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

SIMON BERNSTEIN IRREVOCABLE ) Docket No. 13 C 03643  
INSURANCE TRUST DTD 6/21/95, )  
et al., )  
Plaintiffs, ) Chicago, Illinois  
v. ) July 13, 2017  
HERITAGE UNION LIFE INSURANCE ) 9:44 a.m.  
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. THEODORE H. KUYPER  
One East Wacker Drive  
Suite 300  
Chicago, IL 60601

Also Present via conference call:

MR. ELIOT BERNSTEIN  
MS. JILL IANTONI  
MS. LISA FRIEDSTEIN

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 Gloria, call the first case.

6 THE CLERK: Is there any party here for Simon  
7 Bernstein vs. Heritage?

8 (Clerk places telephone call.)

9 THE CLERK: 13 CV 3643, Simon Bernstein vs. Heritage  
10 Union Life Insurance Company.

11 THE COURT: Good morning, Counsel. Appearances,  
12 please.

13 MR. SIMON: Adam Simon on behalf of plaintiffs.

14 MR. KUYPER: Theodore Kuyper on behalf of intervenor.

15 MR. ELIOT BERNSTEIN: Eliot Bernstein, pro se.

16 THE COURT: Anyone else on the phone?

17 MS. IATONI: Jill Iantoni.

18 MS. FRIEDSTEIN: Lisa Friedstein.

19 THE COURT: Is that everyone on the phone?

20 All right. If you're going to talk on the phone, you  
21 got to say your name before you speak, okay?

22 UNKNOWN SPEAKER: Okay.

23 THE COURT: All right. You didn't say your name. Got  
24 you.

25 (Laughter)

1           THE COURT: All right. All right. Counsel, my  
2 understanding is the matter's settled, but there's some  
3 approvals that need to be handled by the probate court.

4           Do we have an accurate date of how long it's going to  
5 take to submit those approvals and then submit a proposed  
6 consent judgment?

7           MR. SIMON: I only have an estimate because the  
8 settlement was just recently entered into. I do know that the  
9 personal representative of the estate has already filed the  
10 motion, and they were in court yesterday, I believe, but I  
11 don't think a date has been set for that motion for approval.

12           But I know that everybody's working as soon as  
13 possible. So I assume within 30 days.

14           THE COURT: What's your assessment, Counsel? You  
15 think 30 days is an accurate assessment? Because that would be  
16 the approval, and then how long after the approval would the  
17 parties need to submit the paperwork?

18           MR. SIMON: I would like to get it in a week later at  
19 most. So I'm going to do it immediately but ...

20           THE COURT: Okay. All right. In light of that, I'm  
21 gonna strike all pending dates.

22           Gloria, give me a status date 45 days out. If the  
23 parties submit paperwork prior to that, I'll strike this date  
24 as well. Once we enter the consent judgment, I know the --  
25 Mr. Eliot Bernstein's appeal was dismissed for lack of

1 jurisdiction in the Seventh Circuit.

2           Once there's a consent judgment, we'll obviously have  
3 a final order and he can appeal whatever he feels is  
4 appropriate.

5           Anything else I need to address other than picking the  
6 date?

7           MR. SIMON: Yeah, unfortunately there is, your Honor.

8           THE COURT: Let's get the date first then.

9           MR. SIMON: Sure.

10          THE CLERK: Tuesday, August 29th at 9:45.

11          THE COURT: That good for the parties?

12          MR. KUYPER: That should work just fine, your Honor.

13          MR. SIMON: Actually I am -- oh, no, I'm back. That  
14 will work.

15          THE COURT: Okay, great. You have another matter?

16          MR. SIMON: Yes. Your Honor, as you just mentioned,  
17 the Seventh Circuit dismissed one of Mr. Bernstein's appeals.  
18 Two others I believe were recently dismissed in Florida.

19                 The concern among the family is a matter of safety for  
20 themselves, and I do feel it necessary to bring it up as a  
21 matter of courtroom safety. Some of his recent behavior is  
22 truly, truly disturbing, and that is in light of past behavior  
23 that is very disturbing, but it's ramping up.

24                 And the specific instance that concerns me most for  
25 his family and for himself is that recently -- he has two

1 children who are 18 and 19 years old, two sons. He had them  
2 write a threatening letter to a former judge who is the  
3 guardian ad litem in Florida for his children.

4 Now, according to the appointment for the guardian ad  
5 litem, her appointment is under judicial review, meaning it's  
6 under the supervision of the Court. So of course, the proper  
7 venue would have been for his adult children to file some type  
8 of motion in front of the judge.

9 But instead, he has them write a 45-page threatening  
10 letter, sign it, fingerprint it, and he transmits it by e-mail  
11 to this judge. And he now seems to be, you know, getting his  
12 children into his family victimization business, and it has to  
13 stop.

14 And as his legal recourse begins to come to a close,  
15 we are very concerned about his well-being and his family's  
16 well-being. And because of what's transpired in the Northern  
17 District in the last few years, that's why I'm bringing it to  
18 the attention of the Court, and my next step will be to the  
19 U.S. Marshal's Office.

20 Now, thankfully, he's in Florida. I know that any  
21 protective measures that a judge is going to enter against him  
22 has to be in Florida. But from a matter of courtroom safety, I  
23 had to alert you and I have to alert the U.S. Marshal's Office.

24 THE COURT: Okay.

25 MR. SIMON: I just wanted to make you aware.

1 THE COURT: All right. You're not making a request of  
2 me with respect to any safety issue, correct, other than just  
3 advising me and then you're gonna advise the marshals, right?

4 MR. SIMON: I would appreciate any admonishment you  
5 may give him now that you have on the phone, but no, I'm not  
6 acting -- I'm not asking for any contempt order or anything  
7 like that at this time.

8 THE COURT: Well, I don't know that any admonishment  
9 is appropriate in this court. If there's a safety issue, that  
10 really needs to be brought up with -- obviously I appreciate  
11 the advice or the advisement regarding any safety issues, and I  
12 can certainly take care of whatever issues I need to take care  
13 of.

14 But in terms of safety issues for any individuals in  
15 Florida, that really needs to be taken up with the Florida  
16 officials. So I'm going to ask that you follow through with  
17 Florida officials to make sure everyone's safe there.

18 Anything else?

19 MR. SIMON: That's it, thank you.

20 MR. ELIOT BERNSTEIN: Yes. Eliot Bernstein, your  
21 Honor.

22 THE COURT: Yes, sir.

23 MR. ELIOT BERNSTEIN: Hello?

24 THE COURT: Yes. Go ahead.

25 MR. ELIOT BERNSTEIN: Your Honor, the parties here are

1 all cognizant that your summary judgment action, which  
2 dismissed me citing that I was not a beneficiary of the Estate  
3 of Simon Bernstein and have no standing, and you relied upon  
4 that res judicata, all that collateral estoppel stuff, has been  
5 proven false by the new judge who took over the prior judge who  
6 issued a bunch of frivolous orders denying me due process.

7 Now, I filed with you all writs that said they were  
8 conspiring against mine and my children's rights. And by the  
9 way, that letter on behalf of my -- or that my children wrote  
10 to the guardian was advising her to stop acting on their behalf  
11 as a guardian ad litem because none of them was never a minor  
12 when the guardian ad litem was put upon them, which is  
13 completely in violation of all.

14 There were no adult guardianship hearings held for him  
15 ever. He was an adult the whole time. And one of them turned  
16 18 sui juris on January 1st. And she's been granting consents  
17 on their behalf as if they're minors and going to settlements  
18 on their behalf as if they're minors, and even being  
19 acknowledged of it, she won't stop.

20 Now, the most important thing is it has to be  
21 determined in order by Judge Scher that I am a beneficiary with  
22 standing. And Mr. Simon misled your court to believe I wasn't  
23 in a statement of fact. And he also told you in that that my  
24 three minor children has guardians where one of them wasn't a  
25 minor at the time, and he knows that, being related to, you

1 know, my family.

2           They all knew that. This was all an effort to shut  
3 down my rights. And it worked. You threw me out of the case  
4 citing that I wasn't a beneficiary in standing and could incur  
5 no damages. In fact, the settlement they're proposing I've  
6 been damaged horribly.

7           So that kind of makes that summary judgment argument  
8 for my dismissal kind of not valid because right here, you  
9 know, I was supposed to get a fifth supposedly of the benefit.  
10 But it's a chance the Court (unintelligible) settlement  
11 proposal. So right there, I've incurred damages.

12           And if it goes to the estate, I could incur up to  
13 100 percent damages of loss considering they now claim I'm a  
14 beneficiary of whatever scheme they proposed.

15           My children have given no consent to any settlement.  
16 I've given no consent to any settlement. And the fraud now  
17 needs to be rectified. Your order needs to be corrected or now  
18 we need -- there's now a judge that's issued an order stating  
19 in my father's case I am a beneficiary with standing.

20           And both Alan Rose and Brian O'Connell conceded in a  
21 court hearing on the record that that was true despite multiple  
22 pleadings over years stating I was not to all of these Courts,  
23 including your own. And all anybody really needed to do was  
24 take a look at the wills and trusts, and in every single one of  
25 them, I'm the lead beneficiary in standing.



1           The reason they did this was to deny my due process  
2 rights and try to get collateral estoppel to block my rights in  
3 your case, which worked. And that's a rush to settle up with  
4 all the fraud and President Donald Trump's friend found in my  
5 dad's home that we brought to you about the probate fraud of  
6 the sale of that home.

7           And so this is all a big, old fraud. And, you know,  
8 when he -- to start with your summary judgment order being  
9 corrected and all of these people knew this months ago and  
10 haven't brought it to your court. And I can't even get filings  
11 in because somehow you've removed me, you know, today, where  
12 before from filing things in the court. So I don't even know  
13 how to notice your court anymore. And it's based on the fact  
14 that I'm not a beneficiary with standing in my father's estate.

15           So everything stopped with my all writs ask for -- I'm  
16 going to ask for you to let me file papers and review that all  
17 this injunction and stop this. Because there's so much fraud,  
18 it's layers upon layers.

19           And they are using minor children inappropriately, and  
20 that whole nonsense you just heard, I tried to upload it into  
21 the court just now, but I think I picked the wrong filer. But  
22 on my side on the left, but it picked a different person on the  
23 right.

24           But so anyway, you know, all of those facts are now  
25 before your court and you can review them and determine if your

1 orders were based on false pleadings by officers of this court.  
2 Which, by the way, you know, whatever they want to say about  
3 me, there are a ton (unintelligible) fraud.

4 Robert (unintelligible), I've admitted under oath that  
5 fraud that my mother's trust to include my brother and sister  
6 and pledge it to my children's counsel. Their law firm  
7 submitted (unintelligible) fraudulently notarized the waivers.

8 I don't know what I've done too wrong, but in  
9 comparison to officers of the court, none of them have been  
10 admonished for this or sanctioned. And right here right now,  
11 you should look at your order and say that true, and if it is  
12 true that I'm a beneficiary in standing, you should start, you  
13 know, peeling the onion, so to speak.

14 THE COURT: Okay.

15 MR. ELIOT BERNSTEIN: So, you know --

16 THE COURT: Okay.

17 MR. ELIOT BERNSTEIN: I'm --

18 THE COURT: Mr. Bernstein, I hear what you're saying.

19 I understand -- I understand what you're saying. I also  
20 appreciate how frustrating it can be throughout this entire  
21 process, and I realize there's a lot in this case that's  
22 happening in Florida that I don't have personal knowledge of.

23 I understand you filed an appeal, but just from a  
24 jurisdictional standpoint, that was premature because there  
25 wasn't a final order in the case. But to the degree I've been

1 misled by anyone factually, to the degree I've made an error of  
2 law -- and, you know, God knows I do my best to -- to apply the  
3 rule of law correctly and sometimes I make mistakes. And I  
4 think it's once every 18 months or so, I do get reversed. And  
5 usually they're right and I've missed something.

6           So I'm totally -- I mean, that's actually a comfort to  
7 me that I have the Seventh Circuit to help me, you know, with a  
8 very busy docket to make sure that I'm crossing my T's and  
9 dotting my I's. So as soon as that final order's entered,  
10 you're going to have an ability to appeal whatever you need to  
11 and raise whatever issues you think I might have made a mistake  
12 on. Or if I may have been misled in some way, you're going to  
13 have an opportunity to address that.

14           And it doesn't sound like you don't -- you have long  
15 to wait because the entry -- at least in terms of this what's  
16 in front of me, there's going to be an entry of a final order,  
17 you know, probably before the end of August.

18           So right now you're not able to file things 'cause  
19 you're not actually a party in this case. But obviously the  
20 docket's public, and you can see when that final order goes in.  
21 And you'll be able to take an appeal and address whatever you  
22 need to, okay?

23           All right. Anything else I need to address?

24           MR. ELIOT BERNSTEIN: I want the Court to take  
25 judicial notice of the absolute fraud going on here.

1 THE COURT: I can't do that, sir.

2 MR. ELIOT BERNSTEIN: (Unintelligible.)

3 THE COURT: I can't take judicial notice of that type  
4 of fact. So again, you'll be able to address --

5 MR. ELIOT BERNSTEIN: But you're not aware of the  
6 fraud.

7 THE COURT: Hang on a second. Hang on a second. Hang  
8 on a second. Hang on a second, please.

9 MR. ELIOT BERNSTEIN: (unintelligible) my children  
10 (unintelligible). This is dangerous stuff. People are dying.  
11 My dad's poison resulted on arsenic -- triple arsenic from the  
12 coroner. I mean, seriously.

13 THE COURT: If you believe anyone --

14 MR. ELIOT BERNSTEIN: (Unintelligible) involved with  
15 playing these games and knocking me out of all my rights.

16 THE COURT: If you --

17 MR. ELIOT BERNSTEIN: And my kids have no rights.  
18 We've been completely constitutionally deprived. And now you  
19 have, you know, the knowledge that they're just asking these  
20 people is it determined that Eliot was a beneficiary with  
21 standing in Florida? (Unintelligible) don't do on your own  
22 motion to correct that, reestablish my standing. Reestablish  
23 my rights, so I can get in here and protect my family.

24 THE COURT: I've ruled -- I've ruled based on the  
25 record in front of me. I don't -- can't take judicial notice

1 of what you've indicated. If you think someone is poisoning  
2 you or others, you need to address that with local authorities  
3 to make sure that you and your children are safe.

4 Anything else, Counsel?

5 MR. SIMON: I would just like to say that there's been  
6 no fraud here. There's what he calls collusion, we call  
7 settling according to your orders, your standing orders urging  
8 the parties to engage in settlement at all times.

9 And that's what we did with the help of a mediator  
10 down in Florida who is a judge. And he had every opportunity  
11 to raise these arguments in summary judgment. I was going to  
12 read to you the portions, but I'm not going to do that because  
13 of time constraints.

14 THE COURT: All right. All right. Thank you,  
15 Counsel.

16 All right. See you on the next court date.

17 MR. SIMON: Thank you.

18 MR. KUYPER: Thank you, your Honor.

19 (Concluded at 10:00 a.m.)

20 \* \* \* \* \*

21 C E R T I F I C A T E

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

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

July 19, 2017