

**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, )  
and ELIOT BERNSTEIN )

Third-Party Defendants. )

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

**Filers: Simon Bernstein Irrevocable  
Insurance Trust Dated 6/21/95,  
Ted Bernstein, as Trustee and  
Individually,  
Pamela B. Simon, Adam M. Simon,  
David B. Simon, The Simon Law Firm,  
STP Enterprises, Inc. (“Movants”).**

\_\_\_\_\_ )

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 TO PRO SE LITIGANT**  
**REGARDING SUMMARY JUDGMENT**

To: Eliot Ivan Bernstein  
2753 NW 34 St.  
Boca Raton, FL 33434  
*Pro Se Litigant*

The Movants listed above have moved for summary judgment against you. This means that Movants are telling the judge that there is no disagreement about the important facts of your claims. The plaintiffs are also claiming that there is no need for a trial of your claims and is asking the judge to decide that your claims should be dismissed based on its written argument about what the law is.

In order to defeat the Movants' request, you need to do one of two things: you need to show that there is a dispute about important facts and a trial is needed to decide what the actual facts are or you need to explain why the Movants are wrong about what the law is.

Your response must comply with Rule 56(e) of the Federal Rules of Civil Procedure and Local Rule 56.1 of this court. These rules are available at any law library. Your Rule 56.1 statement needs to have numbered paragraphs responding to each paragraph in the Movant's statement of facts. If you disagree with any fact offered by Movants you need to explain how and why you disagree with Movants. You also need to explain how the documents or declarations that you are submitting support your version of the facts. If you think some of the facts offered by Movants are immaterial or irrelevant you need to explain why you believe those facts should not be considered.

In your response, you must also describe and include copies of documents which show why you disagree with Movants about the facts of the case. You may rely on your own declaration or the declaration of other witnesses. A declaration is a signed statement of a witness. The declaration must end with the following phrase:

"I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct", and must be dated.

If you do not provide the Court with evidence that shows that there is a dispute about the facts, the judge will be required to assume that Movants' factual contentions are true, and if Movants are also correct about the law, Movants motion for summary judgment as to your claims will be granted.

If you choose to do so, you may offer the Court a list of facts that you believe are in dispute and require a trial to decide. Your list of disputed facts should be supported by your documents or declarations that support your position. If you do not do so, the judge will be forced to assume you do not dispute the facts which you have not responded to.

Finally, you should explain why you think the Movants are wrong about what the law is.

Dated: May 21, 2016

/s/ Adam Simon  
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Attorney for Plaintiffs