

**NONPRECEDENTIAL DISPOSITION**  
To be cited only in accordance with FED. R. APP. P. 32.1

**United States Court of Appeals**  
**For the Seventh Circuit**  
**Chicago, Illinois 60604**

Argued March 3, 2026  
Decided March 16, 2026

**Before**

DORIS L. PRYOR, *Circuit Judge*

JOSHUA P. KOLAR, *Circuit Judge*

NANCY L. MALDONADO, *Circuit Judge*

No. 25-2138

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

Appeal from the United States District  
Court for the Western District of Wisconsin.

*v.*

No. 3:24CR00032-001

BERNARD SEIDLING,  
*Defendant-Appellant.*

James D. Peterson,  
*Chief Judge.*

**ORDER**

After declaring bankruptcy in 2022, Bernard Seidling, a real estate investor, was charged with lying on his bankruptcy schedules, 18 U.S.C. § 152(3); lying about his health to delay the proceedings to conceal a fraud scheme, *id.* § 157(3); and violating the bankruptcy court’s injunction against transferring property of the estate, *id.* § 401(3). Following a four-day trial, a jury found Seidling guilty on all counts, and he was sentenced to seven years’ imprisonment. On appeal, Seidling challenges the admission of several videos that he contends were irrelevant, misleading, cumulative, and unfairly prejudicial. But because Seidling has not shown that the district court abused its discretion by admitting the videos, we affirm the judgment.

## I

Seidling was a real estate investor who bought and sold hundreds of pieces of property through trusts, partnerships, and other entities he controlled. When former customers brought a garnishment action against him in Wisconsin state court to collect on a \$440,000 judgment, Seidling responded by petitioning for Chapter 11 bankruptcy, automatically staying the garnishment action. On his bankruptcy schedules, Seidling declared assets of \$1,790 and the \$440,000 debt. The bankruptcy court eventually converted Seidling's case to a Chapter 7 liquidation and appointed a trustee to identify and secure assets belonging to the estate. Seidling appealed the conversion order to the district court. *See Seidling v. Kelly*, No. 22-cv-598-jdp (W.D. Wis.).

Over a five-month period between December 2022 and April 2023, Seidling tried to stall the bankruptcy proceedings by claiming that he was too ill to participate. On December 19, 2022, he asked the district court for a five-month extension to file his brief because he asserted that he was suffering from long COVID, atrial fibrillation, and vertigo, was constantly falling, and was recovering from multiple recent strokes, which made him unable to concentrate or be productive. In January 2023, he filed a nearly identical motion in the bankruptcy court seeking an indefinite stay of all proceedings pending his "health improving" after his "grave" illness. He also requested another extension of his brief deadline, reporting that he was confused, forgetting things, and falling repeatedly. At a hearing in February, he appeared via telephone and told the bankruptcy judge that he was not competent to testify because he had memory problems, and that he was "going downhill." Finally, on April 25, 2023, Seidling requested that the bankruptcy court stay all matters pending appointment of an attorney, in part because he "[was] not well." But during this same period, Seidling was actively litigating matters in Wisconsin state court.

Later that year, the trustee, worried that Seidling might be hiding assets by using the trusts and entities he controlled, sought a temporary restraining order to preserve the estate. The bankruptcy judge issued the TRO in October, and it became a preliminary injunction that prohibited Seidling from transferring any assets owned or held by any of the thirty-seven named entities associated with him. Soon thereafter, Seidling requested a cashier's check for \$115,000 from an account held by an entity subject to the injunction, and by February 2024, he had obtained four more cashier's checks from the same account. On February 14, 2024, he opened a new bank account at Johnson Financial Group (Johnson Bank) and deposited the five checks worth over \$200,000. A few days later, Seidling withdrew a total of \$44,000 from the account at two

separate bank branches. The money was wrapped in date-stamped “cash straps” with the bank’s identifying information. When the cash was later discovered under Seidling’s lake house, the FBI used the cash straps to trace the money to Johnson Bank.

A grand jury indicted Seidling on three counts related to the bankruptcy proceedings. Count 1 alleged that Seidling knowingly made materially false declarations about his assets on his bankruptcy schedules, violating 18 U.S.C. § 152(3); Count 2 alleged that between December 19, 2022, and April 25, 2023, Seidling lied about his health to delay the bankruptcy proceedings in his efforts to defraud the bankruptcy court, violating 18 U.S.C. § 157(3); and Count 3 alleged that Seidling transferred funds and real property belonging to the estate, violating the preliminary injunction and 18 U.S.C. § 401(3). Seidling pleaded not guilty.

Before trial, the government notified the court of its intent to introduce videos of Seidling at various locations before, during, and after the five-month period charged in Count 2. It proposed fast-forwarding through parts of the videos when Seidling was inactive, sitting, or waiting. Seidling objected that the proposal to fast-forward through certain parts effectively conceded that the videos were irrelevant or cumulative.

The court denied the motion and concluded that the videos were relevant to the truth of Seidling’s statements about his health. Although Seidling offered to stipulate that he had been at each location shown in the videos, the court said the jurors “need to see that he was there and seems to be in a healthy attitude and was able to conduct business.” The court also overruled Seidling’s objection to fast-forwarding, concluding that it did not make the videos irrelevant and was instead “an appropriate way of compressing the videos and showing the passage of time.” After this ruling, Seidling did not request a limiting instruction for any of the videos.

During the trial, the government presented several videos relevant to this appeal. To support the allegation that Seidling was lying in his filings, from December 19, 2022, to April 25, 2023, about being too ill to litigate his bankruptcy case, the government played four categories of videos that featured Seidling.

In the first set of videos from January 5 and 13, 2024, Seidling is shown—at regular speed—riding a bike around the front of Club Duck Key, a social and recreational club in Florida, and walking around the pool with his tennis racket bag on both days. Catherine Eschmann, the secretary of the club, testified that she knew Seidling and had played tennis with him frequently in 2022. She described him as a

very aggressive player and testified that he would often ride his bicycle from his home to the club.

The second set of videos depicts Seidling shopping at Menards on June 3 and 4, 2023. In the June 3 video, Seidling stands in the checkout line, purchases his items, and leaves the store. The June 4 videos show Seidling in the morning and then afternoon, purchasing items, driving his vehicle alone into the adjacent lumber yard, and then exiting through a gate. The government fast-forwarded the videos, with a graphic showing the speed increase, when Seidling was standing in line, interacting with employees, and driving away.

In a third set of videos, Seidling is seen—at regular speed—entering the Key West, Florida, post office, checking his box, and exiting on April 20 and 21, 2023. These were the only videos depicting Seidling within the period between the false statements of ill health charged in Count 2.

Fourth, a video showed Seidling making a deposit at Truist Bank while talking on his cell phone on December 13, 2022. A bank employee testified that she opened three accounts for Seidling when he visited the bank in April and May 2022 and that he had looked and acted the same then as he appeared in the December video.

To support Count 3, the government showed videos of Seidling at Johnson Bank on February 14 and 16, 2024, making the transactions that had violated the bankruptcy court's preliminary injunction. In the February 14 video, Seidling opens the account and deposits over \$200,000 in cashier's checks. The second video shows Seidling at the bank two days later, withdrawing \$20,000 from his new account. In a third video, taken from another branch location less than an hour later, Seidling is seen withdrawing \$24,000 from the same account. Both videos show the money in the "cash straps." Parts of these videos were fast-forwarded, again with a graphic as well as the government's acknowledgement to the jury. The bank's corporate security director testified that Seidling tried to withdraw \$8,000 from a third branch, but she blocked the transaction because the cash withdrawals from a new account appeared concerning.

The jury found Seidling guilty on all three counts, and he was sentenced to 84 months' imprisonment.

## II

On appeal, Seidling challenges only the district court's decisions to admit the four categories of videos used to support Count 2 and the Johnson Bank videos

supporting Count 3. We review evidentiary rulings for an abuse of discretion, reversing the district court only if “no reasonable person could adopt its view.” *United States v. Mireles*, 116 F.4th 713, 723 (7th Cir. 2024) (citation omitted).

Seidling first contends that the videos from Club Duck Key, Menards, and Truist Bank were irrelevant because they show activities that happened outside of the period charged in Count 2 (December 19, 2022, to April 25, 2023). But to be relevant, evidence need only have “any tendency” to make a fact of consequence to the action more or less probable than it would be without the evidence. FED. R. EVID. 401; *United States v. Gomez*, 763 F.3d 845, 853 (7th Cir. 2014) (en banc).

Evidence that a person was healthy in 2024 tends to make it more probable that he was not seriously unhealthy in 2022 and 2023—even if there are situations in which that is not true. The inferential gap is especially small with the Menards and Truist Bank videos. Seidling running errands and driving his car in June 2023 made it more probable that he could participate in court despite asking for an indefinite stay five weeks earlier in April. And the Truist Bank video, in which Seidling seemed to enjoy the full capacity of his physical and mental facilities, made it less probable that he was telling the truth when he told the court a week later that his multiple recent strokes rendered him incapable of filing a brief on time. Seidling counters that the government provided no evidence that his condition was the kind that would not clear up in a few weeks, but it was his own filings that implied he required lengthy stays into the future. The absence of this evidence follows directly from the government’s theory that Seidling was lying about needing that time. The district court did not abuse its broad discretion by concluding that evidence of Seidling’s condition in January 2024, June 2023, and December 2022 was relevant to cast doubt on the truth of the representations he made between December 2022 and April 2023.

Beyond relevance, Seidling contends that the videos should have been excluded under Rule 403 of the Federal Rules of Evidence. Rule 403 gives the district court discretion to exclude relevant evidence if its probative value is “substantially outweighed by a danger of ... unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.” FED. R. EVID. 403; *see Gomez*, 763 F.3d at 856–57.

Seidling first argues that, even if the Club Duck Key, Menards, and Truist Bank videos were relevant, the district court should have excluded them because they risked misleading the jury to his prejudice by confusing them about the period in which he

was alleged to have lied about his health. There was minimal danger of misleading the jury. The Truist Bank video predated the relevant period by less than a week, and the Club Duck Key and Menards videos displayed clear time and date stamps. Eschmann's testimony about Club Duck Key recognized the longer gap there by explaining that Seidling's physical condition appeared to be the same in 2024 as it was in 2022, apart from his wearing a knee and shoulder brace in 2022. Seidling quibbles that this testimony shows that his physical condition had changed, but he does not explain how that change relates to the representations he made in the bankruptcy proceedings, where he claimed conditions far more debilitating than an injured knee or shoulder.

This argument is even less persuasive with respect to the videos *within* the period charged in Count 2. Seidling argues that the Key West post office videos were unfairly prejudicial because their short length encouraged the jury to assume that the footage accurately portrayed his condition during what he says was the "entire year" he was ill—a year that would need to include the Truist Bank video, the Menards videos, or both, to go beyond the five-month period in Count 2—and to form conclusions about his health based on a "distorted, emotionally charged snapshot" instead of the entire record. As direct evidence of Seidling's physical condition during the relevant time, the videos are unobjectionable and tended to show that it was less probable that his health was so poor he could not participate in his litigation. Although all probative evidence will be, to some extent prejudicial, the district court reasonably decided that nothing about these videos presents the sort of *unfair* prejudice against which Rule 403 protects. The only risk was that the jury might infer that a person healthy enough to go to the post office—or Menards, a bank, or a recreational club—was healthy enough to litigate a bankruptcy case around that same general time. Seidling was free to argue to the jury that it should not make this inference from limited and circumstantial evidence, but the jury was not obligated to agree with him, nor was the court obligated to block the jury from making that decision.

Seidling next argues that the Truist Bank video should have been excluded as unfairly prejudicial because the jury was not told that the video was recorded months after the bank employee's last interaction with Seidling. "Evidence poses a danger of 'unfair prejudice' if it has 'an undue tendency to suggest [a] decision on an improper basis, commonly, though not necessarily, an emotional one.'" *United States v. Rogers*, 587 F.3d 816, 822 (7th Cir. 2009) (quoting FED. R. EVID. 403 advisory committee's note).

Here, the probative value of the Truist Bank video was not substantially outweighed by its prejudicial effect because the truth of Seidling's statements about his health was a central issue. The video, recorded just days before Seidling first told the

court he was recovering from multiple strokes, was highly probative of whether he was telling the truth. And there was a low risk of confusing the jury, which was aware that the video was recorded at a completely different branch from where the testifying teller worked, as Seidling highlighted on cross-examination. No one was misled to believe the video showed Seidling and the teller's interactions.

Seidling next contends that the videos from Menards and Johnson Bank should have been excluded as cumulative. Receipts detailing the time, date, and content of his purchases already placed him at Menards, and witness testimony and physical evidence established when he opened an account at Johnson Bank, how much money he deposited and withdrew, and when. "Evidence may be deemed needlessly cumulative 'when it adds very little to the probative force of the other evidence in the case,' such that its 'contribution to the determination of truth would be outweighed by its contribution to the length of the trial.'" *West*, 53 F.4th at 1108 (quoting *United States v. Gardner*, 211 F.3d 1049, 1055 (7th Cir. 2000)).

These videos were not cumulative because each added to the probative force of other evidence in the case. The Menards videos, unlike receipts, show Seidling running errands and driving mere weeks after he was telling courts he would be too unwell to litigate for the foreseeable future, thus tending to show it was probable that Seidling had been lying earlier about his health. Likewise, the Johnson Bank videos were probative of Seidling's knowing violation of the injunction, as charged in Count 3, because they establish that Seidling personally deposited the cashier's checks and withdrew cash belonging to the estate in multiple transactions. Rather than undermining their probative value, the government's decision to fast-forward the videos reduced their effect on the length of the trial, and thus the risk of their being cumulative.

Finally, with respect to only Count 3, Seidling argues the Johnson Bank videos created a risk of confusing the issues of his health as charged in Count 2 with his conduct in Count 3. But this is a non-starter. The security director's testimony and the other evidence presented, including the money bands, were purely about Seidling's financial transactions. Regardless, these videos did not show Seidling in any better (or worse) health than the other videos before, during, and after the period charged in Count 2, and so the videos created no risk of conviction based on his appearance at Johnson Bank over the other substantial evidence that his representations about his health were false.

AFFIRMED