

**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,)

BRIAN M. O'CONNELL, as Personal)
Representative of the Estate of)
Simon L. Bernstein,)
)
Intervenor.)
_____)

Case No. 1:13-cv-3643
Honorable John Robert Blakey
Magistrate Mary M. Rowland

Filers:
Brian O'Connell, as Personal Representative
of the Estate of Simon L. Bernstein

Simon Bernstein Irrevocable Insurance Trust
Dated 6/21/95

Ted Bernstein, individually and as Trustee

Pamela B. Simon

Lisa Friedstein

Jill Iantoni

**AGREED MOTION FOR ENTRY OF ORDERS OF DISMISSAL AND
DISTRIBUTION OF INTERPLEADED FUNDS PURSUANT TO SETTLEMENT**

Plaintiffs Simon Bernstein Irrevocable Insurance Trust Dated June 21, 1995 (the "1995 Trust"), Ted Bernstein individually and as trustee of the 1995 Trust, and Pamela B. Simon, through their attorney Adam M. Simon, Intervenor Brian M. O'Connell, Personal Representative of the

Estate of Simon L. Bernstein (“Intervenor” or the “Estate”), through his attorneys James J. Stamos and Theodore H. Kuyper, and Plaintiffs Lisa Friedstein and Jill Iantoni appearing *pro se* (collectively, “Movants”), pursuant to 28 U.S.C. § 1335, respectfully move the Court to disburse the interpleaded funds and dismiss this action with prejudice pursuant to the parties’ settlement. In support of this Motion, the Movants state as follows:

1. On or about July 5, 2017, Movants, the only remaining parties to this action, entered into a settlement agreement resolving all remaining issues in this litigation, including but not limited to the terms regarding distribution of the life insurance policy proceeds that remain on deposit with the Registry of the Court.

2. Intervenor, as personal representative of the Estate of Simon Bernstein, subsequently filed a motion to approve the settlement with the 15th Judicial Circuit of Florida, In and For Palm Beach County, where the Estate has been probated and administered.

3. On October 19, 2017, following an evidentiary hearing on Intervenor’s motion to approve the settlement, Judge Rosmarie Scher, 15th Judicial Circuit Court Judge for Palm Beach County, Florida, entered an order granting Intervenor’s motion and approving the settlement. A true and correct copy of that order is attached hereto as **Exhibit 1**.

4. Accordingly, Movants jointly seek entry of the Proposed Orders disbursing the interpleaded funds and dismissing this matter with prejudice pursuant settlement, which Proposed Orders are being submitted to the Court contemporaneously with this filing.

WHEREFORE, Movants respectfully request that the Court grant this Motion and enter the proposed Disbursement Order and Dismissal Order Movants submitted to the Court, or alternatively, enter Orders in a form substantially similar to those Proposed Orders disbursing the

interpleaded funds and dismissing this matter with prejudice pursuant to the remaining parties' settlement.

Dated: November 20, 2017

Respectfully Submitted,

/s/ James J. Stamos

James J. Stamos (ARDC # 3128244)
Theodore H. Kuyper (ARDC # 6294410)
STAMOS & TRUCCO LLP
One East Wacker Drive, Third Floor
Chicago, Illinois 60601
(312) 630-7979

jstamos@stamostrucco.com

tkuyper@stamostrucco.com

Attorneys for Intervenor, Brian O'Connell, as Personal Representative of the Estate of Simon L. Bernstein

/s/ Adam Simon

Adam Simon (ARDC #6205304)
303 East Wacker Drive, Suite 2725
Chicago, Illinois 60601
(312) 819-0730

asimon21@att.net

Attorney for Plaintiffs, the 1995 Trust, Ted Bernstein, and Pamela B. Simon

/s/ Lisa Friedstein

Lisa Sue Friedstein
2142 Churchill Lane
Highland Park, Illinois 60035

Lisa@friedsteins.com

Pro Se Litigant

/s/ Jill Iantoni

Jill Marla Iantoni
2101 Magnolia Lane
Highland Park, Illinois 60035

jilliantoni@gmail.com

Pro Se Litigant

