

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

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

**Case No. 13 cv 3643**  
**Honorable Amy J. St. Eve**  
**Magistrate Mary M. Rowland**

v. )  
 )  
HERITAGE UNION LIFE INSURANCE )  
COMPANY, )  
 )  
Defendant, )

**Simon Bernstein Irrevocable**  
**Insurance Trust, dtd 6/21/95,**  
**and Ted Bernstein, as Trustee,**  
**and Individually,**  
**REQUESTS FOR PRODUCTION OF**  
**DOCUMENTS**

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HERITAGE UNION LIFE INSURANCE )  
COMPANY )  
 )  
 )  
Counter-Plaintiff )

v. )  
 )  
SIMON BERNSTEIN IRREVOCABLE )  
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. )  
 )  
\_\_\_\_\_ )

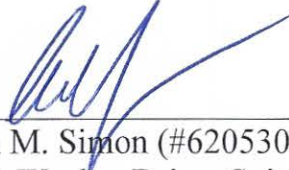
ELIOT IVAN BERNSTEIN, )  
 )  
 Cross-Plaintiff )  
 )  
 v. )  
 )  
 TED BERNSTEIN, individually and )  
 as alleged Trustee of the Simon Bernstein )  
 Irrevocable Insurance Trust Dtd, 6/21/95 )  
 )  
 Cross-Defendant )  
 and, )  
 )  
 PAMELA B. SIMON, DAVID B.SIMON, )  
 both Professionally and 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. )  
 )  
 \_\_\_\_\_ )

**REQUESTS FOR PRODUCTION**

1. Produce all documents used by Eliot Bernstein to respond to the First Set of Interrogatories served upon Eliot Bernstein contemporaneously herewith.
2. Produce all documents relating to Eliot Bernstein’s purported claim to the life insurance proceeds on deposit with the Registry of the Court in this matter (the “Proceeds”).
- 3.. Produce all documents relating to the purported claim of Eliot Bernstein’s minor children to the Proceeds.

4. Produce all documents relating to the Simon Bernstein Irrevocable Insurance Trust dtd 6/21/95.
5. Produce all documents relating to the claim of the Simon Bernstein Irrevocable Insurance Trust dtd 6/21/95 to the Proceeds.

Dated: October 15, 2013



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Adam M. Simon (#6205304)  
303 E. Wacker Drive, Suite 210  
Chicago, IL 60601

Phone: 313-819-0730

Fax: 312-819-0773

E-Mail: [asimon@chicagolaw.com](mailto:asimon@chicagolaw.com)

Attorneys for Plaintiff and Third-Party  
Defendants

*Simon L. Bernstein Irrevocable Insurance Trust  
Dtd 6/21/95; Ted Bernstein as Trustee, and  
individually.*

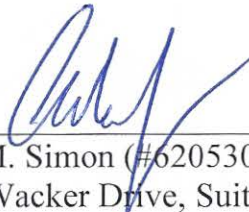
**CERTIFICATE OF SERVICE**

The undersigned, an attorney, certifies that he caused a copy of the foregoing Interrogatories to Eliot Ivan Bernstein to be served upon the following persons and entities *via* U.S. mail, proper postage prepaid to:

Alexander David Marks  
Frederic A. Mendelsohn  
Burke Warren MaCkay & Serritella  
330 N. Wabash Ave.  
22<sup>nd</sup> Floor  
Chicago, IL 60611  
312-840-7000  
Attorneys for Heritage Union Life Insurance Company  
And Jackson National Insurance Company

Eliot Ivan Bernstein  
2753 NW 34<sup>th</sup> St.  
Boca Raton, FL 33434

on the 15th day of October, 2013.



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Adam M. Simon (#6205304)  
303 E. Wacker Drive, Suite 210  
Chicago, IL 60601  
Phone: 313-819-0730  
Fax: 312-819-0773  
E-Mail: [asimon@chicagolaw.com](mailto:asimon@chicagolaw.com)  
Attorneys for Plaintiff and Third-Party  
Defendants  
*Simon L. Bernstein Irrevocable Insurance Trust  
Dtd 6/21/95; Ted Bernstein as Trustee, and  
individually.*

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HERITAGE UNION LIFE INSURANCE )  
COMPANY, )  
 )  
Defendant, )

**Simon Bernstein Irrevocable**  
**Insurance Trust, Dtd 6/21/95,**  
**and Ted Bernstein, as Trustee,**  
**and Individually, FIRST SET OF**  
**INTERROGATORIES TO ELIOT IVAN**  
**BERNSTEIN, THIRD-PARTY**  
**DEFENDANT and CROSS-PLAINTIFF**

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Counter-Plaintiff )

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Trust, N.A., SIMON BERNSTEIN TRUST, )  
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 both Professionally and Personally )  
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 ASSOCIATION (OF FLORIDA), )  
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 (OF ILLINOIS) AND JOHN AND JANE )  
 DOES )  
 )  
 Third-Party Defendants. )  
 \_\_\_\_\_ )

PLAINTIFFS, SIMON L. BERNSTEIN IRREVOCABLE INSURANCE TRUST DTD,  
 6/21/95, TED BERNSTEIN, as Trustee, and individually as Cross-Defendant, hereby submits  
 the following Interrogatories to Third-Party Defendant and Cross-Plaintiff, ELIOT IVAN

BERNSTEIN, (“ELIOT”) to be answered in writing separately and signed under oath within thirty days (30) days after service hereof, pursuant to the applicable Federal Rules of Civil Procedure, including Rule 26(b). These Interrogatories shall be deemed continuing and supplemental answers shall be deemed required to the extent ELIOT obtains further relevant information after ELIOT's response hereto. Each Interrogatory solicits all information available to ELIOT or obtainable by ELIOT from his or her employees, agents, representatives, investigators, attorneys, sureties or indemnitors. If ELIOT cannot answer any Interrogatory in full, ELIOT should answer such Interrogatory to the extent possible and explain why ELIOT is unable to answer further.

Plaintiff requests that ELIOT attach to ELIOT's Answers to these Interrogatories a copy of each document referred to in such answers and which is available to ELIOT.

After each Interrogatory herein, there is a space in which ELIOT may type his answers to these Interrogatories. If such space provided by Plaintiff is not sufficient for ELIOT to completely answer said Interrogatory, ELIOT should complete the answer on a separate sheet of paper, indicating that such answer is a continuation.

### **DEFINITIONS**

The following terms have the following meanings in these Interrogatories:

1. "Person" includes any individual, corporation, partnership, group, association, governmental entity, or any other organization.
2. "You" or "your" or “ELIOT” refer to Third-Party Defendant and Cross-Plaintiff, Eliot Ivan Bernstein, any agents, and all other persons acting or purporting to act on behalf of Eliot Ivan Bernstein.

3. "Decedent", "Insured" or "Simon Bernstein" refer to and mean Simon Bernstein.

4. "Document" means any written, printed, typed, or other graphic or photographic matter of any nature, and any audio or video recordings in your possession, custody, or control, or known by you to exist or to have existed. All copies of documents containing any alterations, annotations, or that differ in any other way from the originals or copies referred to in the preceding sentence, are deemed separate documents from the originals or copies.

5. "Jackson" or "Insurer" shall refer to and mean Jackson National Insurance Company, and all predecessor Insurers of the Policy (as defined below), including but not limited to Heritage Union Life Insurance Company and Capitol Bankers Life Insurance Company.

6. "Communicate" or "communication" means every manner of disclosure or exchange, and every disclosure or exchange, of information, whether orally or by document or whether face-to-face, by telephone, mail, personal delivery, or otherwise.

7. "Identify" used in reference to an individual person means to state (a) the person's full name and present or last known address, (b) the person's present or last known position and business affiliation, and (c) the person's position and business affiliation at the time in question. "Identify" used in reference to any other person means to state (a) the person's full name and present or last known address, (b) type of entity, and (c) the names of the individual persons who are or were principals, agents or employees and who have knowledge of relevant facts.



8 . "Identify" used in reference to a document means to state (a) the date, (b) author or addressor, (c) addressee and recipients of all copies, (d) type of document (e.g., letter, memorandum, telegram, chart, photographs, brochure) or some other means of identifying it, and (e) its present location or custodian. If any document was but no longer is in your possession or subject to your control, state what disposition was made of it and the identity of the person you reasonably believe to be the present custodian. Instead of the identification, you may furnish the documents for inspection and copying at the time you serve answers to these Interrogatories.

9. "Identify" used in reference to a communication means to state (a) its date, (b) the place where it occurred, (c) the type of communication (e.g., telephone conversation, meeting), (d) its substance, (e) the identity of the person who made it, and (f) the identity of each person who received it and of all other persons who were present.

10. "Policy" means the life insurance Policy issued by Capitol Bankers Life Insurance Company insuring the life of SIMON BERNSTEIN, issued as Policy No. 1009208.

11. "this matter" refers to and means the above-captioned litigation, and is meant to be strictly limited to the claims of any Party to the Policy proceeds currently on deposit with the Registry of this Court.

12. "Proceeds" refers to and means the death benefit of the Policy that has been deposited by Jackson with the Registry of this Court.

## INTERROGATORIES

1. Identify each and every person believed by Eliot Bernstein to possess knowledge relevant to any allegation, claim or any other matter asserted by Eliot Bernstein as to his purported claim to the Proceeds.

ANSWER:

2. Identify each and every person believed by Eliot Bernstein to possess knowledge relevant to any allegation, claim or any other matter asserted by Eliot Bernstein as to his children's claim to the Proceeds.

ANSWER:

3. Identify each and every person believed by Eliot Bernstein to possess knowledge relevant to any allegation, claims, defenses or any other matter asserted by Eliot Bernstein as to the claims of the Bernstein Trust to the Proceeds.

**ANSWER:**

4. Identify in all possible detail each and every communication, correspondence, or contact, whether written or oral between Eliot Bernstein and Simon Bernstein, decedent, relating in any way to (a) the Bernstein Trust; (b) the Proceeds. As part of your answer identify the date, time, place and circumstance of the communication, the reason for the communication, correspondence or contact, the substance of such communication, correspondence or contact, and identify all persons who took part or witnessed such communication, contact or correspondence and identify all documents relating thereto.

**ANSWER:**

5. Identify in all possible detail each and every communication, correspondence, or contact, whether written or oral between Eliot Bernstein and Ted Bernstein relating in any way to (a) the Bernstein Trust; (b) the Proceeds. As part of your answer identify the date, time, place and circumstance of the communication, the reason for the communication, correspondence or contact, the substance of such communication, correspondence or contact, and identify all persons who took part or witnessed such communication, contact or correspondence and identify all documents relating thereto.

**ANSWER:**

6. Identify in all possible detail each and every communication, correspondence, or contact, whether written or oral between Eliot Bernstein and any employee, officer, attorney or other representative of Capitol Bankers Life Insurance Company (the Issuer of the Policy), and/or any of its successor insurers, including but not limited to Heritage Union Life Insurance Company and Jackson National Insurance Company relating in any way to (a) the Bernstein Trust; (b) Proceeds. As part of your answer identify the date, time, place and circumstance of the communication, the reason for the communication, correspondence or contact, the substance of such communication, correspondence or contact, and identify all persons who took part or witnessed such communication, contact or correspondence and identify all documents relating thereto.

**ANSWER:**

7. Identify your current employer, and provide your work address and phone number.

**ANSWER:**

8. Identify, including names and dates of birth, of all of your children?

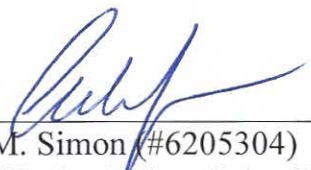
**ANSWER:**

9. Identify any and all persons who are authorized to act as attorneys, guardians, guardians ad litem, or representatives of your minor children for purposes of their purported claim to the life insurance proceeds on deposit with the Registry of the Court in this matter?

**ANSWER:**



Dated: October 15, 2013

  
Adam M. Simon (#6205304)

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Chicago, IL 60601

Phone: 313-819-0730

Fax: 312-819-0773

E-Mail: [asimon@chicagolaw.com](mailto:asimon@chicagolaw.com)

Attorneys for Plaintiff and Third-Party  
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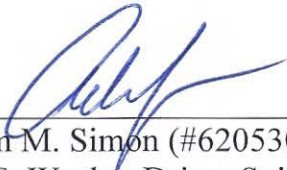
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Alexander David Marks  
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330 N. Wabash Ave.  
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Chicago, IL 60611  
312-840-7000  
Attorneys for Heritage Union Life Insurance Company  
And Jackson National Insurance Company

Eliot Ivan Bernstein  
2753 NW 34<sup>th</sup> St.  
Boca Raton, FL 33434

on the 15th day of October, 2013.

  
\_\_\_\_\_  
Adam M. Simon (#6205304)  
303 E. Wacker Drive, Suite 210  
Chicago, IL 60601  
Phone: 313-819-0730  
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