

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

SIMON BERNSTEIN IRREVOCABLE ) Docket No. 13 C 03643  
INSURANCE TRUST DTD 6/21/95, )  
et al., )  
Plaintiffs, ) Chicago, Illinois  
v. ) November 14, 2017  
9:44 a.m.  
HERITAGE UNION LIFE INSURANCE )  
CO., )  
Defendant. )

TRANSCRIPT OF PROCEEDINGS - Motion Hearing  
BEFORE THE HONORABLE JOHN ROBERT BLAKELY

## APPEARANCES:

For the Plaintiff: THE SIMON LAW FIRM, by  
MR. DAVID SIMON  
303 East Wacker Drive  
Suite 210  
Chicago, IL 60601

For the Intervenor Plaintiff:

STAMOS & TRUCCO LLP, by  
MR. JAMES J. STAMOS  
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Chicago, IL 60601

Court Reporter: LISA H. BREITER, CSR, RMR, CRR  
Official Court Reporter  
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1 (In open court.)

2 THE CLERK: All rise.

3 (Call to order.)

4 THE COURT: Court's in session. Please be seated.

5 Gloria, call the first case.

6 THE CLERK: 13 C 3643, Simon Bernstein vs. Heritage  
7 Union.

8 MR. STAMOS: Hello, your Honor.

9 James Stamos for the estate.

10 MR. SIMON: And David Simon on behalf of plaintiffs,  
11 the trust, Pam Simon and Ted Bernstein.

12 Adam Simon is out ill. I'm stepping in for him.

13 THE COURT: All right. Is there anyone else we need  
14 for today?

15 MR. STAMOS: There are two pros, but I think you  
16 saw an e-mail to his side saying that they agree with what he's  
17 about to do, so they won't be -- I don't expect them.

18 THE COURT: So they're not appearing today?

19 MR. SIMON: That's my understanding.

20 THE COURT: Okay. I had some concerns about the -- I  
21 understand it's a joint motion for entry of final judgment --  
22 it's Docket Entry 296, Gloria.

23 The probate order incorporates a lot of terms. If  
24 there's some other document or some other settlement agreement,  
25 if it's going to be part of the order, then I need to see it.

1 So if you're incorporating something, then I need to see what  
2 the effect of the order is.

3 Now, you don't have to do it that way, but if -- I  
4 can't enter what you asked me to enter without making that  
5 other part public, and I don't know if you want to do that  
6 so --

7 MR. SIMON: I think we probably --

8 THE COURT: I had some questions.

9 MR. SIMON: I think what we probably need to do is  
10 speak to Mr. Adam Simon, who is not here. Because I'm frankly  
11 not familiar with that order.

12 I know there was an approval in Florida. I'm  
13 unfamiliar with its terms, but maybe we need to come back and  
14 resubmit that or --

15 MR. STAMOS: I don't believe we have the order, but we  
16 can probably get it from the court.

17 THE COURT: Well, I've seen the order and it doesn't  
18 have everything in it. It incorporates by reference things  
19 that I do not have.

20 MR. SIMON: We will get it.

21 THE COURT: So I'm going to want you to regroup.  
22 Sometimes people will file a dismissal and they'll have a  
23 separate agreement.

24 Sometimes they need provisions in my order, but they  
25 have to be in my order rather than incorporating something

1 else.

2 MR. SIMON: I see.

3 THE COURT: Because the document has to be  
4 self-contained.

5 MR. SIMON: You don't mind -- you don't mind which --  
6 you don't mind whichever we do as long as if we do the latter,  
7 we include all the things I referred to?

8 THE COURT: I'm just not signing something unless I  
9 read it first. I'm a good lawyer.

10 MR. SIMON: I didn't see the absence. We'll talk  
11 to --

12 THE COURT: Okay. All right. How long do you need to  
13 do that?

14 MR. SIMON: Seven days.

15 THE COURT: Seven days? Gloria, set this out -- we're  
16 going to reset it for seven days.

17 The motion's going to be entered and continued to the  
18 next court date.

19 THE CLERK: Tuesday, November 21st at 9:45.

20 THE COURT: Is that good for the parties?

21 MR. SIMON: Thank you, your Honor.

22 MR. STAMOS: Yes.

23 MR. SIMON: Yes, sir.

24 THE COURT: Okay.

25 (Concluded at 9:47 a.m.)

## C E R T I F I C A T E

I certify that the foregoing is a correct transcript of the record of proceedings in the above-entitled matter.

/s/ LISA H. BREITER  
LISA H. BREITER, CSR, RMR, CRR  
Official Court Reporter

*November 22, 2017*