

**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,)

_____)

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., TED BERSTEIN, individually)
and as alleged 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)

Case No. 13 cv 3643

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

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., 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)

BENJAMIN P. BROWN, as Curator and)
Administrator Ad Litem of the Estate of)
Simon L. Bernstein,)

Intervenor.)

**MOTION TO EXTEND THE DEADLINE FOR FILING
DISPOSITIVE MOTIONS**

NOW COMES Intervenor, Benjamin P. Brown, as Curator and Administrator Ad Litem of the Estate of Simon L. Bernstein (“Intervenor”), and moves this court to extend the deadline for filing dispositive motions beyond the current date of August 8, 2014. In support of his motion, Intervenor states as follows:

1. Intervenor recognizes the unorthodox nature of this Motion to Extend but begs the court's indulgence. Intervenor hopes by this motion to facilitate an orderly process in the event the court grants his Petition to Intervene.

2. Intervenor has filed his Petition to Intervene, which is currently pending before the court. He filed his Reply Brief in Support of his Motion on July 15, 2014; the issue of intervention is therefore fully briefed. The parties do not know when the court will rule but Intervenor is very hopeful the court will grant his motion.

3. In the event his motion is granted, Intervenor will desire to file a dispositive motion. However, due to the rapidly approaching deadline, it would appear impossible to engage in the activity necessary to prepare for and present such a motion by August 8, 2014.

4. Moreover, at about the time Intervenor filed his Motion to Intervene, documents were disclosed to the parties in this lawsuit related to a Trust (other than the purported Trust referred to in the Complaint) which itself appears to claim to be a beneficiary of the life insurance policy at issue. *See* Dkt. No. 113, 5-28. As the court can see, it purports to relate in some way to the insurance policy, the proceeds of which have been interpleaded into court.

5. The existence of this document was previously unknown to Intervenor but appears to have been known to Plaintiff. *See* Dkt. No. 114, 5-8. While Intervenor has no interest in creating undue delay in the resolution of this case, it would appear that some amount of discovery will be necessary to establish the provenance, significance and impact of this second trust and it is impossible such discovery can be completed between the time this court might rule on Intervenor's motion and the date for filing dispositive motions.

6. In the event the court makes a favorable ruling, Intervenor, and all the parties, will require sufficient time to develop an adequate record for the court to make a judgment on the proper beneficiary of the large sum of money at issue.

WHEREFORE, Intervenor prays that the court extend the deadline for filing dispositive motions to a date at some reasonable point after which the court rules on the pending Motion to Intervene.

Respectfully submitted,

/s/ James J. Stamos

One of the attorneys for Proposed Intervenor,
Benjamin P. Brown, Curator and Administrator Ad
Litem on behalf of the Estate of Simon L. Bernstein

James J. Stamos (ARDC 03128244)
Kevin P. Horan (ARDC 06310581)
STAMOS & TRUCCO LLP
One East Wacker Drive, Third Floor
Chicago, IL 60601
Telephone: (312) 630-7979
Facsimile: (312) 630-1183

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 23, 2014, I electronically filed the foregoing with the Clerk of the Court using CM/ECF. I also certify that the foregoing is being served this day on all counsel of record identified below via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner.