

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

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SIMON BERNSTEIN IRREVOCABLE)	Docket No. 13 C 03643
INSURANCE TRUST DTD 6/21/95,)	
et al.,)	
)	
Plaintiffs,)	Chicago, Illinois
)	February 21, 2017
v.)	9:43 a.m.
)	
HERITAGE UNION LIFE INSURANCE)	
CO.,)	
)	
Defendant.)	

TRANSCRIPT OF PROCEEDINGS - Status
BEFORE THE HONORABLE JOHN ROBERT BLAKEY

APPEARANCES:

For the Plaintiff: THE SIMON LAW FIRM, by
MR. ADAM M. SIMON
303 East Wacker Drive
Suite 210
Chicago, IL 60601

For the Intervenor Plaintiff:

STAMOS & TRUCCO LLP, by
MR. JAMES J. STAMOS
One East Wacker Drive
Suite 300
Chicago, IL 60601

Also Present via conference call:

MR. ELIOT BERNSTEIN

Court Reporter: LISA H. BREITER, CSR, RMR, CRR
Official Court Reporter
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1 (In open court.)

2 THE CLERK: All rise.

3 (Call to order.)

4 THE COURT: Court's in session. Please be seated.
5 Call the first case.

6 (Clerk places telephone call.)

7 THE CLERK: Good morning. Eliot Bernstein, please.

8 MR. BERNSTEIN: Yes, this is him.

9 THE CLERK: Okay. We're ready to call your case.

10 13 C 3643, Simon Bernstein vs. Heritage Union Life Insurance.

11 THE COURT: Good morning. Appearances, please.

12 MR. SIMON: Adam Simon on behalf of plaintiff.

13 MR. STAMOS: James Stamos for the estate intervenor.

14 THE COURT: On the phone?

15 MR. BERNSTEIN: Eliot Bernstein, pro se.

16 THE COURT: Okay. Are the parties able to set a trial
17 date today?

18 MR. STAMOS: Yes, sir.

19 MR. BERNSTEIN: No.

20 MR. SIMON: Yes.

21 THE COURT: Why are you not ready to set a trial?

22 MR. SIMON: Your Honor, summary judgment was entered
23 against him.

24 THE COURT: I'm trying to figure out -- Gloria, why is
25 he on the phone? He was dismissed from the case.

1 THE CLERK: He called in to be on the phone today.

2 THE COURT: All right. Well, it's a public
3 proceeding, so he can be on the phone, but he can't prevent a
4 trial date being picked.

5 Do the parties -- how far out are you looking?

6 MR. SIMON: I'm looking at the second half of June or
7 the first half of July.

8 THE COURT: I am booked solid through June. I can get
9 you -- the earliest I can get you with your own date rather
10 than a standby date would be July 24th.

11 MR. STAMOS: Just one second.

12 THE COURT: Is that okay for you guys?

13 MR. STAMOS: If I can just check one second, if I may,
14 your Honor.

15 I have a trial set July 17th. It probably would not
16 be completed by the 24th. If we could push it out a couple
17 more days, Judge, I think we could --

18 THE COURT: The next setting would be August 7th.

19 MR. BERNSTEIN: Can we move more towards the end of
20 August if I'm being forced to be at a trial?

21 THE COURT: You're not forced to be at a trial because
22 you're already out of the case, sir. Please be quiet.

23 MR. BERNSTEIN: I'm out of the case?

24 THE COURT: August 7th.

25 MR. STAMOS: August 7th. That's fine, Judge.

1 THE COURT: Okay. All right. The case is going to be
2 set for trial on August 7th at 10:30. The final pretrial
3 conference would be July 24th at 1:30. Final pretrial order
4 would be due on July 31st -- excuse me, no, July 3rd.
5 Responses by July 10th and then a settlement conference on
6 July 14th at 11:00 a.m. It will all be in the minute order,
7 but that's the dates right now.

8 MR. SIMON: Your Honor, do you have any type of
9 standing order for what you need in a pretrial order on a bench
10 trial? This is a bench trial.

11 THE COURT: Normally because I don't do that many
12 bench trials, we just take the other one and we kind of modify
13 it together. And there's obviously a lot of flexibility
14 because we got the same --

15 MR. STAMOS: We'll try together and see if we can work
16 it out.

17 THE COURT: Take a swing at it, and if you have any
18 questions, just give my courtroom deputy a call. I can reach
19 out to you if there's any problems. Most of the time I think
20 it's -- I've done it twice so far. It hasn't been an issue.
21 If it says jury, ignore it, okay?

22 MR. STAMOS: If it says what?

23 THE COURT: All right. Anything else, Counsel?

24 MR. BERNSTEIN: Yeah, respectfully, your Honor --

25 THE COURT: Hang on a second. Anything else from you

1 guys?

2 MR. SIMON: Yeah. Will they be full-day trials, or do
3 you have a call in the morning?

4 THE COURT: I usually have a call in the morning, so
5 it would be like normally you'll start around 10:30 or whenever
6 the call -- it will be easier for you guys because we won't be
7 worried about a jury coming in.

8 Usually it's 10:30, and then what I don't want to do
9 if I can avoid it is commencing and continuing. I like to go
10 through as if we kind of had a jury in the sense that we get it
11 all done at once. Because otherwise I have to go back and read
12 the transcripts, and it ends up taking more time. And when you
13 guys have all your witnesses or whatever lined up, usually
14 people appreciate not having to stop and start.

15 MR. STAMOS: I think we can put it together very
16 smoothly, Judge.

17 THE COURT: All right, great. Excellent. Anything
18 else, Counsel?

19 MR. STAMOS: No, sir.

20 MR. BERNSTEIN: Can I be heard?

21 THE COURT: No, sir. You're not in the case.

22 MR. BERNSTEIN: I'm not in the case.

23 (Concluded at 9:48 a.m.)

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C E R T I F I C A T E

I certify that the foregoing is a correct transcript of the record of proceedings in the above-entitled matter.

/s/ LISA H. BREITER
LISA H. BREITER, CSR, RMR, CRR
Official Court Reporter

February 21, 2017