

**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., SIMON BERNSTEIN TRUST, )  
N.A., TED BERNSTEIN, individually and )  
as purported Trustee of the Simon Bernstein )  
Irrevocable Insurance Trust Dtd 6/21/95, )

**Case No. 13 cv 3643  
Honorable John Robert Blakey  
Magistrate Mary M. Rowland**

**Simon Bernstein Irrevocable  
Insurance Trust Dated 6/21/95,  
Ted Bernstein, as Trustee and  
Individually,  
Pamela B. Simon, Jill Iantoni, and Lisa  
Friedstein (“Movants or Plaintiffs”).**

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. )  
 \_\_\_\_\_ )

**NOTICE OF MOTION**

To: See Certificate of Service

PLEASE TAKE NOTICE that on the 28<sup>th</sup> day of May, 2015, at 9:45 a.m., or as soon thereafter as counsel may be heard, the undersigned shall appear before the Honorable John Robert Blakey in Room 1725, United States District Courthouse, at 219 South Dearborn Street, Chicago, Illinois, or before any other judge that may be sitting in his place and stead and shall then and there present Plaintiffs' Motion to Strike or Alternatively for a Briefing Schedule, a copy of said motion, has been filed electronically and is herewith served upon you.

Dated: May 20, 2015

Respectfully submitted,

/s/ Adam Simon

Adam Simon, Esq.

#6205304

303 East Wacker Drive,

Suite 2725

Chicago, Illinois 60601

(312) 819-0730

Attorney for Plaintiffs

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, certifies that he caused copies of the Notice of Motion, Motion to Strike or Alternatively for a Briefing Schedule, Plaintiffs' statement of undisputed material facts (including an Appendix of Exhibits thereto). Plaintiff's memorandum of law in support of their motion, and Plaintiffs' Notice to Pro Se Litigant to be filed and served *via* electronic means with the Northern District of Illinois, pursuant to the Court's Electronic Case Filing (ECF) procedures and also served upon the following persons and entities *via* U.S. mail if indicated, proper postage prepaid:

ELIOT IVAN BERNSTEIN  
2753 NW 34 St.  
Boca Raton, FL 33434  
*Appearing Pro Se*  
(By U.S. Mail)

James J. Stamos  
Kevin Horan  
STAMOS & TRUCCO LLP  
One East Wacker Drive, Third Floor  
Chicago, IL 60601  
*Attorney for Intervenor,*  
*Estate of Simon Bernstein*

on this 20th day of May, 2015.

/s/ Adam Simon  
Adam Simon, Esq.  
#6205304  
303 East Wacker Drive, Suite 2725  
Chicago, Illinois 60601  
(312) 819-0730  
Attorney for Plaintiffs