

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SIMON BERNSTEIN IRREVOCABLE)
INSURANCE TRUST DTD 6/21/95, et al.)

Plaintiff,)

v.)

HERITAGE UNION LIFE INSURANCE)
COMPANY, Eliot I. Bernstein,)
Individually, and on behalf of the Minor)
Children JEZB, JNAB, and DEAOB,)
ET AL.)

Defendant and Counter-Plaintiff.)
_____ /)

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

STATUS HEARING MEMORANDUM

Filers:
Eliot Ivan Bernstein, Third-Party

STATUS HEARING MEMORANDUM MARCH 15, 2016

Honorable Judge John Robert Blakey, US District Court Northern District of Illinois:

The following is provided as a Status Memorandum tendered by Eliot I. Bernstein for a Status Hearing / Conference to be held on March 15, 2016 submitted under Local Rule 16.2 and Federal Rule 16 in furtherance of:

1) expediting disposition of the action;

(2) establishing early and continuing control so that the case will not be protracted because of lack of management;

(3) discouraging wasteful pretrial activities;

(4) improving the quality of the trial through more thorough preparation; and

(5) facilitating settlement.

And other topics under this Rule.

Clarification of Local Rules and LR 7.1

To ensure compliance with this Court's Orders and Rules, I am seeking to clarify Local Rule 7.1 which has been raised by the Plaintiffs on multiple occasions.

I understand that LR 7.1 **does have** a Page Limit for Memorandums of Law (Briefs) for a motion but I do not see any Rule that specifies a Page Limit for the submission of Complaints and/or Amended Complaints and for example I believe the Government Receiver in one of the Stanford actions filed a Complaint over 100 pages long and while I am not suggesting the Amended Complaint I seek leave to file may be that long, it is possible it could be due to the complexity and sophistication of frauds relating to the original action removed to the District Court herein.

Any clarification from the Court on this Page Limit requirement for Amended Complaints is requested if possible.

As a separate housekeeping matter of correction I note that my recent complaint for Injunctive relief which this Court denied as an Emergency motion was sought under the All Writs Act and Anti-Injunction Act with different standards than a preliminary injunction and just respectfully ask this Court to take notice and I understand the Court denied such motion and continued this Status hearing in the normal course of case management.

I respectfully refer the Court back to prior pleadings and even the recent Petition for Injunction to show that Simon Bernstein was a successful business person sometimes bringing in \$38 Million or more in Revenue and was involved in Insurance and Planning his entire life where "missing millions" are at play and where Multiple Trusts, Business entities and "Originals" of Simon and Shirley Bernstein have never been brought before this Court although it is reasonably believed such "Originals" and proper Discovery would show the proper Policies herein and Trusts.

I also respectfully refer this Court back to some key items from the Jackson production up to Summary Judgment proceedings by Plaintiffs:

JCK000539 (Jackson Bates No.) purports to show Shirley Bernstein as Owner and Simon Bernstein as Insured on Policy No. 1009208 changing Face Value of Policy from \$2 to \$3 Million with Capitol Bankers Life Greenville, SC in document dated July 20 1995

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/Heritage3MillionDeathBenefit.pdf>

JCK001262 shows Oct. 9, 2012 Heritage Union Life doc addressing Robert Spallina as Trustee of La Salle National Trust N. A., LASALLE NATIONAL TRUST N .A TRUSTEE C/OROBERT SPALLINA, ATTORNEY AT LAW 4855 TECHNOLOGY WAY STE 720 BOCA RATON FL 33431 Insured Name: SIMON BERNSTEIN Policy Number: I 009208 Correspondence Number: 097 65315

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20121009%20Heritage%20Union%20to%200Spallina%20as%20Trustee%20of%20LaSalle%20National%20Trust.pdf>

New Facts and Recent “gruesome” Death of Mitch Huhem referenced at Paragraphs 146-153 of Petition for Injunction under All Writs Act-Anti Injunction Act:

It was anticipated that I, Eliot I. Bernstein, would have a proposed Amended Counter-complaint by the time of this Status Hearing on March 15, 2016, however, real life Dangers of ultimate serious nature have emerged since the time I was last before this Court on Thursday, Feb. 25, 2016 along with Adam Simon as Attorney for Ted Bernstein, Lisa Friedstein, Jill Iantoni and Pam Simon and Attorney Stamos for the Estate of Simon Bernstein and PR Brian O’Connell.

However, I believe it is appropriate to Notify this Court based upon information discovered after Feb. 25, 2016 that on or around the precise time that myself and Ted Bernstein’s Attorney and the Estate and Brian O’Connell’s attorney were on the Hearing Conference Call with your Honor on this date, that on or around the same time actual blood relative Family members of Mitch Huhem were en route to the St. Andrews home of Simon Bernstein at 7020 Lions Head Lane Boca Raton, Fl to View and Inspect the Scene where their family Member Mitch Huhem’s Body was allegedly Discovered dead in what was allegedly described as such a gruesome death of gunshot wounds to the head that the Palm Beach Sheriff’s Office (PBSO) did not let Mitch Huhem’s wife Debra Huhem even see the body which was allegedly found in the St. Andrew’s home garage by the PBSO.

The sources of this information are actual blood relatives of Mitch Huhem who wish to remain confidential currently in these proceedings out of fear of harm but upon information and belief have spoken to authorities.

As this Court can note, Mitch Huhem was referenced in my Petition for Injunction in Paragraphs 146-153 starting with a conversation I had with one Leilani Ochoada on Feb. 18th, 2016 who knew that I was bringing the information she provided into **this Federal Court** and other Federal and state authorities as of that date where Ms. Ochoada had provided information showing Orlando attorney Laurence Pino, alleged “friend” of Mitch Huhem, had been involved in falsely filing Articles of Incorporation for a Lion’s Head Land Trust Inc. falsely using Leilani Ochoada’s name allegedly to hide from the public the name of Mitch Huhem who was allegedly taking the property in a Sale by Ted Bernstein and his attorney Alan Rose.

The information by the family further provides that Debra Huhem, wife of Mitch Huhem, waited some approximately 16-24 Hours until Wednesday, February 24, 2016 on the same day I, Eliot I. Bernstein, actually filed Electronically the referenced Petition naming Mitch Huhem and Laurence Pino, before Debra Huhem Called ANY blood relative of Mitch Huhem to report the Death and then upon doing so invited one of the family members to the Intra-Coastal Home of Ted and Debbie Bernstein, **both who were involved in the underlying transaction about to be exposed in this Federal court the next day.** It is further understood that No PBSO members had contacted ANY of the blood relatives of Mitch Huhem by this point and the wife

Debra Huhem was using Mitch's cell-phone in the days after which may have Evidence of his interactions with Ted Bernstein and others for the alleged "business meeting" that didn't occur where Mitch Huhem ends up dead instead.

On the Wednesday, Feb. 24, 2016, the day I filed Electronically in this Court on the Petition for Injunction, the family member allegedly found out from Debra Huhem that her blood relative Mitch Huhem was allegedly found the day before by the PBSO with such gruesome gunshot wounds to the head the Wife did not see the body while TED BERNSTEIN was claiming on Wed, Feb. 24, 2016 at his IntraCoastal home that he was "excited" to see Mitch Huhem on the morning he allegedly went "missing" as Ted and Mitch were allegedly starting "a new business together" but then Mitch allegedly didn't show up.

Yet, Ted Bernstein's attorney certainly did not Notify this Court on Feb. 25, 2016 that a Dead body had been found at one of the very places I was seeking to Enjoin the Loss of Evidence and Order the preservation of evidence and assets, **nor in the Florida Probate Court proceeding later the same day with Judge Phillips** where neither Attorney Alan Rose nor his Client Ted Bernstein had informed Judge Phillips about a Dead body at the St. Andrew's Home that I had just sought to enjoin and prevent the Loss of evidence and Order the preservation of evidence and assets.

Upon information and belief from the confidential family members of Mitch Huhem, allegedly the PBSO had not spoken to Ted Bernstein about Mitch Huhem's Death as of over 15 days later March, 10, 2016 where Mitch was allegedly "meeting" with Ted Bernstein on the day of this event.

Likewise, the PBSO had allegedly not interviewed Laurence Pino, the Orlando attorney friend of Mitch Huhem allegedly involved in the false set up of Lion's Head Land Trust according to Leilani Ochoada as of the time Debra Huhem brought a Petition to State Court Judge David French being represented by Laurence Pino in a Petition to take control of the Body for Cremation where the Mitch Huhem blood relative family had evidence that Mitch Huhem had purchased a Burial Plot in Utah, thus presently letting Debra Huhem destroy all evidence while the Case is allegedly "Open" with the PBSO. Judge David French is the Florida Probate Judge who was **actually Assigned to the Simon Bernstein Estate case at the time of May 2013 when Eliot I. Bernstein first filed his Emergency Motion to Freeze Assets and the Cases based upon Discovering Fraud in the Court Of Judge Martin Colin involving Ted Bernstein's other business partner attorneys Tescher and Spallina where both Robert Spallina and their paralegal Kimberly Moran have already admitted to frauds in the case.**

Yet, as previously shown to this Court, Judge Colin "stepped over" into the Simon Bernstein Estate case of Judge David French, Denied my May 2013 Emergency Petition in both Shirley and Simon's case, took over Simon's case where I had just exposed fraud in Judge Colin's court, allowed Tescher and Spallina to remain in the case and **with all Original files** until Feb. 2014, some 8 months later and that alleged "Trustee" Ted Bernstein even upon learning of the fraud by my May 2013 Petition and the ultimate Admissions by Spallina and Tescher has still

never taken any action to validate or question Tescher and Spallina and to the contrary, have continued to “work with” at least Robert Spallina as a “friendly” Witness in Florida proceedings where SEC Consent Orders are violated by the Testimony and no party to my knowledge but myself has reported this to authorities. Further, where it was shown in the recent Petition for Injunction by the Palm Beach Post Investigation that Judges Colin and French are socially very close.

From the same confidential Huhem family sources it has been Discovered that at least one Simon Bernstein Medical record was found with Mitch Huhem’s possessions in the upstairs of the St. Andrew’s home and reports of Boxes upon Boxes at the home are present as well, yet the sources indicate Debra Huhem has been left to “clean up and clear out” all the evidence at the Scene of the Death and in general where Pictorial evidence at the Blood scene by the family could lead a lay person to question the “official” story thus far which has been suggested to be a “suicide” with No Suicide note allegedly found and with the PBSO not even interviewing Ted Bernstein who was supposed to be meeting with Mitch Huhem on the morning of Tuesday, Feb. 23, 2016 for a “business meeting” when it is known Leilani Ochoada was in contact with Laurence Pino and Leilani Ochoada knew these matters were going to federal authorities and into federal court.

Conclusion: The Potential of Lost Evidence, Records is Real

Neither Attorneys Stamos for O’Connell and the Estate of Simon Bernstein, Brian O’Connell and Joy Foglietta, Alan Rose for Ted Bernstein, Adam Simon for Ted Bernstein, Peter Feaman for Claimant William Stansbury or any of the sophisticated attorney actors have sought Production of All Originals from Tescher & Spallina nor have sought Compliance with Judge Colin’s Order of Production from Feb. 2014

ORDER ON PETITION FOR RESIGNATION AND DISCHARGE

This cause was heard by the Court on the co-Personal Representatives' Petition for Resignation and Discharge on February 18, 2014, and the Court, having heard arguments of counsel, and otherwise being fully advised in the premises, ORDERS AND ADJUDGES AS FOLLOWS:

1. The Petitioners' request to accept their resignation is ACCEPTED. The co-Personal Representatives' Letters of Administration are hereby revoked.

2. ~~Within~~ ^{BY MARCH 4, 2014,} ~~from the later of the date of this order or the appointment of a successor fiduciary,~~ the resigning co-Personal Representatives shall deliver to the successor fiduciary all property of the Estate, real, personal, tangible or intangible, all of the documents and records of the Estate and all records associated with any property of the Estate, regardless of whether such property has been previously distributed, transferred, abandoned or otherwise disposed of. (dkt)

Having been involved with matters reasonably questioning my family's own safety and my safety with the events of Mitch Huhem emerging and taking action with the FBI and other authorities to report events herein, I am seeking further Leave of this Court to Amend my counter-complaint/cross-complaint to Add causes of action where this Court has jurisdiction, add parties as appropriate complying with this Court's Rules, Orders and the Federal Rules.

For Case Management purposes, I assert to the Court that Depositions on Chain of Custody of Documents and Evidence are a Priority matter and should include but not be limited to:

1. **Robert Spallina**, who has admitted mail fraud, fraudulently attempted to collect the Insurance benefits herein as Trustee of La Salle, under an SEC Consent Order which he is alleged to have Mis-represented in the Florida Court of John Phillips, is under Open Case status with the FBI by recent conversation of myself to the FBI, and who was involved with Ted Bernstein and the underlying action from the outset;
2. **Ted Bernstein**, who admits to have never seen the "Original Trusts" involved, has an "evolving" changing "storyline" with Robert Spallina and others about how he became Trustee anywhere, admits he took no action to Validate any Trust or instrument herein, and for other fraud;
3. **Alan Rose**, having recently admitted "there are no trusts" that he has sued me upon, being a material fact witness for the Chain of Custody of certain "originals" and "duplicate originals" herein;
4. **Brian O'Connell, Joy Foglietta**, for why Originals and Production was never sought pursuant to Judge Colin's Feb. 2014 Order and for being in the Chain of Custody of All Business Records of Simon Bernstein as set out previously herein and to be amended

including Original Tax documents of Simon Bernstein which the PRs have failed and neglected to obtain for over 20 months.

5. **Donald Tescher** - for specifics of Originals and Document production and Wealth Planning with Simon and Shirley Bernstein and related topics an an.
6. **Benjamin, Brwon, Esq. (DECEASED) - Matwiczuk & Brown, LLP**, who stated that his law firm received only 1 original piece of paper in over 7k pages of production delivered to him by Tescher and Spallina upon their resignations, despite a Court Order to turn over ALL records, which without originals the copies cannot be validated in any way, especially where there are multiple fraudulent documents already proven and new admissions of Spallina in a Dec 15, 2015 hearing that other documents were fraudulently tendered to the Probate Court by Simon Bernstein at a time after he was deceased.

And such other and further Discovery as may be just and proper and amended as facts and justice allows.

Leave and Retaliation:

As indicated I seek Leave of this Court to submit a proper proposed Amended Complaint - Counter-complaint/cross-complaint and for Discovery and note that further retaliation has been sought against myself in the Florida Courts by way of improper Guardianship in a case where I was sued on a Trust that Alan Rose now admits does not exist, where proper parties were never Joined or Served in the Florida actions, and where while the Plaintiffs may claim that somehow I am collaterally estopped by these Florida actions, I will be able to show this Court where such determinations are not only defective and not from full and fair proceedings but are part of an orchestrated sequence of events where fraud has never been removed from the proceedings where Judge Phillips is attempting to remove evidence by Striking 3 years worth of my filings demonstrating fraud in the proceedings.

Respectfully submitted,

DATED: Tuesday, March 15, 2016

/s/ Eliot Ivan Bernstein

Third Party Defendant/Cross Plaintiff PRO SE

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on Tuesday, March 15, 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.

/s/ Eliot Ivan Bernstein

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