

**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.

ELIOT IVAN BERNSTEIN, )

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

**INTERVENOR’S LOCAL RULE 56.2  
NOTICE TO *PRO SE* LITIGANTS  
OPPOSING SUMMARY JUDGMENT**

**Filer:**  
Brian O’Connell, as Personal Representative  
of the Estate of  
Simon L. Bernstein, Intervenor.

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. )  
 )  
 BRIAN M. O’CONNELL, as Personal )  
 Representative of the Estate of )  
 Simon L. Bernstein, )  
 )  
 \_\_\_\_\_ Intervenor. )

**INTERVENOR’S LOCAL RULE 56.2 NOTICE TO PRO SE  
 LITIGANTS OPPOSING SUMMARY JUDGMENT**

**TO:** Lisa Sue Friedstein  
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*Pro Se Litigant*

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Intervenor Brian M. O'Connell, Personal Representative of the Estate of Simon L. Bernstein ("Estate"), has moved for summary against you. This means that the Estate is telling the judge that there is no disagreement about the important facts of the Estate's claims against you and your claims against the Estate. The Estate is also claiming that there is no need for a trial of the Estate's claims or your claims and is asking the judge to decide that the Estate should win all of those claims based on its written argument about what the law is.

In order to defeat the Estate's 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 Estate is 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 Estate's statement of facts. If you disagree with any fact offered by the Estate, you need to explain how and why you disagree with the Estate. You also need to explain how the documents or declarations that you are submitted support your version of the facts. If you think that some of the facts offered by the Estate are immaterial or irrelevant, you need to explain why you believe that those facts should not be considered.

In your response, you must also describe and include copies of documents which show why you disagree with the Estate about the facts of the case. You may rely upon your own declaration or the declarations of other witnesses. A declaration is a signed statement by a witness. The declaration must end with the following phrase: "I declare under 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 the Estate's factual contentions are true, and, if the Estate is also correct about the law, the Estate's motion for summary judgment as to its claims against you and your claims against it will be granted and your claims will be dismissed.

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 undisputed facts should be supported by our documents or declarations. It is important that you comply fully with these rules and respond to each fact offered by the Estate, and explain how your documents or declarations support your position. If you do not do so, the judge will be forced to assume that you do not dispute the facts which you have not responded to.

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

Dated: May 25, 2016

BRIAN M. O'CONNELL, PERSONAL REPRESENTATIVE  
OF THE ESTATE OF SIMON L. BERNSTEIN, Intervenor

By:  /s/ James J. Stamos  
*One of Intervenor's Attorneys*

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