

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SIMON BERNSTEIN IRREVOCABLE)
INSURANCE TRUST DTD 6/21/95,)
)
Plaintiff,)

Case No. 13 cv 3643
Honorable Amy J. St. Eve
Magistrate Mary M. Rowland

v.)
)
HERITAGE UNION LIFE INSURANCE)
COMPANY,)
)
Defendant,)

-----)
HERITAGE UNION LIFE INSURANCE)
COMPANY,)
)
Counter-Plaintiff,)

v.)
)
SIMON BERNSTEIN IRREVOCABLE)
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,)
))
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.)

DEFENDANT JACKSON NATIONAL LIFE INSURANCE COMPANY'S OBJECTIONS TO PLAINTIFFS', SIMON BERNSTEIN IRREVOCABLE INSURANCE TRUST DTD 6/21/95, AND TED BERNSTEIN, AS TRUSTEE, FIRST SET OF REQUESTS TO ADMIT

Defendant, Jackson National Life Insurance Company ("Jackson"), as successor in interest to Reassure America Life Insurance Company, successor in interest to Heritage Union Life Insurance Company, hereby objects to Plaintiffs' Simon Bernstein Irrevocable Insurance

Trust dtd 6/21/95 (the "Trust") and Ted Bernstein, as Trustee, First Set of Requests to Admit to Jackson National Life Insurance Company as follows:

GENERAL OBJECTIONS

1. Jackson objects to the extent the requests go beyond the scope of Federal Rule of Civil Procedure 36.

2. Jackson reserves its right to assert further objections in light of the terms contained in an unsigned copy of the Trust that was produced to Jackson's counsel, including the trustee designation for the purported Trust, as well as based upon certain admissions made by Plaintiff's counsel, including that he would be amending the Complaint.

3. Each of the foregoing general objections are incorporated into each response below.

REQUESTS TO ADMIT DOCUMENTS

1. Admit that according to the records and information possessed by Jackson, the Policy was issued in 1982.

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

2. Admit that Jackson is the successor insurer to Capitol Bankers Life Insurance Company as to the Policy.

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including

propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

3. Admit that Bates No. JCK000001-001325 (produced by Jackson pursuant to its Rule 26 disclosures) are true, correct and genuine copies of documents contained in Jackson's records regarding the Policy.

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

4. Admit that Bates No. JCK000001-001325 represents Jackson's production of all records in its possession regarding the Policy.

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

5. Admit that Bates No. JCK000370 is the final change of beneficiary designation contained in Jackson's records prior to the death of Simon Bernstein. (A copy of Bates No. JCK000370 is attached hereto).

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including

propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

6. Admit that on Bates No. JCK000370 the primary beneficiary is designated as "LASALLE NATIONAL TRUST, N.A., TRUSTEE".

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

7. Admit that on Bates No. JCK000370, the contingent beneficiary is designated as "Simon Bernstein Irrevocable Insurance Trust Dated June 21, 1995."

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

8. Admit that on Bates No. JCK000372 the name of the contingent beneficiary "Simon Bernstein Irrevocable Insurance Trust Dated June 21, 1995" is abbreviated in the Insurer's endorsement to "Simon Bernstein Ins. Trust Dated 6/21/95." (A copy of Bates No. JCK000372 is attached hereto).

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including

propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

9. Admit that no change of beneficiary form exists in Jackson's records that purports to change either the Primary or Contingent Beneficiary to "Simon Bernstein Trust, N.A".

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

10. Admit that the first time the name "Simon Bernstein Trust, N.A." appears in Jackson's records for the Policy is after Heritage Union Life Insurance Company became the successor insurer.

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

11. Admit that Jackson has no record of any designation from an Owner of the Policy naming the "Simon Bernstein Trust, N.A." as a beneficiary of the Policy.

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon

information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

12. Admit that at the time of Simon Bernstein's death, the designated contingent beneficiary was the "Simon Bernstein Irrevocable Insurance Trust Dated June 21, 1995".

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

13. Admit that as of the date that Jackson is responding to this Request, Jackson has received no notice of claim to the Policy or Policy proceeds from Bank of America, N.A.

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

14. Admit that as of the date that Jackson is responding to this Request, Jackson has received no notice of claim to the Policy or Policy proceeds from LaSalle National Trust, N.A.

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon

information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

15. Admit that as of the date that Jackson is responding to this Request, Jackson has received no notice of claim to the Policy or Policy proceeds from First Arlington National Bank.

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

16. Admit that as of the date that Jackson is responding to this Request, Jackson has received no notice of claim to the Policy or Policy proceeds from United Bank of Illinois.

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

17. Admit that as of the date that Jackson is responding to this Request, Jackson has received no notice of claim to the Policy or Policy proceeds from JP Morgan Bank.

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon

information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

18. Admit that as of the date that Jackson is responding to this Request, Jackson has received no notice of claim to the Policy or Policy proceeds from Ted Bernstein on behalf of himself, individually (as opposed to the claims being made in Ted Bernstein's capacity as a Trustee of the Simon Bernstein Irrevocable Insurance Trust Dated June 21, 1995).

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

19. Admit that as of the date that Jackson is responding to this Request, Jackson has received no notice of claim to the Policy proceeds from Jill Iantoni, on her own behalf.

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

20. Admit that as of the date that Jackson is responding to this Request, Jackson has received no notice of claim to the Policy or Policy proceeds from Pamela Simon, on her own behalf.

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon

information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

21. Admit that as of the date that Jackson is responding to this Request, Jackson has received no notice of claim to the Policy or Policy proceeds from Lisa Friedstein, on her own behalf.

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

22. Admit that as of the date that Jackson is responding to this Request, Jackson has received no notice of claim to the Policy or Policy proceeds from David Simon, on his own behalf.

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

23. Admit that as of the date that Jackson is responding to this Request, Jackson has received no notice of claim to the Policy or Policy proceeds from Adam Simon, on his own behalf.

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon

information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

24. Admit that as of the date that Jackson is responding to this Request, Jackson has received no notice of claim to the Policy or Policy proceeds from anyone claiming to represent S.B. Lexington, Inc.

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

25. Admit that as of the date that Jackson is responding to this Request, Jackson has received no notice of claim to the Policy or Policy proceeds from anyone claiming to represent S.B. Lexington, Inc. Employee Death Benefit Trust (or Plan).

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

26. Admit that as of the date that Jackson is responding to this Request, Jackson has received no notice of claim to the Policy or Policy proceeds from anyone claiming to represent an entity named National Service Association.

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon

information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

27. Admit that as of the date that Jackson is responding to this Request, Jackson has received no notice of claim to the Policy or Policy proceeds from anyone claiming to represent STP Enterprises, Inc.

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

28. Admit that as of the date that Jackson is responding to this Request, Jackson has received no notice of claim to the Policy or Policy proceeds from The Simon Law, on its own behalf.

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

29. Admit that as of the date that Jackson is responding to this Request, Jackson has received no notice of claim to the Policy or Policy proceeds from Donald Tescher, on his own behalf.

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon

information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

30. Admit that as of the date that Jackson is responding to this Request, Jackson has received no notice of claim to the Policy or Policy proceeds from Robert Spallina, on his own behalf.

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

31. Admit that as of the date that Jackson is responding to this Request, Jackson has received no notice of claim to the Policy or Policy proceeds from Tescher and Spallina, P.A., on its own behalf.

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

32. Admit that as of the date that Jackson is responding to this Request, Jackson has received no notice of claim to the Policy or Policy proceeds from anyone named John Doe.

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon

information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

33. Admit that as of the date that Jackson is responding to this Request, Jackson has received no notice of claim to the Policy or Policy proceeds from anyone named Jane Doe.

ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon information and belief, is not the proper trustee of the Trust, and therefore he does not have standing to pursue this matter on behalf of the Trust, including propounding these requests.

**JACKSON NATIONAL LIFE INSURANCE
COMPANY**

By: 
One of Its Attorneys

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1545633

CERTIFICATE OF SERVICE

The undersigned, an attorney, states that on December 26, 2013 he caused a copy of the foregoing Responses to Requests for Admission to be served via electronic mail, upon the following:

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