

**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

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Theodore H. Kuyper (ARDC # 6294410)  
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*Attorneys for Intervenor, Brian O'Connell, as Personal Representative of the Estate of Simon L. Bernstein*

/s/ Adam Simon

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

/s/ Lisa Friedstein

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*Pro Se Litigant*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he caused a copy of the foregoing **Agreed Motion for Entry of Orders of Dismissal and Distribution of Interpleaded Funds Pursuant to Settlement** to be served upon all registered E-Filers via electronic filing using the CM/ECF system, and to be served upon the following persons via U.S. mail, proper postage prepaid:

Lisa Sue Friedstein  
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*Pro Se Litigant*

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on this 20<sup>th</sup> day of November, 2017.

\_\_\_\_\_  
/s/ James J. Stamos

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*