

**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**

**Motion for Extension of Time to File**  
**Reply to Summary Judgement**

**Filers:**

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. )

**AMENDED MOTION FOR ADDITIONAL EXTENSION OF TIME TO RESPOND TO SUMMARY JUDGEMENT, EXHIBIT 1 ATTACHED**

1. That Eliot Ivan Bernstein (“Eliot”), a Third Party Defendant requests additional time to file a reply to the Motion for Summary Judgement filed by Plaintiff.
2. That Eliot forgot to attach Exhibit 1 and hereby amends the prior Motion for Additional Time filed April 17, 2015 to include this Exhibit.
3. That Eliot has recently been inundated with a barrage of hearings and necessary responses due in the Florida Probate and Trust matters before Judge Martin Colin in the Palm Beach Probate Court.
4. That Judge Martin Colin’s office on his own initiative demanded a change in a 2.5 hour continuation of an accounting hearing from May 19, 2015 to April 20, 2015 (Case # 502014CP002815XXXXSB – Oppenheimer v. Bernstein Minor Children) and there were no if and or buts allowed to challenge the hearing date change ordered by the Judge. The accounting proceeding was inundated with new evidence filed during the extension period that must be reviewed if possible before the Monday hearings. The details to that are as follows:

From: Candice Bernstein [mailto:tourcandy@gmail.com]  
Sent: Wednesday, April 15, 2015 7:52 PM  
To: 'Eliot Ivan Bernstein'  
Subject: Judge Colin's asst call to reschedule hearing on May 19 to April 20

Honey,

Sherrie the Judicial Assistant for Judge Martin Colin called several times today. She left a message on our voice mail and also spoke with Josh who took a message that the judge has rescheduled a hearing scheduled for May 19 to April 20 and to call her. When I called her back she informed me the judge notified her to call all the parties and re-schedule the hearing set for May 19 at 1:30 to April 20 at 1:30. I informed her we have several impending other court obligations including the urgent time frame regarding the Illinois litigation including two depositions that need to be completed by April 27 and an answer to an 800 page summary judgement. I also informed her of

the fact that Oppenheimer recently did a document dump of hundreds of additional documents necessary to review before the accounting hearing. I was under the impression the hearing set for May 19 would give us the right amount of time to review and prepare given the new information we have received. I informed her to move the hearing up a whole month ahead of the scheduled date was impossible. Sherrie said under no circumstance could she relay any message to the judge regarding our concerns and stated the hearing was mandatory and will go on whether we can attend or not. I also informed her of the timeline we are currently under preparing for the two and half hour hearing already scheduled for April 23 in actions to remove Ted as Trustee. Again she stated there was nothing to do other than bring it up with the judge on Monday at the hearing. In addition the only date to bring our concerns to the judge's attention is at a UMC hearing and the only day prior to Monday's hearing is tomorrow and we would have to coordinate a last minute agreed hearing with Oppenheimer and get them to agree to attend the hearing to see if we can coordinate a better date. Given the call with Sherrie was at 3:30pm and our prior commitment at 4:30 there was no way enough time to coordinate and schedule a hearing for tomorrow at 8:45am UMC hearing with the other parties. I asked her if the judge gave a reason for this change she said no just that he told her to reschedule this hearing immediately and that it was mandatory. Also we will have to cancel our commitment on Monday, April 20 at 4:30pm for Danny.

Please advise, xocandy

5. That Judge Martin Colin finally decided on two Motions to Dismiss a Motion to Remove Ted Bernstein as Trustee on April 15, 2015 that I received today, April 17, 2015 (Case # 502015CP001162XXXXSB – Eliot Bernstein v. Trustee Simon Trust Case OLD CASE # 502014CA014637XXXXMB) and I only have 15 days from date of the Order to figure out what it means and file a response as a Pro Se litigant. **SEE EXHIBIT 1** - ORDERS
6. There is a two part several hour hearing for April 23, 2015 (Case # 502014CP003698XXXXSB – Shirley Trust Construction ) to remove Ted as Trustee in my mother's Trust that I have had to prepare for at this same time and recently filed Motion for Contempt that has been filed against me that have I have to respond to as well on this date in this case.

7. Now additional hearings have to be scheduled prior to a supposed closing on a primary residence home sale and this is still unscheduled so I am unsure what will transpire and how much of my time will be necessary to allot to this most serious matter (Case # 502011CP000653XXXXSB – Shirley Bernstein Estate). SEE EXHIBIT 2 – URL Motion re Home Sale @ <http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20150415%20Final%20Signed%20Printed%20Motion%20to%20Stop%20Sale%20Of%207020%20Lions%20Head%20Lane%20ECF%20FILED%20COPY.pdf>
8. I have two objections to accountings and inventories that were recently submitted to the Court in the Shirley Estate Inventory and Simon Bernstein Trust Accounting and these have to be responded to timely as well during this next month.
9. That it appears that of the 5 probate cases and 1 federal case I am in presently in they all have motions and petitions and hearings that are in need of response and very serious to preserve my family's rights due in these next few days and have dates that cannot be missed, which have been suddenly thrust upon me and in unison. Therefore, do to these reasons I need more time to properly prepare and file pleadings to preserve my rights. I am not a law firm.
10. You will note that this case has been delayed by the alleged Trustee of the Trust that does not exist legally acting as Plaintiff in this matter who has been trying to find an executed Trust document that gives them legal standing to even file suit and after all this time still has not been produced to this Court, this accounts for months of delays.
11. You will note that this case is a Breach of Contract lawsuit regarding the breach of an insurance policy contract that still has not been produced to this Court and was additional cause for months of delay and still today no contract exists that was breached and no

executed trust has been produced giving Plaintiff legal standing to file and this is what has caused delay upon delay in this case.

12. That due to these urgent and unchangeable deadlines now imposed by the Courts during this short time, in which I anticipated mainly getting the response to the Summary Judgement done, I am asking for another three to four weeks extension to file a reply to the Summary Judgement.

Wherefore Eliot respectfully request this Court enter and order granting three to four more weeks extension to prepare a response to the Motion for Summary Judgement.

Respectfully submitted,

DATED: Saturday, April 18, 2015

/s/ **Eliot Ivan Bernstein**

Third Party Defendant/Cross Plaintiff PRO SE

Eliot Ivan Bernstein  
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Boca Raton, FL 33434  
Telephone (561) 245-8588  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)  
[www.iviewit.tv](http://www.iviewit.tv)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on Friday, April 18, 2015, 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 1



IN THE CIRCUIT COURT OF THE  
FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY,  
FLORIDA

FILE NO.: 502014CA014637XXXXMB

ELIOT BERNSTEIN, individually;  
ELIOT BERNSTEIN as a beneficiary of the  
2008 SIMON L. BERNSTEIN TRUST  
AGREEMENT, as amended and restated in the  
SIMON L. BERNSTEIN AMENDED AND  
RESTATED TRUST AGREEMENT dated  
July 25, 2012 and as Legal Guardian of  
JOSHUA BERNSTEIN, JACOB BERNSTEIN,  
and DANIEL BERNSTEIN,

Plaintiffs,

v.

THEODORE STUART BERNSTEIN, individually;  
THEODORE STUART BERNSTEIN, as Successor  
Trustee of the 2008 SIMON L. BERNSTEIN  
TRUST AGREEMENT, as amended and restated in the  
SIMON L. BERNSTEIN AMENDED AND RESTATED  
TRUST AGREEMENT dated July 25, 2012;  
ALEXANDRA BERNSTEIN;  
ERIC BERNSTEIN;  
MICHAEL BERNSTEIN;  
MOLLY SIMON;  
JULIA IANTONI;  
MAX FRIEDSTEIN;  
CARLY FRIEDSTEIN;  
JOHN AND JANE DOE 1-5000,

Defendants.

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**ORDER ON MOTION TO DISMISS COMPLAINT TO REMOVE  
THEODORE BERNSTEIN AS SUCCESSOR TRUSTEE, AND  
TO STRIKE ALLEGATIONS CONTAINED IN COMPLAINT**

THIS MATTER came before the Court on the Motion to Dismiss Complaint to Remove  
Theodore Bernstein as Successor Trustee, and to Strike Allegations Contained in Complaint filed

Bernstein v. Bernstein, et al.  
File No.: 502014CA014637XXXXMB  
Order on Motion to Dismiss Complaint to Remove  
Theodore Bernstein as Successor Trustee, and  
to Strike Allegations Contained in Complaint  
Page 2

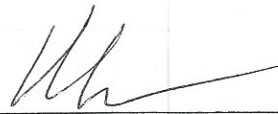
by Defendants, MOLLY SIMON, ALEXANDRA BERNSTEIN, ERIC BERNSTEIN and  
MICHAEL BERNSTEIN, and the Court having heard argument of counsel and being otherwise  
duly advised in the premises, it is

ORDERED and ADJUDGED that the aforementioned Defendants' Motion to Dismiss  
Complaint to Remove Theodore Bernstein as Successor Trustee, and to Strike Allegations

Contained in Complaint is GRANTED AS TO PARAGRAPH 1 OF MOTION TO DISMISS  
2+3  
- DENIED AS TO PARAGRAPHS 2 OF MOTION TO DISMISS  
INASMUCH AS THE REMEDY FOR RELIEF SHALL  
APPLY TO ALL COURTS AND THE JURISDICTIONAL  
RESOLUTIONS APPLY TO ALL COURTS, AS WELL.  
- GRANTED AS TO PARAGRAPH 4 OF MOTION TO DISMISS  
- DENIED AS TO PARAGRAPHS 5, 6, 7 + 8 OF MOTION TO DISMISS  
- GRANTED AS TO PARAGRAPH 9 OF MOTION TO STRIKE  
- DENIED AS TO PARAGRAPH 10 OF MOTION TO STRIKE.  
- GRANTED AS TO PARAGRAPHS 11 + 12 OF MOTION TO  
STRIKE.

AS A RESULT, PLAINTIFF SHALL 15 DAYS FROM DATE OF THIS ORDER  
TO REPLEAD, TAKING THIS ORDER INTO CONSIDERATION  
DONE AND ORDERED at Delray Beach, Palm Beach County, Florida, this 15

day of April, 2015.

  
The Honorable Martin H. Colin  
Circuit Court Judge

Copies to: JOHN P. MORRISSEY, Esquire, 330 Clematis Street, Suite 213, West Palm Beach, Florida 33401  
(John@jmorrisseylaw.com)  
ALAN ROSE, Esquire, 505 South Flagler Drive, Suite 600, West Palm Beach, Florida 33401  
(arose@pm-law.com)  
ELIOT BERNSTEIN, 2753 NW 34<sup>th</sup> Street, Boca Raton, Florida 33436  
(iviewit@iviewit.tv)  
BRIAN M. O'CONNELL, Esquire, 515 North Flagler Drive, 20<sup>th</sup> Floor, West Palm Beach, Florida 33401  
(boconnell@ciklinlubitz.com)

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

ELIOT BERNSTEIN, individually;  
ELIOT BERNSTEIN as a beneficiary of the  
2008 SIMON L. BERNSTEIN TRUST  
AGREEMENT, as amended and restated in the  
SIMON L. BERNSTEIN AMENDED AND  
RESTATED TRUST AGREEMENT dated  
July 25, 2012 and as Legal Guardian of  
JOSHUA BERNSTEIN, JACOB BERNSTEIN,  
and DANIEL BERNSTEIN,

Case No.: 502015CP001162XXXXSBIY

Plaintiffs,

v.

THEODORE STUART BERNSTEIN, individually;  
THEODORE STUART BERNSTEIN, as Successor  
Trustee of the 2008 SIMON L. BERNSTEIN  
TRUST AGREEMENT, as amended and restated in the  
SIMON L. BERNSTEIN AMENDED AND RESTATED  
TRUST AGREEMENT dated July 25, 2012;  
ALEXANDRA BERNSTEIN;  
ERIC BERNSTEIN;  
MICHAEL BERNSTEIN;  
MOLLY SIMON;  
JULIA IANTONI;  
MAX FRIEDSTEIN;  
CARLY FRIEDSTEIN;  
JOHN AND JANE DOE 1-5000,

Defendants.

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**ORDER ON TRUSTEE'S MOTION TO DISMISS ELIOT BERNSTEIN'S  
COMPLAINT TO REMOVE TED S. BERNSTEIN AS  
SUCCESSOR TRUSTEE OF THE SHIRLEY BERNSTEIN TRUST**

THIS CAUSE came before the Court for hearing on April 2, 2015, Trustee's *Motion to Dismiss Eliot Bernstein's Complaint to Remove Ted S. Bernstein, as Successor Trustee of the Simon L. Bernstein Amended and Restated Trust* ("the Motion"). The Court, having reviewed the Motion

Order on Trustee's Motion to Dismiss Eliot Bernstein's Complaint to  
Remove Ted S. Bernstein, as Successor Trustee of the Simon L. Bernstein  
Amended and Restated Trust  
Case No. 502015CP001162XXXXSBIY

and the record, having heard argument of counsel and/or the parties, and being otherwise fully  
advised in the premises, hereby ORDERS AND ADJUDGES:

- The Motion is DENIED AS TO PARAGRAPHS 1-5 OF MOTION TO DISMISS  
GRANTED AS TO PARAGRAPHS 6 & 7 OF MOTION TO DISMISS  
GRANTED AS TO PARAGRAPHS 8 & 9 & 10 OF  
MOTION TO STRIKE  
DENIED AS TO PARAGRAPH 10 OF MOTION TO  
STRIKE

PLAINTIFF SHALL HAVE 15 DAYS FROM DATE OF THIS ORDER  
TO REPLEAD, TAKING INTO CONSIDERATION THIS ORDER

DONE AND ORDERED in Chambers, in Palm Beach County, Florida, this 18 day of

APRIL 2015.

  
\_\_\_\_\_  
Martin H. Colin  
CIRCUIT COURT JUDGE

cc: All parties on the attached service list

Order on Trustee's Motion to Dismiss Eliot Bernstein's Complaint to  
Remove Ted S. Bernstein, as Successor Trustee of the Simon L. Bernstein  
Amended and Restated Trust  
Case No. 502015CP001162XXXXSBIY

**SERVICE LIST**

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Counsel for Molly Simon, Alexandra Bernstein,  
Eric Bernstein, Michael Bernstein