

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,)
by)

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 alleged Trustee of the Simon)
Bernstein Irrevocable Insurance Trust)
Dtd. 6/21/95, and ELIOT BERNSTEIN,)

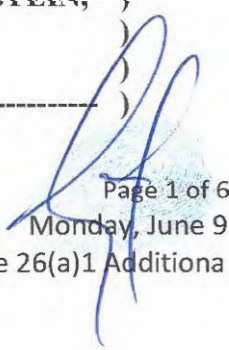
Third-Party Defendants.)
-----)

Case No. 13-cv-03643

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

Rule 26(a)1 Additional Disclosures

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.)
 _____/

DEFENDANT'S FED. R. CIV. P. 26(a)(1) ADDITIONAL 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 additional disclosures:

Page 2 of 6
 Monday, June 9, 2014
 Rule 26(a)1 Additional Disclosures

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

1. Eliot hereby produces the following documents attached as Exhibit A.
2. Eliot hereby produces documents located at the following URL, hereby incorporated in entirety by reference herein @
<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20140602EstateFilesBenBrownCuratorDelieveredByTeschlerAndSpallina.pdf> The file is 240MB so patience is a virtue and please download and print these files for the Court Record. Bates #TS000001 through Bates TS007421.

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

Eliot I. Bernstein
2753 NW 34th St.
Boca Raton, FL 33434
(561) 245-8588

Dated: June 09, 2014

EXHIBIT A



Eliot 0/9/2014 Comments in Red Boxes

Robert Spallina

From: Robert Spallina
Sent: Monday, December 03, 2012 1:36 PM
To: 'Pam Simon'
Cc: Ted Bernstein; Simon David Scooter; Simon Pam
Subject: RE: Proceeds

Yes – but Eliot’s counsel will probably hold things up

From: Pam Simon [mailto:pambsimon@icloud.com]
Sent: Monday, December 03, 2012 12:12 PM
To: Robert Spallina
Cc: Ted Bernstein; Simon David Scooter; Simon Pam
Subject: Re: Proceeds

Hi Robert - scooter will send you but can you send out for signatures? Thanks

On Dec 3, 2012, at 9:48 AM, Robert Spallina <rspallina@tescherspallina.com> wrote:

Please have him send me the document for my review and copy all. I want to make sure we have an agreement among all before I speak to the carrier.

From: Pam Simon [mailto:pambsimon@icloud.com]
Sent: Sunday, December 02, 2012 7:39 AM
To: Robert Spallina
Cc: Ted Bernstein; Simon David Scooter; Simon Pam
Subject: Re: Proceeds

Hi Robert - can you call Scooter as he has a copy of the document you can circulate for signatures to release the proceeds. 312-909-0369 Thx

On Nov 19, 2012, at 12:14 PM, "David (Scooter) Simon" <dsimon@stpcorp.com> wrote:

May be available to achieve Si's intended results through waiver and settlement agreement.

Please have Mr. Spallina call my cell phone 312 909 0369

On Nov 19, 2012, at 1:11 PM, "Pam Simon" <pambsimon@icloud.com> wrote:

Is the 2000 trust an irrevocable trust?

What 2000 Trust, they hid this from Carrier, Federal Court, Probate Court and Beneficiaries, with intent apparently. Holy Cow Batman!!!

On Nov 19, 2012, at 11:57 AM, Robert Spallina <rspallina@tescherspallina.com> wrote:

We are not responding to them with the document from 2000. We discussed that and you are carved out under that document. We need to find the 1995 trust ASAP

From: Pam Simon [mailto:pambsimon@icloud.com]
Sent: Monday, November 19, 2012 12:56 PM
To: Ted Bernstein

Cc: Robert Spallina
Subject: Re: Proceeds

Pls send the executed trust document before u respond to heritage

On Nov 19, 2012, at 9:13 AM, Ted Bernstein <tbernstein@lifeinsuranceconcepts.com> wrote:

Highly unlikely they will use another trust - what is SOP when doc can't be found?

Ted Bernstein
561-988-8984

Sent from my Samsung Galaxy Note™

----- Original message -----

Subject: RE: Proceeds
From: Robert Spallina
<rspallina@tescherspallina.com>
To: Pam Simon
<pambsimon@icloud.com>
CC: RE: Proceeds

Holy Cow, this is FRAUD!!!! and put in writing, are they nuts???

Who is carving up these email headers and pasting parts and hiding header info and why???

Heritage responded back that they need a copy of the trust instrument. We do not have a copy and the only executed trust document that we have in which the policy is listed as an asset is the 2000 trust prepared by Al Gortz.

-----Original Message-----

From: Pam Simon
[<mailto:pambsimon@icloud.com>]
Sent: Friday, November 16, 2012 2:35 PM
To: Robert Spallina
Cc: Bernstein Ted
Subject: Proceeds

Hi Robert - any word on the proceeds ?
Need help? Pam



TS005473

Robert Spallina

From: Ted Bernstein [tbernstein@lifeinsuranceconcepts.com]
Sent: Friday, October 19, 2012 12:32 PM
To: Robert Spallina; Pam Simon
Subject: RE: Update

Robert,

We believe we have a solution to the life insurance policy which provides the desired result. We would like to discuss this with you at your earliest convenience. Until we have this conversation, please do not process anything further with the insurance company as we would like to avoid any unnecessary confusion for them. Pam, her husband Scooter, and I would like to have this initial conversation with you.

Let me know what is good for you and I can coordinate with Pam and Scooter.

Take care...

-----Original Message-----

From: Robert Spallina [mailto:rspallina@tescherspallina.com]
Sent: Friday, October 19, 2012 7:19 AM
To: Pam Simon
Cc: Ted Bernstein
Subject: Re: Update

Carrier knew and did not say anything in lawsuit or notify anyone?????

→ Pam - My office is processing the claim as your father was the owner of the policy and the proceeds will likely be paid to the estate in the absence of finding the trust. As I mentioned previously there was a discussion with the carrier about possibly using the 2000 trust (the one you are carved out of but would be split 5 ways according to Ted) but I'm not sure that we will achieve that result. 11:00 on Tuesday your time is my lunch hour. I am out of the office all day and will reach out to you on Monday as my calendar is fairly packed next week and a status call will have to be later in the day sometime next week. Have a nice weekend.

Sent from my iPhone

On Oct 19, 2012, at 6:32 AM, "Pam Simon" <pambsimon@me.com> wrote:

> Hi Robert - I have the ss4 on the 1995 irrevocable trust so we should be able to take care of getting the payment. If you already have the death claim package from the carrier can you overnight it to me and we will take care of the payout? If you don't have the package, can you send me an original death certificate and I will request it from the carrier?

> Also, we would like to do a family status call Tuesday at 11 am
> chicago time. Pls let us know if that works for you? Have a nice
> weekend - Pam Simon

>
> Thanks
> Pam

> On Oct 15, 2012, at 10:12 AM, Robert Spallina <rspallina@tescherspallina.com> wrote:

>> Call me now
>>

>> -----Original Message-----

>> From: Pam Simon [mailto:pambsimon@me.com]



TS004965

>> Sent: Monday, October 15, 2012 11:11 AM
>> To: Robert Spallina
>> Subject: Re: Call 10/ 16/12 Tuesday 3:30 pm Chicago time
>>
>> I have some on the trust - should only be a few minutes
>>
>> On Oct 15, 2012, at 8:36 AM, Robert Spallina
>> <rspallina@tescherspallina.com> wrote:
>>
>>> There are no updates at this time
>>>
>>> Sent from my iPhone
>>>
>>> On Oct 15, 2012, at 8:40 AM, "Pam Simon" <pambsimon@me.com> wrote:
>>>
>>>> Hi all - do you have time for status?



TS004966

Robert Spallina

From: Robert Spallina
Sent: Tuesday, November 13, 2012 10:16 AM
To: 'Pam Simon'
Cc: Bernstein Ted; Kimberly Moran
Subject: RE: Update

No need for a status call. We will follow-up on the claims later this week and report back

-----Original Message-----

From: Pam Simon [mailto:pambsimon@icloud.com]
Sent: Monday, November 12, 2012 9:05 PM
To: Robert Spallina
Cc: Bernstein Ted
Subject: Re: Update

hi robert - should we do a quick status call ? how is the insurance claim going? do you want our claims personnel to follow up? thanks pam

On Oct 19, 2012, at 5:32 AM, Pam Simon <pambsimon@me.com> wrote:

> Hi Robert - I have the ss4 on the 1995 irrevocable trust so we should be able to take care of getting the payment. If you already have the death claim package from the carrier can you overnight it to me and we will take care of the payout? If you don't have the package, can you send me an original death certificate and I will request it from the carrier?
> Also, we would like to do a family status call Tuesday at 11 am
> chicago time. Pls let us know if that works for you? Have a nice
> weekend - Pam Simon

>
> Thanks
> Pam

> On Oct 15, 2012, at 10:12 AM, Robert Spallina <rspallina@tescherspallina.com> wrote:

>> Call me now

>> -----Original Message-----

>> **From:** Pam Simon [mailto:pambsimon@me.com]
>> **Sent:** Monday, October 15, 2012 11:11 AM
>> **To:** Robert Spallina
>> **Subject:** Re: Call 10/ 16/12 Tuesday 3:30 pm Chicago time

>> I have some on the trust - should only be a few minutes

>> On Oct 15, 2012, at 8:36 AM, Robert Spallina
>> <rspallina@tescherspallina.com> wrote:

>>> There are no updates at this time

>>> Sent from my iPhone

>>> On Oct 15, 2012, at 8:40 AM, "Pam Simon" <pambsimon@me.com> wrote:

>>>> Hi all - do you have time for status?



Robert Spallina

From: Pam Simon [pambsimon@me.com]
Sent: Tuesday, October 30, 2012 1:15 PM
To: Robert Spallina
Cc: Bernstein Ted
Subject: Re: Simon Bernstein SS-4

No but we process death claims as part of our business. Thx

On Oct 30, 2012, at 6:50 AM, Robert Spallina <rspallina@tescherspallina.com> wrote:

Are you speaking to the carrier?

Sent from my iPhone

On Oct 29, 2012, at 9:00 PM, "Pam Simon" <pambsimon@me.com> wrote:

They said a few more weeks as of today - however the carrier doesn't care Thx

On Oct 29, 2012, at 3:33 PM, Robert Spallina <rspallina@tescherspallina.com> wrote:

The death certificates we have say pending investigation as to cause of death. Has this been cleared up?

From: Pam Simon [<mailto:pambsimon@me.com>]
Sent: Monday, October 29, 2012 9:57 AM
To: Robert Spallina; Bernstein Ted
Subject: Re: Simon Bernstein SS-4

Was the insurance claim filed yet? Do you need an original death certificate?

On Oct 28, 2012, at 6:40 AM, Pam Simon <psimon@stpcorp.com> wrote:

Begin forwarded message:

From: "Pam Simon"
<psimon@stpcorp.com>
Date: October 24, 2012, 2:58:46 PM
CDT
To: "Robert L. Spallina"
<rspallina@tescherspallina.com>
Cc: "Ted Bernstein"
<TBernstein@lifeinsuranceconcepts>



com>

Subject: Simon Bernstein SS-4

Dear Mr. Spallina,

Here is the SS-4 on the Simon Bernstein Irrevocable Insurance Trust dated 1995. The # is 65-6178916. I understand you have spoken with the Carrier and the proceeds are being paid out to the beneficiary as the Simon Bernstein Irrevocable Insurance Trust which I believe Ted Bernstein is getting the wire transfer instructions for the Carrier to send the proceeds to, as Trustee.

Thanks so much,

Pamela B. Simon

Pam Simon

STP Enterprises, Inc.

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Chicago, IL 60601

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Fax: (312) 819-0773

E-mail: psimon@stpcorp.com

www.stpcorp.com

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TS004525

be transmitted via the Internet, as there can be no assurance of actual or timely delivery, receipt and/or confidentiality.

<DOC.PDF>



Robert Spallina

From: Pam Simon [pambsimon@me.com]
Sent: Monday, October 29, 2012 9:00 PM
To: Robert Spallina
Cc: Bernstein Ted
Subject: Re: Simon Bernstein SS-4

They said a few more weeks as of today - however the carrier doesn't care Thx

On Oct 29, 2012, at 3:33 PM, Robert Spallina <rspallina@tescherspallina.com> wrote:

The death certificates we have say pending investigation as to cause of death. Has this been cleared up?

From: Pam Simon [<mailto:pambsimon@me.com>]
Sent: Monday, October 29, 2012 9:57 AM
To: Robert Spallina; Bernstein Ted
Subject: Re: Simon Bernstein SS-4

Was the insurance claim filed yet? Do you need an original death certificate?

On Oct 28, 2012, at 6:40 AM, Pam Simon <psimon@stpcorp.com> wrote:

Begin forwarded message:

From: "Pam Simon" <psimon@stpcorp.com>
Date: October 24, 2012, 2:58:46 PM CDT
To: "Robert L. Spallina" <rspallina@tescherspallina.com>
Cc: "Ted Bernstein" <TBernstein@lifeinsuranceconcepts.com>
Subject: Simon Bernstein SS-4

Dear Mr. Spallina,

Here is the SS-4 on the Simon Bernstein Irrevocable Insurance Trust dated 1995. The # is 65-6178916. I understand you have spoken with the Carrier and the proceeds are being paid out to the beneficiary as the Simon Bernstein Irrevocable Insurance Trust which I believe Ted Bernstein is getting the wire transfer instructions for the Carrier to send the proceeds to, as Trustee.

Thanks so much,

Pamela B. Simon

Pam Simon
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The nation's only client-driven life insurance payment plan"



303 East Wacker Drive, Suite 210
Chicago, IL 60601
Direct: (312) 819-7474, ext. 414
Fax: (312) 819-0773
E-mail: psimon@stpcorp.com
www.stpcorp.com

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<DOC.PDF>



Robert Spallina

From: Ted Bernstein [tbernstein@lifeinsuranceconcepts.com]
Sent: Monday, March 04, 2013 10:14 AM
To: Robert Spallina
Subject: Re: Proceeds

How is after 4 today for quick call with sibs?

Ted Bernstein
561-988-8984

Sent from my Samsung Galaxy Note™

----- Original message -----
Subject: Re: Proceeds
From: Robert Spallina <rspallina@tescherspallina.com>
To: Ted Bernstein <tbernstein@lifeinsuranceconcepts.com>
CC: Re: Proceeds

I will reach out to you tomorrow.

Sent from my iPhone

On Mar 3, 2013, at 10:38 AM, "Ted Bernstein" <tbernstein@lifeinsuranceconcepts.com> wrote:

Robert,

I don't think any of us are thinking that you have taken too long. We realize what is causing delay.

Regarding where proceeds are paid, we cannot put them in jeopardy. It appears unwise to us to pay them to any receptacle connected to your firm. It is tempting fate. It impossible to predict all the things Eliot could allege so it seems prudent to separate them completely. We don't see any downside to directing them to an account unrelated to your firm.

It's probably a good idea to arrange a call with you and the 4 of us, Monday or Tuesday?

Ted
561-988-8984
tbernstein@lifeinsuranceconcepts.com

On Mar 1, 2013, at 5:49 PM, "Robert Spallina" <rspallina@tescherspallina.com> wrote:

We will be filing the declaratory action shortly. It needs approval from the carrier as does the judges order. There is no commingling issue and the delay rests with the missing trust and Eliot. We are almost there and Eliot is supposedly hiring



TS004449

counsel for himself. As fast as everyone wants to move we will be on the courts schedule. We are almost there.

Sent from my iPhone

On Mar 1, 2013, at 1:56 PM, "Ted Bernstein"
<tbernstein@lifeinsuranceconcepts.com> wrote:

Robert?

From: Pam Simon [<mailto:pambsimon@icloud.com>]
Sent: Friday, March 01, 2013 11:18 AM
To: Ted Bernstein
Cc: Spallina Robert
Subject: Re: Proceeds

Theo- if Robert already has the 'form' approved by the carrier to file with the courts then why don't we just direct the proceeds to a lawyer outside of Roberts firm to avoid co-mingling. If Robert has not gotten this form, should we hire another attorney either in fla or illinois to get this done immediately. It has been nearly 6 months and there is too much at stake. What are your thoughts?

On Mar 1, 2013, at 8:23 AM, Ted Bernstein
<tbernstein@lifeinsuranceconcepts.com> wrote:

פנינה

I think this a point very well taken. We should not do anything that would have a remote chance of placing the life insurance proceeds in jeopardy. I have not received any kind of invoice from Robert's firm relating to the insurance policy or their work as estate reps. I am not sure what the billing procedure is and I agree that we should ask Robert to explain how they work so there are no misunderstandings.

I do think we should move as soon as possible at this point. There is no reason to delay this process and we should be pressing to get into court and get the document needed to pay those proceeds.



Ted

From: Pam Simon
[mailto:pamsimon@icloud.com]
Sent: Wednesday, February 27, 2013 7:04 AM
To: Ted Bernstein
Cc: Simon David Scooter
Subject: Proceeds

Theo- I've been thinking that maybe we should use another firm on Dad's life insurance proceeds as it seems Robert may have a difficult time with Eliot and other lawsuits in the mix getting this done.

Maybe if we remove it entirely from the firm and separate it, it will be less likely to get caught up in what we see is happening. I think it was said that the insurance company is waiting for a court order and Robert is working on a draft to get pre-approved from the carrier first. Then Robert would file it in palm beach and then have the proceeds paid to his trust account. Again having the funds at that firm where they are executors of some of the estates makes me nervous as the money will be at the same firm as "creditors " and trouble makers having nothing to do with the proceeds.

Spallina is supposed to be protecting estate and its creditors and instead he is acting as Ted counsel to hide trusts and move assets, how many felonies state and federal and mail and wire, etc???

Also, please get a bill from Robert up to this point - he had said he wasn't charging for the insurance stuff earlier but we should know where we stand at this point. Unless you having been paying his bills all along in your course of managing this nightmare, I think we need to know.

Talk to you soon,

משלך

Pam פוינה

Yes, his bill for committing fraud is important and was like 23,000. Do not forget Spallina falsified a claim for on 11.11.12 to the carrier stating he was trustee of the lost trust and trustee of the Primary Bene LaSalle National Trust. Fraud Fraud Fraud!!!!

TS004451

Robert Spallina

From: Ted Bernstein [tbernstein@lifeinsuranceconcepts.com]
Sent: Wednesday, March 06, 2013 4:28 PM
To: Robert Spallina
Subject: call

Robert,

I am on call with Lisa, Jill, Pam and Scooter. It has been for the better part of 2 hours. They want me to send an email summarizing the concerns about the proceeds, the process, Eliot, etc. They are preparing it now and they will either send it to you or send it to me to. Scooter feels it should come from me since I will be the person you are representing. I am going to be in 2 meetings starting at 4. I won't be done until 7 or so. I think they are clarifying our understanding of our call today, your emails and procedure going forward.

Ted



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Fax: 561.988.0833

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www.LifeInsuranceConcepts.com

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Spallina representing Ted when he is PR for estate, why, let me count the conflicts, they are working together these emails look like a cover story and cut and paste job of desperate people caught with their hands in cookie jar of felony crimes.

A handwritten signature in blue ink, appearing to be "TS", is written over a circular blue ink stamp. Below the stamp, the alphanumeric string "TS004452" is printed.

TS004452

Robert Spallina

From: Robert Spallina
Sent: Monday, February 04, 2013 11:48 AM
To: 'Lisa Friedstein'
Subject: RE: still not clear

I will get it distributed to my trust account and his share will sit there until he makes a decision and signs the waiver and release. He should be ashamed of how he has conducted himself. Christine Yates should be reprimanded for her poor counsel. They have turned this into a circus. An agreement must be among all the parties that are heirs/beneficiaries. The money would escheat to the State only if a claim is not filed which is not the case.

-----Original Message-----

From: Lisa Friedstein [mailto:lisa.friedstein@gmail.com]
Sent: Monday, February 04, 2013 11:45 AM
To: Robert Spallina
Subject: still not clear

Yes we are ashamed that Robert has admitted he altered estate docs to change bene's to benefit Ted and Pam and himself and his firm forged my deceased father's name. Hindsight I bet he wishes not said this.

Robert,
Why do we need all five of us to sign...and if eliot decides not to sign where does the money go? i thought i heard you say "to the state"
Is that true?

Lisa Friedstein



TS004493

Robert Spallina

From: Pam Simon [pambsimon@icloud.com]
Sent: Monday, February 04, 2013 11:42 AM
To: Robert Spallina
Subject: Re: policy and accounting on the premium/withdrawals from heritage life for elio

he is very ill and perhaps counsel can reason with him but i dont suspect that so we really should consider what will happen when we cant get an answer from him so that the 4 of us can proceed without him. hopefully, i am wrong. thanks

On Feb 4, 2013, at 9:38 AM, Robert Spallina <rspallina@tescherspallina.com> wrote:

> I will request it. Does anyone have any ability to talk to him. If I
> were his sibling I would have blasted him by now and guilted him into
> moving forward with the plan.
>
> -----Original Message-----
> From: Pam Simon [mailto:pambsimon@icloud.com]
> Sent: Monday, February 04, 2013 11:38 AM
> To: Robert Spallina
> Subject: policy and accounting on the premium/withdrawals from
> heritage life for elio
>
> are you requesting or should we? thanks

Eliot ill and they are
mentally and criminally
insane!!!!



Robert Spallina

From: Robert Spallina
Sent: Monday, February 04, 2013 11:34 AM
To: 'Christine Yates'
Subject: Your client

Christine - Your client needs to get control over his paranoia. Everything he does costs the estate more money and accomplishes nothing. My partner and I had a candid conversation with you about your client and his idiosyncrasies at the time you were engaged. He has turned this entire matter into a circus. Providing counsel to him means walking him off the ledge at certain times. This is one of those times. Please counsel him to go along with the planning that his father intended. Both Si and Shirley Bernstein are rolling around in their graves at this point.

Thank you

Robert L. Spallina, Esq.
TESCHER & SPALLINA, P.A.
4855 Technology Way, Suite 720
Boca Raton, Florida 33431
Telephone: 561-997-7008
Facsimile: 561-997-7308
E-mail: rspallina@tescherspallina.com

Counsel him to go along with fraud!!!!

If you would like to learn more about TESCHER & SPALLINA, P.A., please visit our website at www.iescherspallina.com

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Robert Spallina

From: Pam Simon [pambsimon@icloud.com]
Sent: Monday, February 04, 2013 11:42 AM
To: Robert Spallina
Subject: Re: policy and accounting on the premium/withdrawals from heritage life for elio

he is very ill and perhaps counsel can reason with him but i dont suspect that so we really should consider what will happen when we cant get an answer from him so that the 4 of us can proceed without him. hopefully, i am wrong. thanks

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> I will request it. Does anyone have any ability to talk to him. If I
> were his sibling I would have blasted him by now and guilted him into
> moving forward with the plan.
>
> -----Original Message-----
> From: Pam Simon [mailto:pambsimon@icloud.com]
> Sent: Monday, February 04, 2013 11:38 AM
> To: Robert Spallina
> Subject: policy and accounting on the premium/withdrawals from
> heritage life for elio
>
> are you requesting or should we? thanks

Pam who is cut out
the estates and
trusts by my
parents writes this,
how apropos, no
wonder they cut
her and Ted out of
their lives entirely.



Robert Spallina

From: Robert Spallina
Sent: Thursday, November 15, 2012 8:13 AM
To: lisa friedstein
Subject: Re: trust document and disbursements

I don't share your concern as everyone will be signing a release as is typical when a distribution is made.

Sent from my iPhone

On Nov 15, 2012, at 8:10 AM, "lisa friedstein" <lisa@friedsteins.com> wrote:

Robert... jeff and I never heard from you about this...could you please respond...thanks...lisa and jeff

----- Forwarded message -----

From: "lisa friedstein" <lisa@friedsteins.com>
Date: Oct 23, 2012 8:36 PM
Subject: Re: trust document and disbursements
To: <rspallina@tescherspallina.com>

Robert,

We do not know what the 1995 trust says but are concerned about repercussions to us and the trustee if the insurance policy is distributed equally among the children and eventually the trust is found and it states the policy should be split among 4 of the 5 children or something similar. What are your thoughts

Thank you
Lisa

Suppressed and Denied Trust. Hidden from carriers, beneficiaries, Federal Court and State Court. Document turns up in production Tescher and Spallina forced by Court to turn over to new Curator.

SIMON BERNSTEIN
2000 INSURANCE TRUST

DATED: August 15, 2000

PROSKAUER ROSE LLP

Attorneys at Law
2255 Glades Road, Suite 340 West
Boca Raton, FL 33431-7360



TS003892

TRUST AGREEMENT dated this 15 day of August, 2000, between SIMON BERNSTEIN, as Settlor, and SHIRLEY BERNSTEIN and ALBERT W. GORTZ, as Trustees.

1. As and for a gift, the Settlor hereby assigns and transfers to the Trustees and their successors (together, the "Trustees") the life insurance policies set forth in Schedule A annexed hereto, and the Settlor agrees to execute all such assignments and changes of beneficiary and to do such other acts and things as may be necessary in order to make the Trustees irrevocable absolute assignees of said life insurance policies. The Trustees shall hold said policies, together with any other property which may be received by them, in trust upon the terms and conditions set forth herein. This trust shall be known as the "SIMON BERNSTEIN 2000 INSURANCE TRUST."

2. (a) During the Settlor's lifetime, the Trustees shall hold the trust property, shall invest and reinvest the same, and shall pay so much of the income therefrom to any one or more of the Settlor's wife, SHIRLEY BERNSTEIN, and the Settlor's descendants, living from time to time, in equal or unequal amounts, and to any one or more of them to the exclusion of the others, as the Trustees, in their absolute discretion, shall determine, accumulating any balance of the income and adding the same to principal.

(b) During the Settlor's lifetime, the Trustees are further authorized and empowered, from time to time, to pay to any one or more of the Settlor's wife, SHIRLEY BERNSTEIN, and the

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2255 GLADES ROAD
BOCA RATON, FLORIDA 33431

TS003893

agree to carry out the provisions hereof and faithfully to perform and discharge all of their duties as Trustees.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of the following persons, each of whom also signed as a witness in the presence of the Settlor

George D. Karibjanian
GEORGE D. KARIBJANIAN

[Signature] (L.S.)
SIMON BERNSTEIN, Settlor

Print Name 193 S.W. 20TH STREET

Address BOCA RATON, FLORIDA 33486

[Signature]
Robert Jacobowitz
Print Name
2415 NW 32nd St.
Address
Boca Raton, FL



Signed, sealed and delivered
in the presence of the following
persons, each of whom also signed
as a witness in the presence of
the Trustee

George D. Karibjanian
GEORGE D. KARIJANIAN

[Signature] (L.S.)
SHIRLEY BERNSTEIN, Trustee

Print Name _____
1133 S.W. 20TH STREET
Address _____
BOCA RATON, FLORIDA 33486

[Signature]
Robert Jacobowitz
Print Name _____
2415 NW 32nd St
Address _____
Boca Raton, FL

Signed, sealed and delivered
in the presence of the following
persons, each of whom also signed
as a witness in the presence of
the Trustee

George D. Karibjanian
GEORGE D. KARIJANIAN

Albert W. Gortz (L.S.)
ALBERT W. GORTZ, Trustee

Print Name _____
1133 S.W. 20TH STREET
Address _____
BOCA RATON, FLORIDA 33486

[Signature]
Robert Jacobowitz
Print Name _____
2415 NW 32nd St
Address _____
Boca Raton, FL

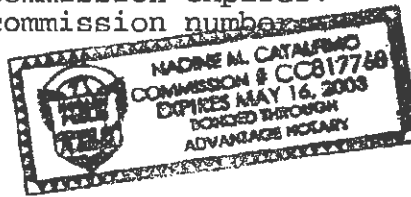


STATE OF FLORIDA)
)
) SS.:
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 15th day of August, 2000 by SIMON BERNSTEIN, who is personally known to me or ~~has produced~~ _____ as identification.

Nadine M. Catalano

Notary Public (Affix Seal)
My commission expires:
My commission number:

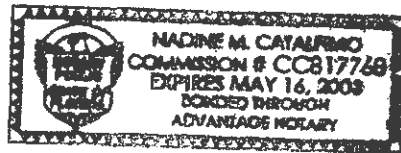


STATE OF FLORIDA)
)
) SS.:
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 15th day of August, 2000 by SHIRLEY BERNSTEIN, who is personally known to me or ~~has produced~~ _____ as identification.

Nadine M. Catalano

Notary Public (Affix Seal)
My commission expires:
My commission number:

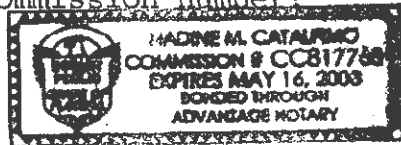


STATE OF FLORIDA)
)
) SS.:
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 15th day of August, 2000 by ALBERT W. GORTZ, who is personally known to me or ~~has produced~~ _____ as identification.

Nadine M. Catalano

Notary Public (Affix Seal)
My commission expires:
My commission number:



[Handwritten Signature]
TS003914

SCHEDULE A
TRUST AGREEMENT dated the 4th day
of August, 2000, between
SIMON BERNSTEIN, as Settlor,
and SHIRLEY BERNSTEIN AND
ALBERT W. GORTZ, as Trustees

The following life insurance policies:

Lincoln Benefit Life Company, Policy No.: U0204204

Capitol Bankers Life Insurance Company,
Policy No.: 1009208



Certificate of Service

The undersigned certifies that a copy of the foregoing Rule 26 Additional Disclosure was served by ECF and by E-mail on June 09, 2014 to the following parties:

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Jackson National Insurance Company
Heritage Union Insurance Company
(and including all successor insurers to Capitol Bankers Life Insurance Company
as the issuing insurer of the Policy)
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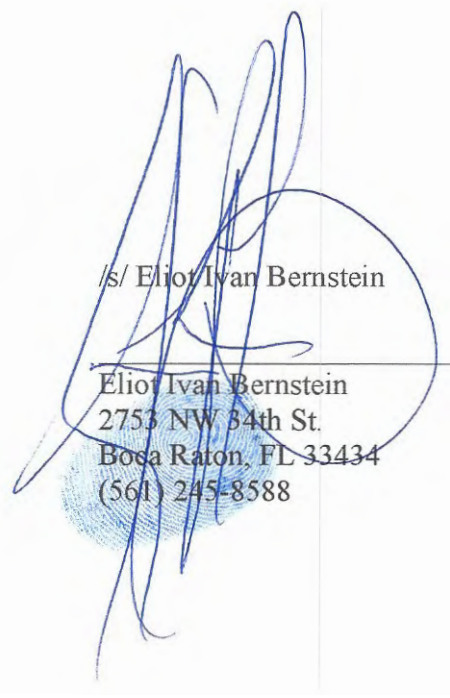
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/s/ Eliot Ivan Bernstein

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Certificate of Service