

1 Who is this gentleman? What's his name?

2 MR. BERNSTEIN: Eliot Bernstein.

3 MR. SWEETAPPLE: He's the one that filed the
4 motion.

5 THE COURT: Okay I see. Eliot Bernstein and
6 Candice Bernstein. Mr. Bernstein's filing is not an
7 answer or even addresses the default here. Looks to
8 me like something totally collateral to what's before
9 me today. So. Alright. With respect to Eliot
10 Bernstein and Candice Bernstein is that Ms. Bernstein
11 who's seated here? Are you seeking a court default?

12 MR. SWEETAPPLE: Yes, Your Honor and also as to
13 unknown tenants at the home. As the court concede Mr.
14 Bernstein was served with a summons. As to the
15 unknown tenants if I can approach?

16 THE COURT: Okay. Thank you.

17 MR. BERNSTEIN: Can I see a copy of that?

18 MR. SWEETAPPLE: Sure.

19 THE COURT: And that service took place in was
20 that June? June 2019?

21 THE COURT: It was actually the 20th of September
22 2018. Is that right?

23 MR. SWEETAPPLE: Yes that was the original.

24 THE COURT: And then he's representing himself?

25 MR. SWEETAPPLE: He's appeared. He's come in,

1 yes. In fact, this motion as you can see in that
2 capacity as well.

3 THE COURT: So has he ever answered this
4 complaint?

5 MR. SWEETAPPLE: Never answered. We always kept
6 saying - collateral events - some collateral events.

7 (inaudible, talking over each other)

8 THE COURT: So that's been the last third amended
9 complaint filing was in June of last year? Alright
10 Mr. Bernstein?

11 MR. BERNSTEIN: Correct. Yes, Your Honor.

12 THE COURT: You are representing yourself? Ms.
13 Bernstein, you're representing yourself ma'am, is
14 that right?

15 MR. BERNSTEIN: She's never been served either.
16 That service wouldn't - the one he sent you isn't
17 served upon me. It's served upon some unknown person
18 that doesn't match the description of anyone at our
19 home.

20 MR. SABOL: Your Honor. If I could respond. Mr. 
21 Bernstein is obviously aware of the action. He's
22 filed multiple responses, but he is not a party of
23 interest. He is nothing more than a tenant in the
24 property. There's a number of parties that have
25 interest through the estate. This Mr. Bernstein is

1 not one of them. He's nothing more than a tenant.

2 THE COURT: So, let me ask you this. Is this a
3 single-family residence?

4 MR. SABOL: It is. So, it's a father who bought 
5 it under an LLC and borrowed some money from the
6 plaintiff and has a second mortgage and Mr. Bernstein
7 was permitted to live there.

8 THE COURT: So, who owns the, who owns the
9 property right now before all of these judgements?

10 MR. SABOL: The -

11 THE COURT: The estate?

12 MR. SABOL: No, it's in a trust. It's been 
13 transferred over. Alright Mr. Bernstein, this Mr.
14 Bernstein is not entitled in any form, he's just not.

15 THE COURT: Alright, I'll hear what you have to
16 say.

17 MR. BERNSTEIN: And so, I've never been served.
18 My wife has never been served otherwise I would have
19 filed an answer and a counterpoint. My children who
20 are sued, are sued as minor children Mr. Sahm's very
21 aware that my children are not minor only one is. So,
22 they haven't been served. They own the house. They
23 bought the house with their money from their trusts.

24 THE COURT: Right.

25 MR. BERNSTEIN: Individual trusts. My dad wrapped

1 it in an LLC and some trusts. The LLC Bernstein
2 Family Realty owns the house but they're no longer
3 because Judge John Phillips dissolved the LLC and
4 thus Mr. Sahm and the estates knows distributed the
5 assets to me and my wife and I tried to say it was
6 because I'm trying to protect Mr. Sahm who is my
7 father's dear friend who did this sweet deal for my
8 family that me and my wife loved. We talk to him
9 consistently, we've got a settlement sitting on the
10 table with him, that's in the filing I filed. I put a
11 copy of that in there. Now some other facets are this
12 gentleman is representing my brother as trustee of my
13 father's trust. My father's trust says specifically
14 my brother is considered dead for all purposes of
15 this trust. So, one of the first things we need to
16 establish is, are they committing a fraud here before
17 you which this case is littered with fraud. John
18 Tesher's, who's been around the block here a bunch,
19 frauded documents in my father's estate. My mother's
20 estate first and then they created a fraudulent trust
21 of my mother's and distributed it.

22 THE COURT: Okay.

23 MR. BERNSTEIN: They got caught. They got caught
24 right at the same time for insider trading. They had
25 to resign off all of our matters. Now Mr. Tesher