

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

SIMON BERNSTEIN IRREVOCABLE	)	
INSURANCE TRUST DTD 6/21/95,	)	
	)	
Plaintiff,	)	<b>Case No. 13 cv 3643</b>
	)	<b>Honorable John Robert Blakey</b>
	)	<b>Magistrate Mary M. Rowland</b>
v.	)	
	)	
HERITAGE UNION LIFE INSURANCE	)	
COMPANY,	)	
	)	
Defendant,	)	<b><u>Filers:</u> Simon Bernstein Irrevocable</b>
	)	<b>Insurance Trust Dated 6/21/95,</b>
	)	<b>Ted Bernstein, as Trustee and</b>
	)	<b>Individually,</b>
HERITAGE UNION LIFE INSURANCE	)	<b>Pamela B. Simon, Brian O’Connell, solely</b>
COMPANY	)	<b>in his capacity as successor personal</b>
	)	<b>representative of the Estate of Simon L.</b>
Counter-Plaintiff	)	<b>Bernstein, Jill Iantoni and Lisa</b>
	)	<b>Friedstein.</b>
v.	)	
	)	
SIMON BERNSTEIN IRREVOCABLE	)	
INSURANCE TRUST DTD 6/21/95	)	
	)	
Counter-Defendant	)	

**JOINT MOTION TO ENTER FINAL JUDGMENT INCLUDING  
A DISBURSEMENT ORDER  
PURSUANT TO THE STIPULATION AND  
SETTLEMENT OF THE REMAINING PARTIES**

Now comes Plaintiffs, Simon Bernstein Irrevocable Insurance Trust dated June 21, 1995 (“1995 Trust”), Ted Bernstein, and Pamela B. Simon, by and through their attorney, Adam M. Simon, Intervenor, Brian O’Connell, solely in his capacity as successor personal representative for the Estate of Simon Bernstein (“Intervenor” or “Estate”), by and through his attorney, James Stamos, and co-Plaintiffs, Lisa Friedstein and Jill Iantoni, each appearing *pro se*’ (all of the

aforementioned remaining parties are collectively referred to herein as “movants”), and move this court for entry of a Final Judgment and a separate Disbursement Order pursuant to a Settlement and Stipulation of the Parties, Fed. Rule Civ. Pro. 58, and 28 U.S.C. 1335, in support thereof movants state as follows:

1. On or about July 5, 2017, Movants entered into a Settlement Agreement of the remaining issues in this litigation including but not limited to the terms regarding distribution of the Policy Proceeds that remain on deposit with the Registry of this Court.
2. Intervenor, Brian O’Connell, as personal representative of the Estate, subsequently filed a motion to approve the Settlement with the 15th Judicial Circuit of Florida, In and For Palm Beach County where the Estate of Simon Bernstein 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 Circuit Court Judge for Palm Beach County, FL, entered an Order granting Intervenor’s motion and approved the Settlement. A true and correct copy of the Order approving granting the Estate’s motion is attached hereto and made a part hereof as **Exh. 1**.
4. Here, movants jointly move to enter a final judgment in a form substantially similar to the Proposed Orders submitted to chambers on or about the time of filing of this motion.

5. As part of the final judgment, movants seek a separate disbursement order of interpleaded Funds, pursuant to 28 U.S.C. 1335. (See the proposed Disbursement Order submitted to chambers.)
6. Movants further request, pursuant to Fed. R. Civ. Pro. 58(a) and (d), that this court direct and authorize the Clerk to timely issue a “separate document” evidencing the final judgment entered herein.

WHEREFORE, movants respectfully request that this court grant their joint motion to enter final judgment and disbursement order pursuant to movants’ stipulation and settlement, and such further relief as this court may deem just and proper.

Respectfully submitted,

/s/ Adam Simon  
Adam Simon, Esq.  
ARDC #6205304  
303 East Wacker Drive  
Suite 2725  
Chicago, Illinois 60601  
(312) 819-0730  
Attorney for Plaintiffs. 1995 Trust,  
Ted Bernstein and Pam Simon

/s/ James Stamos  
James Stamos, Esq.  
ARDC #3128244  
STAMOS & TRUCCO LLP  
One East Wacker Drive, 3rd Floor  
Chicago, IL 60601  
Attorney for Intervenor, Brian O’Connell,  
solely in his capacity as successor personal  
representative, for the Estate of Simon L. Bernstein

/s/ Jill Iantoni

Jill Iantoni  
2101 Magnolia Lane  
Highland Park, IL 60035  
Appearing *Pro Se*

/s/ Lisa Friedstein

Lisa Friedstein  
2142 Churchill Lane  
Highland Park, IL 60035  
Appearing *Pro Se*

IN THE CIRCUIT COURT OF THE 15<sup>TH</sup>  
JUDICIAL CIRCUIT OF FLORIDA, IN  
AND FOR PALM BEACH COUNTY

PROBATE DIVISION

FILE NO.: 502012CP004391XXXXNB IH

IN RE: ESTATE OF

SIMON L. BERNSTEIN,

Deceased. /

**ORDER ON SUCCESSOR PERSONAL REPRESENTATIVE'S  
VERIFIED MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT  
ENTERED IN ILLINOIS FEDERAL ACTION**

THIS CAUSE having come upon Successor Personal Representative, Brian M. O'Connell's, Verified Motion for Approval of Settlement Agreement Entered in Illinois Federal Action ("Motion"), and the Court being duly advised on the premises, it is thereupon

ORDERED AND ADJUDGED as follows:

1. The Motion is GRANTED DENIED.

*After hearing testimony + witnesses, the Court finds  
it is appropriate to approve Settlement.*

DONE AND ORDERED in Palm Beach Gardens, Palm Beach County, Florida, this \_\_\_\_\_  
day of 10/19/2017, 2017.



*Rosemary Scher*  
\_\_\_\_\_  
ROSEMARY SCHER, Circuit Judge  
*Rosemary*

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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 )

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

**Filers: Simon Bernstein Irrevocable**  
**Insurance Trust Dated 6/21/95,**  
**Ted Bernstein, as Trustee and**  
**Individually,**  
**Pamela B. Simon, Brian O’Connell, solely**  
**in his capacity as successor personal**  
**representative of the Estate of Simon L.**  
**Bernstein, Jill Iantoni and Lisa**  
**Friedstein.**

**NOTICE OF MOTION**

To: See Certificate of Service

PLEASE TAKE NOTICE that on the 14th day of November, 2017, at 9:45 a.m., or as soon thereafter as counsel may be heard, the undersigned shall appear before the Honorable John Robert Blakey in Room 1203, United States District Courthouse, at 219 South Dearborn Street, Chicago, Illinois, or before any other judge that may be sitting in his place and stead and shall then and there present Movants' Joint Motion to Enter Final Judgment and a Disbursement Order Pursuant to Stipulation and Settlement of the Parties has been filed electronically and is herewith served upon you.

Dated: November 7, 2017

Respectfully submitted,

/s/ Adam Simon

Adam Simon, Esq.

#6205304

303 East Wacker Drive,

Suite 2725

Chicago, Illinois 60601

(312) 819-0730

Attorney for Plaintiffs

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, certifies that he caused copies of the Notice of Motion, Motion to Enter Final Judgment and a Disbursement Order Pursuant to the Stipulation and Settlement of the Parties *via* electronic means with the Northern District of Illinois, pursuant to the Court's Electronic Case Filing (ECF) procedures and also served upon the following persons:

James J. Stamos  
STAMOS & TRUCCO LLP  
One East Wacker Drive, Third Floor  
Chicago, IL 60601  
*Attorney for Intervenor,  
Estate of Simon Bernstein*

/s/ Jill Iantoni  
Jill Iantoni  
2101 Magnolia Lane  
Highland Park, IL 60035  
Appearing *Pro Se*

/s/ Lisa Friedstein  
Lisa Friedstein  
2142 Churchill Lane  
Highland Park, IL 60035  
Appearing *Pro Se*

on this 7th day of November, 2017.

/s/ Adam Simon  
Adam Simon, Esq.  
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Chicago, Illinois 60601  
(312) 819-0730  
Attorney for Plaintiffs