

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

SIMON BERNSTEIN IRREVOCABLE )  
INSURANCE TRUST DTD 6/21/95, )

Plaintiff, )

v. )

HERITAGE UNION LIFE INSURANCE )  
COMPANY, )

Defendant, )

HERITAGE UNION LIFE INSURANCE )  
COMPANY )

Counter-Plaintiff )

v. )

SIMON BERNSTEIN IRREVOCABLE )  
INSURANCE TRUST DTD 6/21/95 )

Counter-Defendant )

and, )

FIRST ARLINGTON NATIONAL BANK )  
as Trustee of S.B. Lexington, Inc. Employee )  
Death Benefit Trust, UNITED BANK OF )  
ILLINOIS, BANK OF AMERICA, )  
Successor in interest to LaSalle National )  
Trust, N.A., SIMON BERNSTEIN TRUST, )  
N.A., TED BERNSTEIN, individually and )  
as purported Trustee of the Simon Bernstein )  
Irrevocable Insurance Trust Dtd 6/21/95, )  
and ELIOT BERNSTEIN, )

Third-Party Defendants. )

ELIOT IVAN BERNSTEIN, )

Cross-Plaintiff )

**Case No. 13 cv 3643  
Honorable John Robert Blakey  
Magistrate Mary M. Rowland**

**UNOPPOSED MOTION TO ENTER  
AGREED BRIEFING SCHEDULE**

**Filer:**

Brian O’Connell, as Personal  
Representative of the Estate of  
Simon L. Bernstein, Intervenor.

v. )  
 )  
 TED BERNSTEIN, individually and )  
 as alleged Trustee of the Simon Bernstein )  
 Irrevocable Insurance Trust Dtd, 6/21/95 )  
 )  
 Cross-Defendant )  
 and, )  
 )  
 PAMELA B. SIMON, DAVID B.SIMON, )  
 both Professionally and Personally )  
 ADAM SIMON, both Professionally and )  
 Personally, THE SIMON LAW FIRM, )  
 TESCHER & SPALLINA, P.A., )  
 DONALD TESCHER, both Professionally )  
 and Personally, ROBERT SPALLINA, )  
 both Professionally and Personally, )  
 LISA FRIEDSTEIN, JILL IANTONI )  
 S.B. LEXINGTON, INC. EMPLOYEE )  
 DEATH BENEFIT TRUST, S.T.P. )  
 ENTERPRISES, INC. S.B. LEXINGTON, )  
 INC., NATIONAL SERVICE )  
 ASSOCIATION (OF FLORIDA), )  
 NATIONAL SERVICE ASSOCIATION )  
 (OF ILLINOIS) AND JOHN AND JANE )  
 DOES )  
 )  
Third-Party Defendants. )  
 )  
 BRIAN M. O’CONNELL, as Personal )  
 Representative of the Estate of )  
 Simon L. Bernstein, )  
 )  
Intervenor. )

**INTERVENOR’S UNOPPOSED MOTION TO ENTER BRIEFING SCHEDULE**

NOW COMES Intervenor, Brian M. O’Connell, Personal Representative of the Estate of Simon L. Bernstein (“Intervenor”), and moves this Court to enter a briefing schedule with respect to Plaintiffs’ Motion for Summary Judgment. In support of his motion, Intervenor states as follows:

1. Before the Court is Plaintiffs' Motion for Summary Judgment (Dkt. No. 148)<sup>1</sup>.
2. This Court previously entered a briefing schedule granting Third-Party Defendant/Counter-claimant Eliot Bernstein an extension of time to file a response thereto on April 6, 2015 (Dkt. No. 158).
3. Counsel for Plaintiffs and Intervenor have conferred and have agreed to apply the same briefing schedule to Intervenor's response to Plaintiffs' Motion for Summary Judgment.
4. Counsel for Intervenor has submitted a proposed agreed order, via electronic mail in accordance with the Court's standing orders.
5. No party will be prejudiced by the granting of this Motion.

WHEREFORE, Intervenor prays that the Court enter a briefing schedule on Plaintiffs' Motion for Summary Judgment which reflects the following:

- a. Intervenor shall file any response to Plaintiffs' Motion for Summary Judgment on or before May 15, 2015;
- b. Plaintiffs shall file their reply, if any, on or before May 27, 2015.

Dated: April 7, 2015

Respectfully submitted,

/s/ Kevin P. Horan

One of the attorneys for Intervenor, Brian M. O'Connell, Personal Representative of the Estate of Simon L. Bernstein

James J. Stamos (ARDC 03128244)  
Kevin P. Horan (ARDC 06310581)  
STAMOS & TRUCCO LLP  
One East Wacker Drive, Third Floor  
Chicago, IL 60601  
Telephone: (312) 630-7979  
Facsimile: (312) 630-1183

---

<sup>1</sup> Plaintiffs filed their Amended Motion for Summary Judgment (Dkt. No. 153) on March 27, 2015.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 7, 2015, I electronically filed the foregoing with the Clerk of the Court using CM/ECF. 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.

Adam M. Simon  
The Simon Law Firm  
303 E. Wacker Drive, Suite 210  
Chicago, IL 60601

Eliot Ivan Bernstein, *Pro Se*

/s/ Kevin P. Horan  
Kevin P. Horan