

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.)

HERITAGE UNION LIFE INSURANCE)
COMPANY,)
)

Defendant.)

Honorable Amy I. St. Eve

No. 13 cv 3643

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

Third-Party Defendants.)

JPMORGAN CHASE BANK'S MOTION FOR JUDGMENT ON THE PLEADINGS

Third-Party Defendant JPMorgan Chase Bank, National Association ("JPMorgan Chase Bank"), by one of its attorneys, Glenn E. Heilizer, pursuant to Fed. R. Civ. P. 12(c), respectfully moves for judgment on the pleadings as to the counterclaim and third-party complaint for interpleader by Jackson National Life Insurance Company. In support of this motion, JPMorgan Chase Bank states as follows.

1. This lawsuit concerns the disposition of certain life insurance proceeds that have been deposited with the Clerk of Court by Jackson National Life Insurance Company.

2. Jackson National Life Insurance Company, now a dismissed party, previously filed a counterclaim and third-party complaint for interpleader with respect to the subject proceeds.

3. In its counterclaim and third-party complaint, Jackson named First Arlington National Bank as a party because First Arlington National Bank allegedly was, at one point, and the purported trustee for the "S.B. Lexington, Inc. Employee Death Benefit Trust." (Countercl./Third Party Cplt. ¶ 6 Dkt. #17.) Jackson further alleged it was unclear if such trust was properly established. (Id.)

4. Following the filing of its counterclaim and third-party complaint, Jackson moved to substitute JPMorgan Chase Bank for First Arlington National Bank as third-party defendant, on the ground that First Arlington National Bank possibly had an indirect relationship to JPMorgan Chase Bank through a succession of mergers. (Motion to Substitute Dkt. #41.)

5. JPMorgan Chase Bank has appeared in this lawsuit and has answered Jackson's counterclaim and third-party complaint, disclaiming any direct or contingent interest in the life insurance policy that forms the subject matter of this lawsuit. (Answer passim #61.)

6. No other party has contested JPMorgan Chase Bank's answer, or has filed any pleading or motion directed at JPMorgan Chase Bank.

7. Rule 12(c) provides a party may move for judgment on the pleadings "after the pleadings are closed" and "early enough not to delay trial." Under well-established standards, a motion for judgment on the pleadings may be granted where the complaint's well-pleaded facts fail "to raise the possibility of relief above the speculative level, assuming that all well-pleaded allegations in the complaint are true." Simonian v. Allergan, No. 10 C 02414, 2011 WL 1599292, at *1 (N.D. Ill. April 28, 2011) (citations omitted).

8. Here, the counterclaim and third-party complaint merely questions whether JPMorgan Chase Bank, as indirect successor to First Arlington National Bank, may have some interest in the subject insurance proceeds. JPMorgan Chase Bank's answer disclaims any such interest. No other party has contended JPMorgan Chase Bank has any interest in the subject proceeds, or any potential role in this litigation. Because the pleadings demonstrate that JPMorgan Chase Bank lacks any interest in the subject matter of this lawsuit, in sum, a judgment on the pleadings in favor of JPMorgan Chase Bank, thus excusing JPMorgan Chase Bank from further participation in this

lawsuit, is appropriate. See Fox and Grove v. Miller, No. 88 C 3741, 1989 WL 95810, at *1 (N.D. Ill. Aug. 11, 1989) (interpleader defendant dismissed where he "disclaim[ed] any interest in the fund and does not assert any adverse claim for purposes of interpleader jurisdiction").

Wherefore, JPMorgan Chase Bank, National Association respectfully requests judgment on the pleadings in its favor on the counterclaim and third-party complaint, without costs, and such further relief as is just and appropriate.

JPMORGAN CHASE BANK,
NATIONAL ASSOCIATION

By: /s/ Glenn E. Heilizer
One of its attorneys

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