

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

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

Plaintiff, )

v. )

HERITAGE UNION LIFE INSURANCE )  
COMPANY, )

Defendant. )

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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 alleged Trustee of the Simon )  
Bernstein Irrevocable Insurance Trust )  
Dtd. 6/21/95, and ELIOT BERNSTEIN, )

Third-Party Defendants. )

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ELIOT IVAN BERNSTEIN, )

Case No. 13-cv-03643

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

NOTICE OF MOTION



**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, INC. )  
(OF FLORIDA) NATIONAL )  
SERVICE ASSOCIATION, INC. )  
(OF ILLINOIS) AND )  
JOHN AND JANE DOE'S )**

**Third Party Defendants.** )

**POTENTIAL BENEFICIARIES<sup>1</sup>:  
JOSHUA ENNIO ZANDER BERNSTEIN  
(ELIOT MINOR CHILD);**

<sup>1</sup> Parents act as beneficiary Trustees in the estate of Simon L. Bernstein to their children, where Simon's estate may be the ultimate beneficiary of the policy and their children named below would be the ultimate beneficiaries of the policy proceeds. The failure of the grandchildren to be represented in these matters and listed as potential beneficiaries is due to an absolute conflict with their parents who are trying to get the benefits paid to them directly. This is gross violations of fiduciary duties and may be viewed as criminal in certain aspects as the lawsuit attempts to convert the benefits from the grandchildren to 4/5 of the children of SIMON by failing to inform their children (some minors) or have them represented in these matters. The Court should take note of this, especially in the interests of the minor grandchildren who may lose their benefits if the proceeds of the insurance policy are converted to the knowingly wrong parties.

**JACOB NOAH ARCHIE BERNSTEIN  
(ELIOT MINOR CHILD);  
DANIEL ELIJSHA ABE OTTOMO  
BERNSTEIN (ELIOT MINOR CHILD);  
ALEXANDRA BERNSTEIN (TED  
ADULT CHILD);  
ERIC BERNSTEIN (TED ADULT  
CHILD);  
MICHAEL BERNSTEIN (TED ADULT  
CHILD);  
MATTHEW LOGAN (TED'S SPOUSE  
ADULT CHILD);  
MOLLY NORAH SIMON (PAMELA  
ADULT CHILD);  
JULIA IANTONI – JILL MINOR CHILD;  
MAX FRIEDSTEIN – LISA MINOR  
CHILD;  
CARLY FRIEDSTEIN – LISA MINOR  
CHILD;**

**INTERESTED PARTIES:**

**DETECTIVE RYAN W. MILLER –  
PALM BEACH COUNTY SHERIFF  
OFFICE;  
ERIN TUPPER - FLORIDA GOVERNOR OFFICE NOTARY EDUCATION - THE  
OFFICE OF THE GOVERNOR OF FLORIDA RICK SCOTT**

**NOTICE OF MOTION**

**TO: SIMON BERNSTEIN IRREVOCABLE INSURANCE TRUST DTD 6/21/95,  
HERITAGE UNION LIFE INSURANCE COMPANY, FIRST ARLINGTON NATIONAL  
BANK, UNITED BANK OF ILLINOIS, BANK OF AMERICA, LASALLE NATIONAL  
TRUST, N.A., SIMON BERNSTEIN TRUST, N. A., TED BERNSTEIN, PAMELA B.  
SIMON, DAVID B. SIMON, ADAM SIMON, THE SIMON LAW FIRM, TESCHER &  
SPALLINA, P.A., DONALD TESCHER, ROBERT SPALLINA, LISA FRIEDSTEIN,  
JILL IANTONI, S.B. LEXINGTON, INC. EMPLOYEE DEATH BENEFIT TRUST,  
S.T.P. ENTERPRISES, INC., S.B. LEXINGTON, INC., NATIONAL SERVICE  
ASSOCIATION, INC. (OF FLORIDA), NATIONAL SERVICE ASSOCIATION, INC.  
(OF ILLINOIS), JOSHUA ENNIO ZANDER BERNSTEIN (ELIOT MINOR CHILD);  
JACOB NOAH ARCHIE BERNSTEIN (ELIOT MINOR CHILD); DANIEL ELIJSHA**



**ABE OTTOMO BERNSTEIN (ELIOT MINOR CHILD); ALEXANDRA BERNSTEIN (TED ADULT CHILD); ERIC BERNSTEIN (TED ADULT CHILD); MICHAEL BERNSTEIN (TED ADULT CHILD); MATTHEW LOGAN (TED'S SPOUSE ADULT CHILD); MOLLY NORAH SIMON (PAMELA ADULT CHILD); JULIA IANTONI (JILL MINOR CHILD); MAX FRIEDSTEIN - LISA MINOR CHILD; CARLY FRIEDSTEIN - LISA MINOR CHILD;**

PLEASE TAKE NOTICE that on January 13, 2014 at 8:30am or as soon thereafter as I may be heard, I shall appear before the Honorable Judge Amy J. St. Eve or any judge sitting in his or her stead in Courtroom via Telephone of the US. District Court of the Northern District of Illinois, Eastern Division, 219 South Dearborn St, Chicago, Illinois and shall present the following motion attached hereto:

CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2014, I provided service to the person or persons listed above by the following means: ECF and EMAIL.

Signature /s/ Eliot Ivan Bernstein

Date: January 12, 2014

Name (Print): Eliot Ivan Bernstein

Address: 2753 NW 34<sup>th</sup> St.

Phone: (561) 245-8588

Boca Raton, FL 33434