

17-1461

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Received

4/11/2017
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United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

March 6, 2017

By the Court:

SIMON BERNSTEIN IRREVOCABLE	] Appeal from the United
INSURANCE TRUST DTD. 6/21/95, et al.,	] States District Court for
Plaintiffs-Appellees,	] the Northern District of
	] Illinois, Eastern Division.
No. 17-1461	] v.
	] No. 1:13-cv-03643
HERITAGE UNION LIFE INSURANCE	] John Robert Blakey, Judge.
CO., et al.,	] Defendants.
Defendants.	] APPEAL OF:
	] ELIOT BERNSTEIN,
APPEAL OF:	] Cross and
ELIOT BERNSTEIN,	] Counter-Claimant-Appellant.
Cross and	] Counter-Claimant-Appellant.
Counter-Claimant-Appellant.	] Counter-Claimant-Appellant.

ORDER

A preliminary review of the short record indicates that the order appealed from may not be a final appealable judgment within the meaning of 28 U.S.C. § 1291.

Generally, an appeal may not be taken in a civil case until a final judgment disposing of all claims against all parties is entered on the district court's civil docket pursuant to Fed. R. Civ. P. 58. *See Alonzi v. Budget Construction Co.*, 55 F.3d 331, 333 (7th Cir. 1995); *Cleaver v. Elias*, 852 F.2d 266 (7th Cir. 1988).

The district court has not entered a Rule 58 judgment in the present case, and for good reason. The case remains pending in the district court, with a trial date currently set for August 7, 2017. As such, Eliot Bernstein's appeal appears premature. Accordingly,

IT IS ORDERED that appellant Eliot Bernstein shall file, on or before March 20, 2017, a brief memorandum stating why this appeal should not be dismissed for lack of jurisdiction. A motion for voluntary dismissal pursuant to Fed. R. App. P. 42(b) will satisfy this requirement. Briefing shall be **SUSPENDED** pending further court order.

NOTE: Caption document "JURISDICTIONAL MEMORANDUM". The filing of a Circuit Rule 3(c) Docketing Statement does not satisfy your obligation under this order.

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

April 3, 2017

By the Court:

SIMON BERNSTEIN IRREVOCABLE] Appeal from the United
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] Illinois, Eastern Division.
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CO., et al.,] John Robert Blakey, Judge.
Defendants.]]
]]
APPEAL OF:]]
ELIOT BERNSTEIN,]]
Cross and]]
Counter-Claimant-Appellant.]]

ORDER

The court, on its own motion, orders plaintiff-appellant Eliot Bernstein to show cause for his failure to respond to the court's order of March 6, 2017. Plaintiff-appellant Bernstein shall file his response on or before April 17, 2017.

Appellant is advised that failure to respond may result in the dismissal of this appeal.

The clerk is directed to attach a copy of the court's order of March 6, 2017, to appellant's copy of this order.

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

March 6, 2017

By the Court:

SIMON BERNSTEIN IRREVOCABLE]	Appeal from the United
INSURANCE TRUST DTD. 6/21/95, et al.,]	States District Court for
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