

**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.)	Case No. 13-cv-3643
)	
HERITAGE UNION LIFE INSURANCE)	
COMPANY,)	
)	
Defendant.)	

Case No. 13-cv-3643

**AMENDED NOTICE OF REMOVAL OF DEFENDANT
JACKSON NATIONAL LIFE INSURANCE COMPANY**

Defendant, Jackson National Life Insurance Company ("Jackson Life"), as successor in interest to Reassure America Life Insurance Company, successor in interest to Heritage Union Life Insurance Company, by and through its undersigned attorneys, files this Amended Notice of Removal pursuant to 28 U.S.C. §§ 1441 *et seq.*, to remove the above-titled matter from the Circuit Court of Cook County, Illinois, in which the case is now pending, to the United States District Court for the Northern District of Illinois, Eastern Division. In support thereof, Jackson states as follows:

1. On April 5, 2013, Plaintiff filed its complaint for breach of contract (the "Complaint") against Heritage Union Life Insurance Company in the Law Division of the Circuit Court of Cook County, Illinois, docket number 2013-L-003498.
2. Jackson Life, as successor in interest, was served with the Complaint on April 17, 2013. Jackson Life's Notice of Removal is timely pursuant to 28 U.S.C. 1446(b) because it is filed within 30 days after service of the Complaint. A copy of the Complaint, together with a copy of the process, is attached hereto as Exhibit 1, as required by 28 U.S.C. § 1446(a).

3. The Complaint states that the Plaintiff trust was a "common law trust established in Chicago, Illinois, by the settlor, Simon L. Bernstein, and was formed pursuant to the laws of the State of Illinois." Further, Ted. S. Bernstein is identified as the trustee of the trust. Mr. Bernstein is a resident and citizen of Florida.

4. Jackson Life is a Michigan corporation with its principal place of business in Lansing, Michigan.

5. The Complaint relates to a dispute over a life insurance policy, which the trust is the alleged beneficiary of, and which is alleged to have a value in excess of \$1,000,000.00 (Compl., para. 16).

6. District courts have original jurisdiction over all civil actions where the matter in controversy exceeds \$75,000 and is between citizens of different states. 28 U.S.C. 1332(a).

7. Accordingly, as this matter involves diversity of citizenship, this Court has original jurisdiction.

8. Jackson Life has already given written notice of the filing of its Notice of Removal to Plaintiff and filed a copy of the Notice with the Clerk of the Circuit Court of Cook County, as required by 28 U.S.C. § 1446(d).

WHEREFORE, defendant, Jackson National Life Insurance Company, respectfully requests that this action proceed in this Court as an action properly removed hereto.

**JACKSON NATIONAL LIFE INSURANCE
COMPANY**

By: /s/ Alexander D. Marks

One of Its Attorneys

Frederic A. Mendelsohn (ARDC No. 6193281)
Alexander D. Marks (ARDC No. 6283455)
Burke, Warren, MacKay & Serritella, P.C.
330 N. Wabash Ave., 22nd Floor
Chicago, Illinois 60611
312-840-7000
312-840-7900 (facsimile)

NOTICE OF FILING AND CERTIFICATE OF SERVICE

The undersigned, an attorney, states that he caused a copy of the foregoing Amended Notice of Removal to be filed electronically with the Northern District of Illinois, and manually served upon the following:

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

By regular mail, postage prepaid, this 20th day of May, 2013.

/s/ Alexander D. Marks

1422634