

**UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT**

SIMON BERNSTEIN IRREVOCABLE	)	
INSURANCE TRUST DTD. 6/21/95,	)	
et al.,	)	Appellate Case No: 17-3595
Plaintiffs-Appellees,	)	
V.	)	LC No. 1:13-CV-O3643
	)	John Robert Blakey, Judge
HERITAGE UNION LIFE	)	
INSURANCE CO., et al.,	)	
Defendants-Appellees.	)	
	)	
APPEAL OF:	)	
ELIOT BERNSTEIN,	)	
Cross and Counter-Claimant-	)	
Appellant.	)	

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**Motion for Extension of Time to File Brief & For Reconsideration of Pro  
Bono Counsel and Informa Pauperis Status**

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ELIOT IVAN BERNSTEIN (“Eliot”), Pro Se, hereby submits this Motion for Extension of Time to File Brief & For Reconsideration of Pro Bono Counsel and Informa Pauperis Status.

1. That Eliot requests this Court grant an additional 60-day extension of time to file the Initial Brief and Index based in part upon medical issues he is finally recovering from after a year of being treated for serious and “life threatening” issues.

2. Further, Eliot claims that Judge John Blakey stated in his denial of the In Forma Pauperis application and request for Pro Bono counsel that a large sum of money was coming to Eliot's family from his court proceeding to secure counsel and pay fees but as of this date those funds are not available and therefore Eliot is unable to secure counsel due to his financial duress.
3. Financially the monies that were alleged paid to the Florida courts by the lower court have now been confirmed to have been put in the Palm Beach Court registry for Eliot's family but have not yet been secured as of this date.
4. On August 30, 2018 a motion to disburse funds to Joshua Bernstein was filed by his counsel with the 15<sup>th</sup> Judicial Circuit of Florida, as of yet the Court has not ruled to disburse the funds. The other children will be making similar applications shortly for an equal sum of money.
5. On September 25, 2018 attorney Alan B. Rose, Esq., who represented Ted Bernstein in the lower court as co-counsel, then contacted Eliot Bernstein and his son Joshua Bernstein's former counsel and attempted to derail any funds being distributed to pay for litigation as intended by Judge Blakey in his order denying In Forma Pauperis and Pro Bono counsel on the basis that these monies would be available to my family for our defense and appeal, having asserted that the monies he was distributing to the Eliot Bernstein family would be able to pay for counsel when they were released.

6. Attorney Rose is now attempting to interfere with these monies and delay their release to Eliot's family for counsel in this matter as intended by Judge Blakey in his final Order and denial of In Forma Pauperis and Pro Bono counsel. Rose states in an email to attorney Paul Dewey Turner, Esq. on September 25, 2018 the following,

“2. In Illinois, at the 7th Circuit, Eliot is representing he will access his kids money (received from the insurance proceeds) and use that money on a lawyer to fight against the funds his kids received, in a manner directly adverse to his kids' interest. In his filing, Eliot states: “Financially the monies that were alleged paid to the Florida courts by the lower court have now been confirmed to have been put in the Palm Beach Court registry for his children but have not yet been secured by Eliot Bernstein's children's attorneys as of this date.” I am sure you see the problematic issues with you seeking to take money earmarked for Eliot's children, and spend that money to pursue Eliot's litigation goals.

3. You filed a motion to release funds for “your client Joshua” from the court registry. Are you setting that for hearing? My client opposes any use of the funds for Eliot's personal benefit, being adverse to his kids. See also point 2 above. I have sent you the

document governing the trust, and the order. The point of the money is it be used for the benefit of Simon's grandchildren, not his son Eliot, who was intentionally omitted as a beneficiary of Simon's and Shirley's Trust assets."

7. Eliot again, asks this Court to reconsider and grant Pro Bono counsel and Informa Pauperis status, as the monies anticipated by Judge John Robert Blakey and this Court to be available for appeal is not available at this time and may take an unknown amount of time to obtain.

WHEREFORE, Eliot respectfully prays that this Honorable Court grant the relief requested.

DATED: October 10, 2018

Respectfully submitted,

/s/ Eliot Ivan Bernstein

Cross and Counter-Plaintiff, Appellant

PRO SE

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### CERTIFICATE OF SERVICE

Eliot Ivan Bernstein, Pro Se certifies that he filed a "Motion for Extension of Time to File Brief & For Reconsideration of Pro Bono Counsel and Informa

Pauperis Status” via ECF filing and served copies of same upon those listed below via ECF or email on this 10th day of October, 2018.

**/s/ Eliot Ivan Bernstein**

Cross and Counter-Plaintiff, Appellant  
PRO SE

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