been directly advised previously of an Open Investigation into one Robert Spallina, former Estate Planner and Attorney for Simon Bernstein directly involved in these Insurance proceedings and also transmitted to the Acting US Attorney of the SDNY Joon Kim where Eliot I. Bernstein had been providing information on various corruption matters to SDNY US Attorney Preet Bharara until

he was terminated from the position. This request was also transmitted to “DC No. 1”, a Washington DC contact known to be involved in Federal and State corruption matters including in the Federal Courts in the Chicago area, New York and elsewhere and also directly involved with “Iviewit” matters with access to Signal Intelligence information and other data and being a Witness willing to come forward in various proceedings as relevant.

It is further noted for this Court that Florida 15th Judicial Probate Judge Scher and Plaintiff Ted Bernstein’s other attorney Alan Rose have been requested to Notify this Court of the now proven Fraud upon these proceedings and to take appropriate corrective action.

**CHANGE OF CIRCUMSTANCES SINCE ENTRY OF SUMMARY JUDGEMENT
ORDER; NEWLY DISCOVERED EVIDENCE; FRCP 60 MOTION ON COURT’S OWN
INITIATIVE OR LEAVE TO SCHEDULE FILING BY ELIOT I. BERNSTEIN**

In addition to actual proof that the Plaintiff Ted Bernstein and his attorney Adam Simon committed Fraud upon this Court directly impacting the Summary Judgment dismissing all of Eliot Bernstein’s claims and the subsequent Trial and Pre-Trial Scheduling and Settlement and Mediation proceedings, there has been a substantial Change of Circumstances since the recent Summary Judgment was decided as 15th Judicial Probate Judge Scher in Florida has issued an Order clearly determining that Eliot Bernstein is in fact a Beneficiary of the Simon Bernstein Estate and has standing.

“Newly Discovered Evidence” came forward on or about Feb. 9, 2017 in the nature of an actual Statement and Admission by Estate PR and Attorney Brian O’Connell that showed Eliot Bernstein was in fact a Beneficiary of the Simon Bernstein Estate yet this Admission and Statement which was “Undated” **had been Concealed and Secreted from this Court, the 15th Judicial and Eliot Bernstein since at least Dec. 22, 2016** when Ted Bernstein’s attorney Alan

Rose transmitted this Admission Statement to Claimant Creditor William Stansbury's Attorney Peter Feaman. The 15th Judicial in Florida was reminded of this Fraud just yesterday July 12, 2017 in Opposition papers in the Claimant Stansbury motion in State court in hearings directly related to this ongoing Action. See Exhibit 2 annexed.

**FRCP 60 MOTION ON COURT'S OWN INITIATIVE AND MOTION OR SCHEDULE
AND LEAVE FOR ELIOT BERNSTEIN TO FILE SAME AND RENEW ALL WRITS
ACT INJUNCTION**

This Honorable Court is respectfully directed to Docket Entry No. 285, an Amended In Forma Pauperis Application filed on June 26, 2017 which attached a Motion to the US 7th Circuit Court of Appeals and Jurisdictional Statement outlining the known and proven fraud by Plaintiff Ted Bernstein and his Attorney Adam Simon directly impacting the recent Summary Judgment proceedings and Scheduling and Settlement proceedings.

These documents are further annexed herein as Exhibits 3 and 4 respectively.

Should the Court not believe it proper to initiate a FRCP Rule 60 Motion on its own motion and initiative based on Mistake, error, misconduct and fraud then Eliot I. Bernstein seeks leave and a Schedule to file same of at least 15 days from today's date.

Eliot I. Bernstein further seeks to be fully reinstated into this action and will move to renew the All Writs Injunction based upon newly Discovered evidence and a change of circumstances and seeks further leave and Schedule for these matters.

OTHER NEWLY DISCOVERED EVIDENCE and FURTHER MOTIONS:

The Hearings in the Florida State Court which were about to commence when the recent Summary Judgment was issued and which Eliot Bernstein notified this Court about in Docket Entry No. 271 on Jan. 30, 2017 have yielded other relevant and Newly Discovered Evidence

such as admissions that there have been No Construction Hearings ever held by Judge Phillips rendering other orders void but more importantly direct Conflicts of Interest findings against Ted Bernstein as it relates to this Action and direct actions demonstrating Ted Bernstein and Brian O'Connell have colluded and acted as one as it relates to this Action and "controlling" this action to deny Due process as suggested in the original All Writs Act and where Ted Bernstein's other attorney Alan Rose has come in to directly act for the Estate in relation to this insurance action. Further, as attached as Exhibits 4 and 5 are signed Statements transmitted by my adult sons Joshua and Jacob Bernstein in relation to the "Guardianship" with Diana Lewis also transmitted to federal authorities where Josh Bernstein's Guardianship was a Statutory Violation of Florida law from the outset.

SETTLEMENT AGREEMENT ITSELF SHOWS DAMAGES TO ELIOT BERNSTEIN

The Settlement agreement itself shows Damages to Eliot Bernstein as if the Plaintiff's claims were valid from the outset, and even assuming the approximately \$1.8 Million Insurance proceeds deposited is proper, Eliot Bernstein sustains damages of approximately \$180,000 plus interest and delay damages as $\frac{1}{5}$ of the Proceeds which would have been Paid originally years ago by the Insurance Carrier would be approximately \$360,000.00.

Eliot Bernstein seeks full reinstatement into the action and leave to file proper Motions for same.

WHEREFORE,

Respectfully submitted,

DATED: July 13, 2017

/s/ *Eliot Ivan Bernstein*

Third Party Defendant/Cross
Plaintiff PRO SE
Eliot Ivan Bernstein

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 13, 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 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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