

**Donald Tescher**

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**From:** Donald Tescher  
**Sent:** Tuesday, April 30, 2013 12:16 PM  
**To:** Ted Bernstein  
**Cc:** Robert Spallina  
**Subject:** Bernstein Estate

Do you communicate with your siblings other than Pam and Scooter? Below is an email to Robert from Jill and Lisa. In addition to being factually inaccurate, clearly indicates that they are not being kept in the loop. As a reminder, you were to obtain an appraisal from the jeweler as the one he gave you is inadequate. Also, you were to provide us with an accounting. How is that coming?

It has been over a month since we last heard any update on the Bernstein Estate, the insurance proceeds, the real estate, the law suit(s) and jewelry. It is our understanding that everything EXCEPT for the jewelry and insurance proceeds is under your jurisdiction as the Executor, so I am not clear on where that jewelry is or the appraisals I had asked for. I shared with my siblings, that once we have those appraisals I have several strong contacts that we will use to sell it, unless anyone of us wants to purchase it. We understand your Partner, Don has resigned from his duties regarding my Dad's estate. We would like to know why, so we fully understand what is going on. Please send us the sale information of the condo and where that money is going for our beneficiaries and the latest update with the insurance company and the proceeds.

Donald R. Tescher, Esq.  
TESCHER & SPALLINA, P.A.  
4855 Technology Way, Suite 720  
Boca Raton, FL 33431  
Telephone: 561-997-7008  
Facsimile: 561-997-7308  
[dtescher@tescherspallina.com](mailto:dtescher@tescherspallina.com)

If you would like to learn more about TESCHER & SPALLINA, P.A., please visit our website at [www.tescherspallina.com](http://www.tescherspallina.com)

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4/30/2013

TS004429

## Robert Spallina

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**From:** Donald Tescher  
**Sent:** Friday, April 19, 2013 2:18 PM  
**To:** David (Scooter) Simon; Ted Bernstein  
**Cc:** Robert Spallina  
**Subject:** RE: Heritage Union

Scooter, as per my telephone conversation with you where I advised you of my subsequent telephone conversation with Heritage's counsel, please revise the message as modified below and have it typed on your letterhead, signed and addressed to Scott D. Welling, Associate General Counsel, Jackson National Life Insurance Company, One Corporate Way, Lansing, Michigan 48951. Email is [scott.welling@jackson.com](mailto:scott.welling@jackson.com). Please copy us also. Thank you.

Donald R. Tescher, Esq.  
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**From:** David (Scooter) Simon [<mailto:dsimon@stpcorp.com>]  
**Sent:** Friday, April 19, 2013 1:36 PM  
**To:** Ted Bernstein; Donald Tescher  
**Subject:** RE: Heritage Union

Mr. Welling:

This email confirms that the Insurance Trust will dismiss the action filed in Cook County upon a filing of the interpleader action in the Palm Beach County Circuit Court within the later of (i) 30 days from today; or (ii) the time for filing an answer or other responsive pleading in the Cook County matter. Heritage need not file an answer or other pleading provided if and only if Heritage files the interpleader action in the Palm Beach County Circuit Court within the time stated.

Thank you for your participation in this resolution.

Adam Simon

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**From:** Ted Bernstein [<mailto:tbernstein@lifeinsuranceconcepts.com>]  
**Sent:** Friday, April 19, 2013 8:24 AM  
**To:** Donald Tescher  
**Cc:** Robert Spallina; David (Scooter) Simon  
**Subject:** Re: Bernstein

Thanks Don.

Ted Bernstein  
561-988-8984  
[tbernstein@lifeinsuranceconcepts.com](mailto:tbernstein@lifeinsuranceconcepts.com)

On Apr 19, 2013, at 9:22 AM, "Donald Tescher" <[dtescher@tescherspallina.com](mailto:dtescher@tescherspallina.com)> wrote:

Good. Spoke to Scooter yesterday. They are sending us a letter agreeing to dismiss the Cook County lawsuit upon a filing of the interpleader action in the Palm Beach County Circuit Court. However, a new wrinkle has cropped up: the insurance company has now been formally served. I will ask Scooter to modify the letter to indicate that they need not file an answer or other pleading and the suit will be dismissed provided they file the interpleader here within the time for filing an answer or other responsive pleading in the Cook County matter. I will call the in house counsel at the carrier and make sure that this will be acceptable.

Donald R. Tescher, Esq.  
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**From:** Ted Bernstein [<mailto:tbernstein@lifeinsuranceconcepts.com>]  
**Sent:** Friday, April 19, 2013 8:28 AM  
**To:** Robert Spallina  
**Cc:** Donald Tescher  
**Subject:** Re: Bernstein

Condo closed yesterday. Money should be wired today. One down, one to go.

Ted Bernstein  
561-988-8984  
[tbernstein@lifeinsuranceconcepts.com](mailto:tbernstein@lifeinsuranceconcepts.com)

On Apr 18, 2013, at 9:19 PM, "Robert Spallina" <[rspallina@tescherspallina.com](mailto:rspallina@tescherspallina.com)> wrote:

See below

Sent from my iPhone

Begin forwarded message:

**From:** "Welling, Scott" <[scott.welling@jackson.com](mailto:scott.welling@jackson.com)>  
**Date:** April 18, 2013, 4:22:55 PM EDT  
**To:** 'Robert Spallina' <[rspallina@tescherspallina.com](mailto:rspallina@tescherspallina.com)>  
**Subject:** Bernstein

Hi Bob,

Not only has the Cook County lawsuit not been dismissed, I was just informed it was formally served on the 17<sup>th</sup>...??

I cannot file the Palm Beach interpleader with this action pending.

Scott D. Welling

Associate General Counsel

Jackson National Life Insurance Company

One Corporate Way

Lansing, Michigan 48951

Phone: (517) 367-4337

Fax: (517) 706-5517

**Please note: Jackson's email address has changed to [@jackson.com](mailto:@jackson.com)**

## Robert Spallina

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**From:** Welling, Scott [scott.welling@jackson.com]  
**Sent:** Friday, April 19, 2013 5:03 PM  
**To:** 'Cheryl Sychowski'  
**Cc:** Donald Tescher; Adam Simon; Adam Simon; Robert Spallina  
**Subject:** RE: Simon Bernstein Irrevocable Insurance Trust dtd 6/21/95 v. Heritage Union Life Insurance Company- Case Number 2013L003498

**Importance:** High

Dear Mr. Simon,

Thank you for your correspondence.

I just tried to call you, but neither you nor your colleague David Simon were available.

I have briefly discussed this matter with Cook County counsel.

It is my understanding that Jackson has a very short timeframe in which to remove this action to federal court, should it choose to do so. Inasmuch as I am out of the office all next week, I would like to resolve this issue sooner rather than later.

My understanding of this matter is that the Trustee of the Simon Bernstein Irrevocable Insurance Trust has not authorized you to file this lawsuit on behalf of the Trust. Indeed, the Trust's counsel (Robert Spallina) and I have had several amicable and productive dialogues regarding this matter, and have agreed that the best way to resolve this matter is for Jackson to file a federal interpleader action in Palm Beach Florida, where venue indisputably lies.

If I am incorrect, and if the Trustee of the Trust HAS directed you to file this suit, please advise me of same at your soonest convenience.

I will allow you until Wednesday, April 24, 2013 to voluntarily dismiss the above action, and provide me with email confirmation of the dismissal.

If I do not receive confirmation of the dismissal by that date, I will instruct our Cook County counsel to file an Appearance, and then seek to dismiss the action on the grounds that the Trust never authorized the suit.

Naturally, I will ask that our fees and costs be recovered from whichever person or entity is appropriate.

I remain committed to working with the Trust to resolve this matter amicably and with as little expense as possible. However, I decline to do so with an improperly filed lawsuit hanging over my head.

Please give this matter your prompt attention.

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**From:** Cheryl Sychowski [mailto:cheryl@stpcorp.com]  
**Sent:** Friday, April 19, 2013 3:48 PM  
**To:** Welling, Scott  
**Cc:** dtescher@tescherspallina.com; Adam Simon; Adam Simon  
**Subject:** Simon Bernstein Irrevocable Insurance Trust dtd 6/21/95 v. Heritage Union Life Insurance Company- Case Number 2013L003498

Mr. Welling,

Please see attached for a letter from Adam Simon regarding Simon Bernstein Irrevocable Insurance Trust dtd 6/21/95 v. Heritage Union Life Insurance Company - Case Number 2013L003498.

Thank you,

**Cheryl Sychowski**

**The Simon Law Firm**

303 E. Wacker Drive, Suite 210

Chicago, IL 60601

P: (312) 819-0730

F: (312) 819-0773

E: [cheryl@stpcorp.com](mailto:cheryl@stpcorp.com)

## Robert Spallina

---

**From:** Donald Tescher  
**Sent:** Friday, April 19, 2013 6:01 PM  
**To:** Welling, Scott; Robert Spallina  
**Cc:** asimon21@att.net; David (Scooter) Simon; Ted Bernstein  
**Subject:** RE: Simon Bernstein Irrevocable Insurance Trust dtd 6/21/95 v. Heritage Union Life Insurance Company- Case Number 2013L003498

Ted: This is principally addressed to you but have included others so that they are aware. I feel that we have serious conflicts in continuing to represent you as Trustee of the Life Insurance Trust and need to withdraw from further representation in regard to that matter. We have been under the impression that the interpleader action to be filed in Palm Beach County, Florida would be filed in the Circuit Court which is a State court. That is where Sy's estate is being administered. I have spent the past couple of days acting as an intermediary with Scooter and Scott and thought that we had reached a reasonable resolution that would permit the carrier to bring the action here and have Adam then dismiss the Cook County suit. It appears that I was unsuccessful. Given the conflicting issues of who is representing the Trust, our removal will at least solve that issue. If you gave written authority to the Simon Lawfirm it was without our knowledge.

Should our testimony or affidavits regarding Sy's intent or any other aspects of this matter that we may have knowledge be useful we will certainly be available to assist.

Donald R. Tescher, Esq.  
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**From:** Welling, Scott [<mailto:scott.welling@jackson.com>]  
**Sent:** Friday, April 19, 2013 5:26 PM  
**To:** Robert Spallina; Donald Tescher  
**Subject:** FW: Simon Bernstein Irrevocable Insurance Trust dtd 6/21/95 v. Heritage Union Life Insurance Company- Case Number 2013L003498

Gentlemen,

Can you advise on the below...?

**From:** adam simon [<mailto:asimon21@att.net>]  
**Sent:** Friday, April 19, 2013 5:25 PM  
**To:** Welling, Scott  
**Subject:** Re: Simon Bernstein Irrevocable Insurance Trust dtd 6/21/95 v. Heritage Union Life Insurance Company- Case Number 2013L003498

Mr. Welling:

You have been given inaccurate information. I have received written authorization from Ted Bernstein as Trustee of the Trust to file the action that was filed in Cook County.

Thank you,  
Adam Simon

Sent from my iPhone

On Apr 19, 2013, at 4:02 PM, "Welling, Scott" <[scott.welling@jackson.com](mailto:scott.welling@jackson.com)> wrote:

Dear Mr. Simon,

Thank you for your correspondence.

I just tried to call you, but neither you nor your colleague David Simon were available.

I have briefly discussed this matter with Cook County counsel.

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Please give this matter your prompt attention.



**From:** Cheryl Sychowski [<mailto:cheryl@stpcorp.com>]

**Sent:** Friday, April 19, 2013 3:48 PM

**To:** Welling, Scott

**Cc:** [dtescher@tescherspallina.com](mailto:dtescher@tescherspallina.com); Adam Simon; Adam Simon

**Subject:** Simon Bernstein Irrevocable Insurance Trust dtd 6/21/95 v. Heritage Union Life Insurance Company- Case Number 2013L003498

Mr. Welling,

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Thank you,

**Cheryl Sychowski**

**The Simon Law Firm**

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