

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT COURT 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 ILLINOI S, BANK )  
OF AMERICA, successor in interest to )  
LaSalle National Trust, N.A., )  
SIMON BERNSTEIN TRUST, N. A., )  
TED BERNSTEIN, individually and )  
as alleged Trustee of the Simon )  
Bernstein Irrevocable Insurance Trust )  
Dtd. 6/21/95, and ELIOT BERNSTEIN, )**

**Third-Party Defendants. )**  
----- )

**Case No. 13-cv-03643**

**Honorable Amy J. St. Eve  
Magistrate Mary M. Rowland**

**Rule 26(a)1 Disclosures by  
Eliot Ivan Bernstein**

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, INC. )  
 (OF FLORIDA) NATIONAL )  
 SERVICE ASSOCIATION, INC. )  
 (OF ILLINOIS) AND )  
 JOHN AND JANE DOE'S )  
 )  
 Third Party Defendants. )  
 )

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**DEFENDANT'S FED. R. CIV. P. 26(a)(1) DISCLOSURES**

**TO: ALL PARTIES LISTED ON THE ATTACHED CERTIFICATE OF SERVICE**

Cross-Plaintiff and Third Party Defendant, Eliot Ivan Bernstein, pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure hereby submits the following initial disclosures:

**(i) Persons with relevant information**

1. Heirs and relatives of Simon Bernstein, decedent, including but not limited to, Ted Bernstein, Pamela Simon, Jill Iantoni, Lisa Friedstein, David Simon and Adam Simon may have discoverable information relating to the subject life insurance policy; its administration; its owners, trustees and beneficiary designations; and the issues raised in the pending claims, counterclaims and third-party claims.
2. Unknown former and current employees of Heritage Union Life Insurance Company and its successors (and including all successor insurers to Capitol Bankers Life Insurance Company as the issuing insurer of the Policy) and Jackson National Insurance Company may have discoverable information relating to the subject life insurance policy; its administration; its owners, trustees and beneficiary designations; and the issues raised in the pending claims, counterclaims and third-party claims.
3. Unknown former employees of United Bank of Illinois, First American National Bank, J.P. Morgan and LaSalle Bank may have discoverable information relating to the subject life insurance policy; its administration; its owners, trustees and beneficiary designations; and the issues raised in the pending claims, counterclaims and third-party claims.
4. Attorneys, Robert Spallina and Donald Tescher of the law firm Tescher & Spallina, P.A. and Albert Gortz of the law firm Proskauer Rose, in Florida handling the Estate of Simon Bernstein, decedent, may have discoverable information relating to the subject life insurance policy; its administration; its owners, trustees and beneficiary designations; and the issues raised in the pending claims, counterclaims and third-party claims.

5. Accountant Gerald Lewin of Florida and accountant for Simon Bernstein, decedent, may have discoverable information relating to the subject life insurance policy; its administration; its owners, trustees and beneficiary designations; and the issues raised in the pending claims, counterclaims and third-party claims.
6. Henry "Hank" Devos Lawrie Jr., formerly with Hopkins & Sutter law firm, now Foley & Lardner may have discoverable information relating to the subject life insurance policy; its administration; its owners, trustees and beneficiary designations; and the issues raised in the pending claims, counterclaims and third-party claims.
7. Rachel Walker, former assistant to Simon and Shirley Bernstein may have discoverable information relating to the subject life insurance policy; its administration; its owners, trustees and beneficiary designations; and the issues raised in the pending claims, counterclaims and third-party claims.
8. Diana Banks, former secretary to Simon Bernstein may have discoverable information relating to the subject life insurance policy; its administration; its owners, trustees and beneficiary designations; and the issues raised in the pending claims, counterclaims and third-party claims.
9. William Stansbury, former employee of Simon Bernstein may have discoverable information relating to the subject life insurance policy; its administration; its owners, trustees and beneficiary designations; and the issues raised in the pending claims, counterclaims and third-party claims.
10. Kimberly Moran, legal assistant and notary public for Tescher & Spallina, P.A. may have discoverable information relating to the subject life insurance policy; its



administration; its owners, trustees and beneficiary designations; and the issues raised in the pending claims, counterclaims and third-party claims.

11. Lindsay Baxley, Ted Bernstein employee and notary public may have discoverable information relating to the subject life insurance policy; its administration; its owners, trustees and beneficiary designations; and the issues raised in the pending claims, counterclaims and third-party claims.
12. Unknown former and/or current employees of S.B. LEXINGTON, INC. EMPLOYEE DEATH BENEFIT TRUST, S.T.P. ENTERPRISES, INC., S.B. LEXINGTON, INC., Bernstein Holdings, LLC, Bernstein Family Investments, LLLP, Bernstein Family Realty, LLC, LIC Holdings Inc., Life Insurance Concepts, Life Insurance Concepts (UC), Life Insurance Concepts, LLC, Life Insurance Concepts, Inc., Life Insurance Connection Inc., Life Insurance Innovations, Inc., Total Brokerage Solutions, LLC, Telenet Systems, Arbitrage International Marketing Inc., Arbitrage International Management, LLC, National Service Association Inc., National Service Corporation (Florida), Cambridge Financing Company,
13. Goldstein Lewin fka CBIZ may have discoverable information relating to the subject life insurance policy; its administration; its owners, trustees and beneficiary designations; and the issues raised in the pending claims, counterclaims and third-party claims.

**(ii) Relevant documents to be used as proof in Eliot's possession**

Eliot hereby produces the following documents located at the following URL's hereby incorporated in entirety by reference herein @

1. May 6, 2013 ELIOT filed Docket #23 an “EMERGENCY PETITION TO: FREEZE ESTATE ASSETS, APPOINT NEW PERSONAL REPRESENTATIVES, INVESTIGATE FORGED AND FRAUDULENT DOCUMENTS SUBMITTED TO THIS COURT AND OTHER INTERESTED PARTIES, RESCIND SIGNATURE OF ELIOT BERNSTEIN IN ESTATE OF SHIRLEY BERNSTEIN AND MORE” (“Petition 1”).
  - i. [www.iviewit.tv/20130506PetitionFreezeEstates.pdf](http://www.iviewit.tv/20130506PetitionFreezeEstates.pdf) 15th Judicial Florida Probate Court and
  - ii. [www.iviewit.tv/20130512MotionRehearReopenObstruction.pdf](http://www.iviewit.tv/20130512MotionRehearReopenObstruction.pdf) US District Court Pages 156-582
2. May 29, 2013, ELIOT filed Docket #28 “RENEWED EMERGENCY PETITION” (“Petition 2”).
  - i. [www.iviewit.tv/20130529RenewedEmergencyPetitionSIMON.pdf](http://www.iviewit.tv/20130529RenewedEmergencyPetitionSIMON.pdf)
3. June 26, 2013, ELIOT filed Docket #31 “MOTION TO: CONSIDER IN ORDINARY COURSE THE EMERGENCY PETITION TO FREEZE ESTATE ASSETS, APPOINT NEW PERSONAL REPRESENTATIVES, INVESTIGATE FORGED AND FRAUDULENT DOCUMENTS SUBMITTED TO THIS COURT AND OTHER INTERESTED PARTIES, RESCIND SIGNATURE OF ELIOT BERNSTEIN IN ESTATE OF SHIRLEY BERNSTEIN AND MORE FILED BY PETITIONER” (“Petition 3”).
  - i. [www.iviewit.tv/20130626MotionReconsiderOrdinaryCourseSIMON.pdf](http://www.iviewit.tv/20130626MotionReconsiderOrdinaryCourseSIMON.pdf)
4. July 15, 2013, ELIOT filed Docket #32 “MOTION TO RESPOND TO THE PETITIONS BY THE RESPONDENTS” (“Petition 4”).
  - i. [www.iviewit.tv/20130714MotionRespondPetitionSIMON.pdf](http://www.iviewit.tv/20130714MotionRespondPetitionSIMON.pdf)
5. July 24, 2013, ELIOT filed Docket #33 “MOTION TO REMOVE PERSONAL REPRESENTATIVES” **for insurance fraud and more.** (“Petition 5”).
  - i. [www.iviewit.tv/20130724SIMONMotionRemovePR.pdf](http://www.iviewit.tv/20130724SIMONMotionRemovePR.pdf)
6. August 28, 2013, ELIOT filed Docket #TBD “NOTICE OF MOTION FOR: INTERIM DISTRIBUTION FOR BENEFICIARIES NECESSARY LIVING EXPENSES, FAMILY ALLOWANCE, LEGAL COUNSEL EXPENSES TO BE

PAID BY PERSONAL REPRESENTATIVES AND REIMBURSEMENT TO BENEFICIARIES SCHOOL TRUST FUNDS” (“Petition 6”)

i. [www.iviewit.tv/20130828MotionFamilyAllowanceSHIRLEY.pdf](http://www.iviewit.tv/20130828MotionFamilyAllowanceSHIRLEY.pdf)

7. September 04, 2013, ELIOT filed Docket #TBD “NOTICE OF EMERGENCY MOTION TO FREEZE ESTATES OF SIMON BERNSTEIN DUE TO ADMITTED AND ACKNOWLEDGED NOTARY PUBLIC FORGERY, FRAUD AND MORE BY THE LAW FIRM OF TESCHER & SPALLINA, P.A., ROBERT SPALLINA AND DONALD TESCHER ACTING AS ALLEGED PERSONAL REPRESENTATIVES AND THEIR LEGAL ASSISTANT AND NOTARY PUBLIC, KIMBERLY MORAN: MOTION FOR INTERIM DISTRIBUTION DUE TO EXTORTION BY ALLEGED PERSONAL REPRESENTATIVES AND OTHERS; MOTION TO STRIKE THE MOTION OF SPALLINA TO REOPEN THE ESTATE OF SHIRLEY; CONTINUED MOTION FOR REMOVAL OF ALLEGED PERSONAL REPRESENTATIVES AND ALLEGED SUCCESSOR TRUSTEE. (“Petition 7”)

[www.iviewit.tv/20130904MotionFreezeEstatesSHIRLEYDUEToAdmittedNotaryFraud.pdf](http://www.iviewit.tv/20130904MotionFreezeEstatesSHIRLEYDUEToAdmittedNotaryFraud.pdf).

8. September 10, 2013 Motion Re Hearing Attorneys Tescher and Spallina and Ted Bernstein threatened by Judge Martin H. Colin with Miranda Warnings.

[www.iviewit.tv/20131010MotionCompelFreezeYouHavetheRighttoRemainSilent.pdf](http://www.iviewit.tv/20131010MotionCompelFreezeYouHavetheRighttoRemainSilent.pdf)

Eliot Ivan Bernstein reserves the right to supplement this response as additional documents become known or which may be used in the prosecution or defense of claims asserted, unless solely for impeachment.

Respectfully submitted,

/s/ Eliot Ivan Bernstein

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Dated October 22, 2013

## Certificate of Service

The undersigned certifies that a copy of the foregoing Rule 26 Disclosure was served by ECF and by E-mail on October 22, 2013 to the following parties:

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