

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

Simon Bernstein Irrevocable
Insurance Trust Dtd 6/21/95, et al.,

Plaintiffs,

v.

Heritage Union Life
Insurance Co., et al.,

Defendants.

Case No. 13-cv-3643

Judge John Robert Blakey

Filers:
Eliot Ivan Bernstein, Pro Se

**THIRD-PARTY DEFENDANT ELIOT I. BERNSTEIN MOTION FOR EXTENSION OF
TIME TO FILE RESPONSE TO MOTIONS TO DISMISS**

Comes now pro se indigent third-party defendant Eliot I. Bernstein who respectfully pleads,
prays and shows this Court as follows:

1. I am the third-party Defendant herein pro se and respectfully make this motion seeking an extension of time to file and serve responses to the dispositive motions herein which by Order of this Court are currently due on July 26, 2016.
2. I respectfully pray for at least a 30 day extension which I assert in good faith is reasonable under the circumstances but alternatively pray for no less than a 15 day extension from the current deadline of July 26, 2016.

3. I am under medical treatment for ongoing dental matters of a serious nature and under Dentist-doctor prescribed narcotics and other medication and have significant issues sleeping and related pain as a result.
4. More importantly as shown herein, I have been fighting for more than a month in the Florida Courts simply to get access to Full Records and Indexes certified by Clerk Sharon Bock of the 15th Judicial for the related cases in Florida which are not only the subject of several appeals in the Florida Courts but also directly a part of the dispositive motions to be responded to with the decisions and Orders of the Florida Courts being directly relied upon by Ted Bernstein and his counsel David Simon in the dispositive motion I am attempting to respond to in this Court. `
5. As shown to the Florida 4th District Court of Appeals, by operation of the Florida Rules of Appellate procedure, full production of the Indexes and Records on Appeal automatically occurs by the Clerk of the Court upon default unless a party specifies otherwise.
6. And yet as an indigent litigant acting pro se I have been repeatedly denied access to these records by the 4th District Court of Appeals while also being forced to undergo unnecessary burdens at the 15th Judicial to re-assert my indigency status.
7. As shown herein, I filed a motion with specificity with the 4th DCA showing specifically why I should be able to obtain what otherwise is automatically provided “in a normal case” to all litigants and this specificity included but was not limited to swearing to the Court that not only had I never been served various documents that are contained in the full records and indexes therein, but one such document never served was a Petition for Administration filed and signed by both attorneys Tescher and Spallina in the Estate of

Simon Bernstein where said Petition specifically named myself as one of 5 children (and not the grandchildren) as Beneficiaries of the Estate of Simon Bernstein which wholly contradicts the positions taken by Ted Bernstein at a one-day “validity” trial that was prejudicially “pre-determined” an artificially limited to “one day” only which did not permit time for necessary witnesses like Donald Tescher who not only had signed the document as an attorney which was contradicting the case presented by Ted Bernstein but further that Donald Tescher had admitted in the only Deposition before Trial that his firm had known about another fraud in those cases involving his partner Robert Spallina who had “altered” my mother Shirley Bernstein’s trust attempting to illegally change the beneficiaries and yet his firm took no action to correct for an entire year while letting Ted Bernstein carry on in the fraud once Tescher and Spallina resigned and replaced themselves with Ted as Trustee of the alleged Amended and Restated Simon Bernstein Trust.

8. This Court will see that not only was this the only pre-trial Deposition in a very complex case in the Florida courts but also was “limited” by the terms of the deposition and where I was not permitted an opportunity to question Donald Tescher whatsoever and to the contrary the deposition was abruptly stopped when I asked my first question¹.

¹ July 26, 2016 “Appellant’s Good Faith Draft Initial Brief on Appeal and Response To Show Cause; Extension of Time”

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20160705%20FINAL%20ESIGNEDAPPELLANTSGOODFAITHDRAFTBRIEFRESPONSESHOWCAUSEAPPEALVALIDITY4THDCA%20ECF%20STAMPED%20COPY.pdf>

And

June 20, 2016 “Appellant’s Motion To Supplement Record on Appeal”

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20160620%20Final%20Signed%204thDCA%20Motion%20To%20Supplement%20Record%20on%20Appeal%20Transcripts%20ECF%20Stamped%20Copy.pdf>

And

June 14, 2016 “Motion for Extension of Time to Submit an Initial Brief upon Proper and Meaningful Access to Records on Appeal, Vacating and Rehearing En Banc this Court’s Order of June 9, 2016 as

9. I just recently completed serving my Initial Brief to the 4th DCA on the alleged “validity” trial which was done under protest and with a reservation of rights claiming prejudice on appeal by being denied Full Production of Records and Indexes as provided by operation of Appellate Rules particularly where I also showed that an “unknown” Judge had signed the Order admitting the Simon Bernstein Will into Probate time-stamped in even before the Will itself was filed in Oct. 2012, showing further fraud and collusion amongst the involved fiduciaries and Courts of Florida².
10. Moreover I already have at least one other Initial Brief due in the next few days in the Oppenheimer case where again fraud has been shown going back to 2010 and where again full Records and Indexes have not been provided from all related cases. This fraud in Oppenheimer was raised before this Court in my Petition for Injunction under the All Writs Act which was denied by this Court while the pleading was not struck from the Records.

violative of the US Constitution, Florida State Constitution and for a Written Opinion Clarifying such matters;”

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20160614%20FINAL%20ESIGNED%20MOTION%20REHEARD%20ENI%20BANC%204thDCA%204D16%200222%20ECF%20STAMPED%20COPY.pdf>

And

May 25, 2016 “Appellant’s Motion with Specificity to ; Order Production of the Full Record and Extend Time to File Initial Brief”

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20160525%20FINAL%20ESIGNED%204th%20DCA%204D16%200222%20Motion%20with%20Specificity%20to%20Order%20Production%20Extend%20Time%20LT%203698%20ECF%20STAMPED%20COPY.pdf>

And

May 03, 2016 “Motion for Extension of Time to File Brief and Request for Order to Produce Indexes for Appeal for Two Additional Cases the Appealed Order Addresses”

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20160503%20FINAL%20ESIGNED%204th%20DCA%204D16-0222%20Motion%20for%20Extension%20of%20Time%20and%20Additional%20Indexes%20Validity%20Appeal%20ECF%20STAMPED%20COPY.pdf>

And

April 12, 2016 “Appellant’s Response to Show Cause; Request for Extension to File Initial Brief”

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20160412%20FINAL%20ESIGNED%20EXTENSION%20REQUEST%204thDCA%20ValidityTrial%204.11.16%20ECF%20STAMPED%20COPY.pdf>

² July 12, 2016 “INITIAL BRIEF OF APPELLANT”

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20160712%204th%20DCA%204D16-0222%20FINAL%20ESIGNED%20INITIAL%20BRIEF%20APPEAL%20VALIDITY%20TRIAL%20PHILLIP%20ECF%20STAMPED%20COPY.pdf>

11. There is also a brief coming due in the illegal “Guardianship” that was imposed on me as well in the Florida courts.
12. Further, while I have reminded and pleaded to the 4th DCA to comply with obligations under the Florida Statewide Court Fraud policy where the fraud in the Florida cases has never been fully addressed (nor acted upon by the Palm Beach County Sheriff’s Department), I have been busy formulating further submissions to the Florida Court State Inspector General as well.
13. And in far more serious and pressing matters directly threatening my personal welfare and the welfare of my family, as various documents, pictures and audio files have emerged under Freedom of Information requests in regards to the gruesome death at my parent’s home at 7020 Lions Head Lane, Boca Raton, Florida of one Mitch Huhem in the day or days before I filed my Emergency Petition for Injunction under the All Writs Act with this Court on or about Feb. 24, 2016, where Mitch Huhem allegedly had previously taken title to my parents’ property under an illegally created shell company Lions Head Land Trust, Inc. and then suddenly died just as I was disclosing the fraud to this Court and federal authorities, the glaring, widespread and pervasive contradictions of very key and important details, virtually all details in this gruesome death and alleged “investigation” of this death has consumed further time not only to assess the information but further to begin compiling a detailed report / complaint to the FBI and other authorities where I have direct knowledge that the FBI has an “open case” on at least Robert Spallina involved in the frauds herein.
14. More seriously, the audio interview on one Laurence Pino shows direct attempts by Pino to falsely implicate me in possible “foul play” in Mitch Huhem’s death, falsely

implicating me with one Detective Perez of the PBSO with Laurence Pino being the attorney who was involved in the illegal creation of the Lions Head Land Trust, Inc. and also attorney representing Mitch Huhem who also happened to be a direct Beneficiary under the new “changed” Will of Mitch Huhem that cut out his children,

15. The interview clearly shows Mr. Pino materially omitting key facts such as his threatening email to one Leilani Ochoada on Feb. 19, 2016 after Pino’s own Executive Assistant exposed that same day by email that Pino’s office had NO documents or Authorizations on file from Leilani Ochoada thus implicating Pino in felony fraud at the Florida Dept of State the Friday before Mitch Huhem ends up grotesquely dead in my parents home and yet there was no mention of these facts by Pino to Detective Perez, nor production of the emails and instead directly false slanderous statements are made by Pino against me to the PBSO which given the serious defects and flaws in any alleged “investigation” of this death creates a very realistic fear in my own life such that time is necessary to be available to seek intervention from the FBI and other authorities.
16. Having personally viewed many of the pictures taken by the PBSO at my parents’ home I can clearly affirm to this Court the very grotesque shocking nature of the death of Mitch Huhem with blood pool and brain parts and fragments in my parents’ garage and yet having spent nearly an hour on the phone with Detective Perez on or around April 16, 2016 on the Mitch Huhem death providing background information and even other witnesses to call, there is not one single solitary mention of the phone call with me by Detective Perez or anyone else in the PBSO that shows up anywhere in the alleged “investigation”.

17. Likewise, there is not one single reference or note from any information or conversation provided to the PBSO by Mitch Huhem's sisters and mother, nor any indication the PBSO tried to take any statement from Mitch's daughters who he spoke to in the days before he was found dead according to his sisters and yet what has been turned over by the PBSO are documents, pictures, records, photos and audio tapes showing glaring and irrefutable contradictions of key details beginning with a 9/11 called claiming Mitch may be "suicidal" by one Deborah Huhem which is later contradicted in a subsequent 911 Call before a body is allegedly discovered where it turns out the body is only a few hundred feet or more away from Deborah Huhem in the same house at 7020 Lions Head Lane, Boca Raton, Fl.
18. The lack of any consistent evidence turned over by the PBSO includes but is not limited to contradictions of when the body is allegedly discovered, how the body appears when discovered, contradictions of when Mitch was last seen by his wife, contradictions of his last 24 hours and further not one single note or call or interview with key witness Leilani Ochoada either who is referenced in my Feb. 24, 2016 Emergency Petition for an Injunction under the All Writs Act as someone who came forward claiming she gave no permission or authorization to Laurence Pino to incorporate this company in her name that was used to take my parent's home.
19. Consistent with what has gone on in this case in Illinois, however, the one common thread shown by the PBSO disclosures to date is that Ted Bernstein is at the epicenter of all of this being mentioned by Deborah Huhem multiple times on the the day the body is allegedly found, being referred to by Deb Huhem, being called by Deb Huhem, supposedly having meetings on the day in question with Mitch Huhem, even Ted

Bernstein being called to the “scene” at 7020 Lions Head Lane by an unknown, unidentified member of the PBSO and yet NO statement is taken of Ted Bernstein by the PBSO until on or about late May of 2016 after these matters were disclosed to this Court and yet consistent with the close special relationship between Ted Bernstein and the PBSO, his “interview” is not even recorded with no audio tape made and nothing under oath allegedly at Ted’s request.

20. Allegedly the phone information of Mitch Huhem’s phone and calls with Ted Bernstein have been lost and or destroyed either by Deb Huhem or the PBSO allowing Deb Huhem to keep the phone after the body was found even though the phone itself is the topic of the alleged original 911 call, but it is fair to say that the discoveries from this part of the case itself provide substantial “New Evidence” at least for motions in the related Florida courts and may potentially provide same in this Court as well and thus the extension is further needed to sort out and assess these new details coming to light.

21. For relevancy purposes I respectfully refer your Honor back to the Feb. 24, 2016 Emergency Petition and not only take note of the “Discovery” abuse game going on for years but also the “magically” found documents that show up at places like Lions Head Lane AFTER it had already been Inventoried and documents removed by the PR, Brian O’Connell, Esq. firm and remind your Honor of the Missing Mail and documents and account information and computer information from the Lions Head Lane home and failed court ordered inventory of Simon’s office whereby all his office records are now presumed lost or destroyed, all of which relates and is relevant to matters before this Court and where are the Trusts and Insurance information and similar information.

22. I have previously provided the FBI with this Court's Docket for review as well and will be copying certain federal authorities on this motion herein due to the serious nature of the actions, the crimes committed in the various frauds upon the Courts and what now appears to many to be a gruesome bloody matter of foul play while certain Courts continue on in the machinery of fraud denying access presently to proper records and discovery.

WHEREFORE, Third-Party Defendant Eliot I. Bernstein respectfully prays for an Order granting 30 days extension to file the responses to the dispositive motions herein or alternatively no less than 15 days to complete such act and for such other and further relief as may be just and proper.

Respectfully Submitted,

Date: July 17th, 2016

/s/ Eliot Ivan Bernstein

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 17th, 2016 I electronically filed the foregoing with the Clerk of the Court using CM/ECF and/or email. 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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