

**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	)	Honorable Amy J. St. Eve
COMPANY,	)	Magistrate Mary M. Rowland
	)	
Defendant.	)	

**DEFENDANT'S MOTION TO TENDER  
INSURANCE POLICY PROCEEDS TO COURT**

Defendant, Jackson National Life Insurance Company ("Jackson "), as successor in interest to Reassure America Life Insurance Company, successor in interest to Heritage Union Life Insurance Company, by its undersigned attorneys, moves this Court for an order authorizing it to tender the relevant insurance death benefit proceeds, which are at issue in this matter, to the registry of the Court. In support of this Motion, Jackson states:

1. On May 16, 2013, Jackson timely filed its Notice of Removal, thereby removing this matter to this Court, which involves a claim as to the payment of the death benefits under that certain life insurance policy, number 1009208 (the "Policy"), as more fully detailed in Jackson's Motion for an Extension of Time to File its Answer and Counterclaim to Plaintiff's Complaint (the "Extension Motion"). The death benefits in question are alleged to exceed \$1 million (the "Policy Death Benefit"), but in fact are \$1.6 million.

2. Jackson did not issue or administer the Policy, but rather acquired the Policy as part of its acquisition of the book of business of Reassure America Life Insurance Company. When coupled with the fact that Jackson as detailed in the Extension Motion (1) is aware of

competing claims to the Policy Death Benefit, (2) does not know the extent of the potential owners and/or beneficiaries of the Policy, and (3) is still seeking to locate key records relevant to the Policy, such as the Trust, Jackson intends to seek guidance from this Court as to distribution of the Policy Death Benefit (by way of a counterclaim for interpleader of said Benefit) when it answers the Complaint.

3. By the Extension Motion, Jackson seeks an additional thirty (30) days to file its answer and interpleader counterclaim (from the date of any order granting the Extension Motion). In the interim, Jackson seeks an order from this Court to tender the Policy Death Benefit into an account maintained by the Clerk of the Court, as Jackson is merely a stakeholder and is (and has been) ready, willing and able to make payment of the Policy Death Benefit upon proper order of Court.

WHEREFORE, Jackson National Life Insurance Company, as successor in interest to Reassure America Life Insurance Company, successor in interest to Heritage Union Life Insurance Company, respectfully requests that this Court enter an Order:

- (a) Authorizing Jackson to promptly deposit the Policy Death Benefit into the registry and/or a segregated account maintained by the Clerk of the Court; and
- (b) Granting such other and further relief as this Court deems just and proper.

**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., 22<sup>nd</sup> Floor  
Chicago, Illinois 60611  
312-840-7000  
312-840-7900 (facsimile)  
1421240.1

CERTIFICATE OF SERVICE

The undersigned, an attorney, states that he caused a copy of the foregoing Motion to Tender Insurance Policy Proceeds to Court 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 ~~23<sup>rd</sup>~~ day of May, 2013.

/s/ Alexander D. Marks