

**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)

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

**Filers: Adam M. Simon, as counsel
for Jill Iantoni and Lisa Friedstein**

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.)

**MOTION TO WITHDRAW AS COUNSEL
FOR
JILL IANTONI AND LISA FRIEDSTEIN ONLY**

Pursuant to LR83.17, and in compliance with Illinois Rules of Professional Conduct R. 1.16, Adam M. Simon (“Movant”) hereby notifies the parties and the Court of his intent to withdraw as counsel for Plaintiffs/Counter-defendants, Jill Iantoni and Lisa Friedstein, only. Adam M. Simon shall remain as counsel for all other Plaintiffs and all other parties where he is listed on the docket as counsel of record.

1. Movant has represented Jill Iantoni, and Lisa Friedstein as Co-plaintiffs since this action was filed in 2013.
2. Plaintiffs’ motion for summary judgment was recently denied by the court’s order entered on March 15, 2016.
3. Currently, there are no other pending motions on the docket.
4. There are also no pre-trial deadlines looming in the near future.
5. Movant has received written instructions via email from both Lisa Friedstein and Jill Iantoni terminating Movant’s representation as their attorney and instructing Movant to file this motion to withdraw.
6. Pursuant to the local rules and rules of professional conduct, Movant informed both Jill Iantoni and Lisa Friedstein of the following:
 - a) The status of the case as summarized above;
 - b) The notice of hearing pertaining to this motion;
 - c) The next status court date which is set on April 14, 2016;

- d) that court information and contact information for the clerk of the court and Judge Blakey's chambers may be found on the website for the Northern District of Illinois;
- e) that court information regarding a Pro Se party's access to the court's Electronic Case Filing System and other information for Pro Se litigants can be found on the website for the Northern District of Illinois;
- f) that the court would likely require them to file pro se appearances on their own behalf or retain separate counsel to file substitute attorney appearances on their behalf;
- g) that if they failed to file any such required pro se or attorney appearance they may be dismissed as plaintiffs from the case and/or defaulted as counter-defendants;
- h) that their termination of my representation on their behalf individually would not result in any change to the allegations in Plaintiffs' complaint, including those allegations that the beneficiaries of the Bernstein Trust are all five children of Simon Bernstein, which include Lisa Friedstein and Jill Iantoni; and
- i) Movant further notified Jill Iantoni and Lisa Friedstein, that after Movant's withdrawal as their attorney, Movant shall remain as counsel for the Simon Bernstein Irrevocable Insurance Trust Dtd 6/21/95, Ted Bernstein and Pam Simon, and the other parties counsel currently represents.

7. Movant verily believes he has informed Jill Iantoni and Lisa Friedstein of the material information required to protect their own interests in the instant litigation following Movant's withdrawal.
8. Movant has filed this motion pursuant to the express instructions of Jill Iantoni and Lisa Friedstein terminating Movant's representation of their interests.
9. Pursuant to LR83.17, and the Illinois Rules of Professional Conduct Rule 1.16, Movant seeks leave of the Court to withdraw as counsel for Jill Iantoni and Lisa Friedstein.

WHEREFORE, Movant respectfully requests that this Court grant him leave to withdraw as counsel for Jill Iantoni and Lisa Friedstein, and enter an Order stating that Movant has so withdrawn.

Dated: April 2, 2016

Respectfully Submitted,

/s/ Adam M. Simon

Adam M. Simon (#6205304)

303 E. Wacker Drive, Suite 2725

Chicago, IL 60601

Phone: 312-819-0730

Fax: 312-819-0773

E-Mail: asimon@chicagolaw.com

Attorney for

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