

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.)

Honorable Amy J. St. Eve
Magistrate Mary M. Rowland

-----)
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.)

MOTION TO SUBSTITUTE THIRD-PARTY DEFENDANT

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, moves to substitute JPMorgan Chase Bank, N.A. as a third-party defendant. In support thereof, Jackson states as follows:

1. Plaintiff filed the instant lawsuit relating to the death benefit proceeds of a life insurance policy.

2. As the proper beneficiary(ies) to the policy proceeds are in dispute, Jackson filed a counterclaim and third-party complaint for interpleader, naming six new third-party defendants that may have a potential interest in the proceeds.

3. One of the third-party defendants named was First Arlington National Bank. After further investigation, it is believed that First Arlington National Bank was in fact named First American National Bank, which was based in Arlington Heights, Illinois, and changed its name to American National Bank of Arlington Heights in 1983. In 1993, it merged and subsequently operated as American National Bank of Chicago, which merged into Bank One in 2002, which merged into JPMorgan Chase Bank, N.A. in 2004.

4. Accordingly, Jackson seeks leave to substitute JPMorgan Chase Bank, N.A. in for First Arlington National Bank as a third-party defendant.

5. No party will be prejudiced by the substitution.

WHEREFORE, Defendant, Jackson National Life Insurance Company respectfully request that this Court permit Jackson to substitute JPMorgan Chase Bank, N.A. in for First Arlington National Bank as a third-party defendant, and provide such other and further relief as the 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., 22nd Floor
Chicago, Illinois 60611
312-840-7000
312-840-7900 (facsimile)

CERTIFICATE OF SERVICE

The undersigned, an attorney, states that he caused a copy of the foregoing Joint Motion to Extend Time to File Initial Status Report to be filed electronically with the Northern District of Illinois, and electronically served upon the following:

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

and served via U.S. mail, postage prepaid, this 8th day of October, 2013 upon the following:

Eliot Bernstein
2753 NW 34th Street
Boca Raton, FL 33434

/s/ Alexander D. Marks

1507456