

**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, )  
 )  
Third-Party Defendants. /

**Case No. 13 cv 3643  
 Honorable John Robert Blakey  
 Magistrate Mary M. Rowland**

HERITAGE UNION LIFE INSURANCE )  
 COMPANY )  
 )  
 Counter-Plaintiff )

**MOTION REGARDING INCIDENT  
 INVOLVING COURT ORDER DATED  
 MAY 5, 2015 ADVISING ELIOT TO  
 CONTACT 911 and MORE**

v. )  
 )  
 SIMON BERNSTEIN IRREVOCABLE )  
 INSURANCE TRUST DTD 6/21/95 )  
 )  
 Counter-Defendant )  
 )  
 and, )  
 )

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

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, )  
 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 )

Third-Party Defendants. /

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. /

**MOTION REGARDING INCIDENT INVOLVING COURT ORDER DATED MAY 5,  
2015 ADVISING ELIOT TO CONTACT 911 AND MORE**

That Eliot Ivan Bernstein (“Eliot”), a Third Party Defendant, Pro Se, files this “MOTION REGARDING INCIDENT INVOLVING COURT ORDER DATED MAY 5, 2015, ADVISING ELIOT TO CONTACT 911 and MORE” and states under information and belief as follows:

1. Eliot filed an Omnibus Motion with this Court electronically at approximately 8:46 am on Monday, May 04, 2015 detailing new danger to his family communicated by a licensed attorney from Texas, Candice Schwager, Esq. (“Schwager”) was representing Eliot’s family and three minor children.
2. Schwager stated that the danger was the result of Eliot’s Whistleblowing efforts regarding the Florida courts his family’s probate matters are before and more and that his life and his family’s lives were in imminent danger.
3. The phone call was made approximately 4am on April 11, 2015 and Schwager stated that Eliot should seek federal and state protection for his entire family immediately.
4. Eliot notified the OIG Inspector General Michael Horowitz and Palm Beach County Sheriff Investigator Andrew Panzer of the call as evidenced in the Omnibus Motion filed.
5. Your Honor entered an Order later that same day on May 4, 2015 that stated the Omnibus Motion was being reviewed and further advised Eliot to contact 911 if he felt his life was in danger.
6. On May 5, 2015 at approximately 12pm because your Order referred Eliot to contact the 911 authorities and because Eliot does not know the source or method or means of the danger that he is in ( example, could be another car bomb? See prior filings relating to RICO and the predicate acts alleged in that prior lawsuit and graphic images of the car bombing at

[www.iviewit.tv](http://www.iviewit.tv) ) Eliot contacted 9/11 to report these matters to proper authorities and consistent with this Court's Order and to seek protection or determine what the next step should be.

7. Eliot indicated to 911 dispatch that he did not believe he needed the authorities to come to his home at that time and that as far as he knew it was not like someone was at the door and thus it did not appear to be clear and present dangers that were necessitating emergency response but that at the same time, Eliot also stated he did not know if he or his wife or children could possibly be in grave danger, as Eliot's father was alleged to have been murdered via poisoning and the Court should note that it was Eliot brother Plaintiff Ted Bernstein and his sister Pamela Simon who stated on the day of Eliot's father's death that he had been murdered.
8. Ted ordered a Sheriff investigation and Coroners report on that day alleging Simon's girlfriend had murdered him and incidence reports were taken at Simon's home and those were presented in the Omnibus Motion for the Court to review.
9. Thus, when speaking with 911 dispatch Eliot asked to be transferred to an officer to speak with him by phone and to determine if Eliot needed to come down to the station to provide more information or a sworn statement regarding the threat and what kind of state protections could be afforded. Eliot also wanted to make an official record with them of the incident that prompted these matters and give notice that he may need protection.
10. Officer Bart Galletta called Eliot back and left a message. Eliot called him back with Patrick Hanley & Kevin R. Hall on the line and dispatch said he would call me right back.

11. Suddenly there was pounding on Eliot's front door and when he opened it it was Officers James Giumenta and Bart Galleta who claimed they were responding to Eliot's 911 call, incident #2015-6354 and 1500078412.
12. That along with them was a Senior Child Protective Investigator with the Florida Department of Children and Families named Leigh Bourgoine LF 10044, CASE #2015121408 who Eliot thought was responding to see if the kids were in danger from the retaliations described in the Omnibus Motion and how to protect them.
13. Eliot asked why the officers came to his home as he had arranged to talk with them on the phone expressing that there was no need for a visit. They stated they needed to talk with me regarding a Child Protective complaint that was filed yesterday, May 04, 2015 and that is why they came. The complaint was filed on or about 2pm EST, by an anonymous caller, stating the children were in danger and this due to their parents who were abusive and more.
14. That the Court's Order advising Eliot to contact 911 regarding the danger Eliot's family is in was filed by Your Honor at 2:35 PM CDT.
15. There were all kinds of allegations made by this anonymous caller to DCF and this Court can contact DCF to get that report as they would not release a copy of the report to me. Keep in mind that since some of the clear history of my prior RICO shows involvement by government actors in the state of Florida, reporting this danger initially by phone seemed to be the most prudent course of action at that time.
16. The authorities at Eliot's front door stated that they had gone to his minor children's schools and interviewed one of the children without notifying Eliot or my wife and with no consent from them. They came to the home to interview the other two, one was still at school and the other was home with a lacrosse injury from practice yesterday.

17. Eliot did not grant further consent to talk to his children without counsel present or a parent present in the future, due to the nature of the information contained in my Omnibus Motion filed on May 04, 2015 regarding our whistleblowing efforts against Florida Bar members, the Boca Raton PD department and more and to prevent any chance of retaliation.
18. Also, Eliot notes that he has received information that even the Child Protective Hotline system which “sounds good” on paper and has good stated goals has itself been the subject of widespread abuse in the legal system from retaliatory and false reports being filed against people and used as a weapon. This abuse has resulted in actual danger and harm to some of the very children it was designed to protect and has had resulting emotional and related harm to parents along the way.
19. That the timing of the anonymous tip comes after this Court was made aware of serious felony acts made in the court of Martin Colin and David French of West Palm Beach, FL. Crimes committed by attorneys at law in Eliot’s parents estate and trust cases and the cases involve fraud, forgeries of dispositive documents in the court (including Post Mortem for fraudulent alteration of documents in both of parents cases), fraudulent notarizations, fraud on the beneficiaries, fraud in and on the court and more. This is further described in the Omnibus Motion.
20. That the allegations are baseless and false but nonetheless the DCF has to perform their duty once they are made aware of any claims to protect children, despite if they are baseless or not and this Eliot and his wife appreciate and respect and so both cooperated fully with the officers and the DCF.
21. The officers took the Order from this Court to understand the nature of the call and why it was made and then stated that Eliot should not call 911 despite what the Court Order stated

and Eliot stated again that he explained up front that it was not something we needed emergency response to and was a matter that could have been explained by coming to the station.

22. That Eliot fears that this falsified DCF report is further retaliation by those seeking to cause harm to Eliot's family because of the crimes being exposed against them as defined in the Omnibus Motion filed and in my prior pleadings in this Court. Crimes that involve very serious allegations of fraud and more and where several people may go to prison as they are prosecuted by criminal authorities.
23. Eliot and Candice believe their family is being further targeted and increased pressure being put on them the more corruption that is exposed and this retaliation may be for notifying this Court of the problems in Florida courts in the Omnibus Motion and to try and make Eliot appear crazy to this Court or cast the appearance that Eliot and Candice are bad people and parents who are making crazy claims to the Police.
24. The Court will find upon reviewing the claims stated to be in the report that they are false to anyone who knows what is going on with these matters.
25. The more pressure that is building on the parties alleged involved in the crimes the crazier the retaliation appears to be against Eliot and these appear attempts to slander and defame and even frame Eliot and his wife in some sort of retaliation scheme.
26. That the patently false and absurd claims made were that Eliot and Candice were bad parents, that they were substance abusers, that they were not feeding or tending to their children, the children were in danger, Eliot was delusional and thought people were poisoning people and he was telling the children that their grandfather was poisoned and again all of this does not

fit the reality of the situation. Eliot's children may be in danger but it is certainly not by Eliot or his wife.

27. Obviously, when evidence such as pictures of the car bombing, names of Sheriff Investigators involved in investigating several criminal complaints relating to crimes alleged and some already proven, none of the claims made by the nameless caller appeared true. Further, when the authorities saw the children, saw us and saw our home they also did not find what was described by the caller.
28. My wife and children are further traumatized by these recent events and false allegations against us and fear greater retaliations.
29. That with the allegations made by Ted Bernstein and Pam Simon that their father was murdered by poison and with a recent heavy metal poison test coming back with high poison levels above reportable levels, including but not limited to, Arsenic and Cadmium, it is apparent that something bad may have happened in Simon's sudden and unexpected death and this adds another level of concern as stated in Eliot's Omnibus Motion.
30. That there is recent evidence that thefts of personal properties have taken place and further fraud on courts, fraud on beneficiaries and more crimes are taking place currently and as pressure mounts on the parties alleged to have committed the crimes, the retaliation appears heightened.
31. Eliot's wife is in fear and wants to leave state now with the kids and yet we do not have the resources at this time and the kids are in school but as stated in the Omnibus Motion we are in need of federal protection at this time as we fear that the state of Florida people we are accusing are highly positioned in several government agencies.



32. We have estate and trusts hearings tomorrow with Judge Colin and since reporting the misconduct of Judge Colin and David French to this Court we fear that even further retaliations may occur in the courts against our family and their continued efforts to try and gain guardianship and have contempt hearings to further harm us and our children, as described more fully in Omnibus Motion.
33. When the officers were made aware of these facts that the claims made by the caller were not true and did not fit with the fact pattern of what was going and the evidence we showed them, they stated they were done with the 911 incident report and that the DCF investigation needed to be further handled and they needed to see one more of my children and needed to talk to the supervisor regarding what to do in this complex situation.
34. On or about 5pm Leigh Bourgoine from DCF returned to Eliot's home and wanted to see Eliot's oldest son to confirm he was OK. When she arrived Eliot let her into the home to view the home and the living conditions that she requested to do earlier, she stated it was a beautiful home and the environment seemed great, even checking to see if there was food in the refrigerator as she was told the kids were being starved. She interviewed Eliot's son and then left stating she would come back Tuesday to interview Eliot's youngest son and then prepare her report.
35. The whole DCF incident made seems like a smear campaign was instituted by those accused in the Omnibus Motion.
36. That this Court should be aware that Eliot is afraid that Judge Colin may have received news about the Omnibus Motion and may act retaliatory at tomorrow's hearing.

37. That the Court should note that the officers upon leaving the residence returned Your Honor's Order to me that they had taken initially for their report and stated they no longer wanted it.

**WHEREFORE**, Eliot seeks this Court enter an Order Granting the Following Relief:

1. The relief requested in Eliot's Omnibus Motion to protect Eliot, his wife Candice and children from continued and ongoing retaliation from State of Florida Court officers, State of Florida Enforcement officials and others described in the Omnibus Motion filed on May 04, 2015 and currently under advisement with this Court.

Respectfully submitted,

DATED: Tuesday, May 5, 2015

*/s/ Eliot Ivan Bernstein*

Third Party Defendant/Cross Plaintiff PRO SE

Eliot Ivan Bernstein  
2753 NW 34<sup>th</sup> St.  
Boca Raton, FL 33434  
Telephone (561) 245-8588  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on Tuesday, May 5, 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

MOTION RE INCIDENT

Monday, May 5, 2015

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generated by CM/ECF or in some other authorized manner.

*/s/ Eliot Ivan Bernstein*

Third Party Defendant/Cross Plaintiff PRO SE

Eliot Ivan Bernstein  
2753 NW 34<sup>th</sup> St.  
Boca Raton, FL 33434  
Telephone (561) 245-8588  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)  
[www.iviewit.tv](http://www.iviewit.tv)