

**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**

**JOINT REASSIGNMENT  
STATUS REPORT**

**Filers:**

Brian O’Connell, as Personal  
Representative of the Estate of  
Simon L. Bernstein, Intervenor;

Simon Bernstein Irrevocable Insurance Trust  
Dtd. 6/21/95, Plaintiff;

Eliot Ivan Bernstein, Third-Party Defendant  
and Counter-Plaintiff.

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. )

## **REASSIGNMENT STATUS REPORT**

1. That the following Non-Joint Minority Status Report is filed by Third Party Defendant / Cross Plaintiff, Eliot Bernstein (“Eliot” or “Cross Plaintiff”), as he was unable to speak with all parties to have his suggestions heard due to a refusal by Plaintiff’s Attorney, Adam Simon, Esq. (“A. Simon”) to speak with him regarding adding significant changes to the “facts” regarding the status of the case.
2. In efforts to have his changes made, the estate of Simon Bernstein’s counsel, Mr. Kevin Horan, Esq. (“Horan”) tried to have Eliot’s comments added but A. Simon appears to have refused virtually all of the clarifying comments and refused to speak with Eliot as indicated in the attached emails.
3. In order to have Eliot’s concerns with the Status Report heard, Eliot spoke with Horan and he suggested filing a separate report since it appeared futile to reach a joint agreement on the language with A. Simon’s refusal to speak to Eliot or make appropriate changes.
4. Therefore, the easiest way to make the Court aware of the problems that necessitated two Status Reports appears to be to exhibit to the Court the drafts that were circulated to Eliot and Eliot’s redlined version which he sent back to Horan and A. Simon, so that the Court can see what the disagreements were that led to separate Status Reports being filed and thus both sides can be heard.
5. Attached as Exhibit A, is the initial report sent to Eliot by Horan, after he and A. Simon worked together, without Eliot’s input to formulate such, sending their compilation to him for a first review on 1/30/15.
6. Attached as Exhibit B, is Eliot’s redlined version of the initial Status Report sent to him and whereby Eliot’s comments are extensive as he had no input in the creation of the first draft.

7. Attached as Exhibit C, is a letter from A. Simon to Horan showing his refusal to compromise or discuss the changes suggested by Eliot that forced Eliot to file this separate report. An attempt by Horan to modify the document was made but A. Simon then refused to talk with Eliot to discuss the minor changes Eliot wanted in the revision and thereby forced Eliot to file separately after making the concerns noted to Horan.
8. Attached as Exhibit D, is a letter from Horan to Eliot with a final copy of the Status Report that Horan and A. Simon submitted, the attachment is omitted it was filed ECF with the Court already. Eliot was to have a chance to review the final as well but do an office snafu in Horan's office as described in his email, Eliot was not sent a final to review before they filed with Your Honor.
9. Eliot did not review the email with their filing until 2:49am on 2/3/2015, which was after the deadline to submit a Status Report according to Your Honor's request and Eliot prays the Court understand his untimely filing.
10. Eliot requests the Court use Exhibit B as Eliot's final Status Report submitted to the Court.
11. After reviewing the final submitted to the Court by Simon and Horan, Eliot would like to add the following substantive facts he suggested to Horan that were omitted from their final Joint Status, as these are significant misstatements of fact that remain.
  - a. In reference to A. Simon's claim in the Status Report that Eliot's Motion to Remove him for conflicts of interest and more being denied by the Court, Eliot would like the Court to take Judicial Notice of the attached Exhibit E, which is a letter from the Creditor of Estate of Simon's attorney, Mr. Peter Feaman, Esq. ("Feaman") and the newly appointed Personal Representative / Executor of the Estate of Simon Bernstein, Mr. Brian O'Connell, Esq. ("O'Connell") describing Attorney at Law ethical and

possible criminal continued misconduct regarding the representations in this litigation. That due to this letter amongst Attorneys at Law describing continued attorney and fiduciary misconduct in matters regarding Simon L. Bernstein the decedent's Estate and Trusts, the misconduct further described in Exhibit B, a thorough review by this Court of the misconduct should be undertaken before allowing A. Simon to continue what may be knowingly conflicted and perhaps illegal representations of parties in this matter, despite Judge Amy St. Eve's order to allow him to continue without certain new and germane facts contained in the exhibited letter.

- b. The Joint Status produced by Horan and Simon continues to refer to an alleged "Policy" when no such legally executed insurance contract has been produced by any party in this matter.
- c. The Joint Status continues to attempt to define "beneficiaries" of the nonexistent "Policy," where the beneficiaries are not yet known as the "Policy" naming them is missing and not produced to this Court.
- d. The Joint Status refers to "beneficiaries" of the Estate of Simon Bernstein and the Court should note that there are upcoming hearings before Judge Martin Colin to determine if the dispositive documents in the Estate are legally valid and thus the beneficiaries different than what is alleged. The Governor of Florida, Rick Scott's Notary Public Division has already investigated the dispositive documents notarization and determined that they were not properly notarized according to Florida Notary Public rules and regulations.

- e. That the Joint Status report fails to address the Primary Beneficiary as a viable beneficiary and attempts to claim benefits can be paid to the Contingent Beneficiary instead, without the Primary Beneficiaries consent or knowledge, which could lead to further fraudulent conversion of the benefits.
- f. That Ted Bernstein is an alleged “Trustee” of a legally nonexistent trust that claims to be the Plaintiff in this case, which trust is further an alleged Contingent Beneficiary of an alleged “Policy” that legally does not exist at this time. Where Ted mysteriously replaced Robert Spallina as the new Trustee when this lawsuit was filed several weeks after the claim was denied that was filed by Ted’s former counsel Spallina with Heritage Union Life, where Spallina acted as Trustee of the non-existent trust at that time in efforts to collect the proceeds to his law firm trust account.
- g. That the denied claim by a legally nonexistent beneficiary is what led to this Breach of Contract Lawsuit (the contract breached however is still not produced to this Court by any party after Rule 26 disclosures and no legally executed trust has been produced) and this is the genesis of the issues leading up to the this “breach of contract: suit filed by Ted acting as Plaintiff and alleged Trustee of a legally nonexistent entity, now trying to have proceeds converted to himself directly.

Respectfully submitted,

/s/ *Eliot Ivan Bernstein*  
Third Party Defendant/Cross Plaintiff PRO SE

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on \_\_\_\_\_, 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.



**EXHIBIT A**

**INITIAL STATUS REPORT TENDERED TO ELIOT BY HORAN FOR COMMENT**

**EXHIBIT B**

**ELIOT'S REDLINED VERSION OF THE INITIAL STATUS REPORT**

**EXHIBIT C**

**EMAIL FROM A. SIMON TO HORAN**

**EXHIBIT D**

**HORAN EMAIL TO ELIOT WITH A FINAL COPY OF THE STATUS REPORT**

**EXHIBIT E**

**EMAIL BETWEEN ATTORNEY AT LAW PETER FEAMAN, ESQ. AND THE  
PERSONAL REPRESENTATIVE/EXECUTOR OF THE ESTATE OF SIMON  
BERNSTEIN, BRIAN O'CONNELL, ESQ.**