

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

**OHIO NATIONAL LIFE ASSURANCE)
CORPORATION, an Ohio corporation,)**

Plaintiff,)

v.)

**LORI SOLDAT, Executor of the)
ESTATE OF KENNETH M. SOLDAT,)
Deceased,)**

Defendant.)

No. 07 C 4266

Magistrate Judge Schenkier

**OHIO NATIONAL LIFE ASSURANCE CORPORATION'S
MOTION FOR ENTRY OF JUDGMENT**

Plaintiff, OHIO NATIONAL LIFE ASSURANCE CORPORATION (“Ohio National”), by its attorneys, Michael J. Smith and Warren von Schleicher, hereby submits its Motion for Entry of Judgment, pursuant to Fed. R. Civ. P. 52:

1. Kenneth Soldat died on impact when he drove his car at a high rate of speed head-on into a concrete wall. Ohio National determined that Mr. Soldat’s death falls within the Policy’s suicide clause, which limits coverage when the insured dies by suicide while sane or insane, or by self-destruction while insane.

2. Under Illinois law, in the insurance context, suicide while “sane or insane” is not concerned with the insured’s mental capacity or moral responsibility for his act of self-destruction. Suicide is simply the act of killing one’s self. It is determined by an objective standard, and not a subjective inquiry into the insured’s state of mind.

3. To an objective observer, Mr. Soldat drove his car at a high rate of speed head-on into a concrete wall without swerving, breaking or engaging in any other evasive maneuver. His death was self-inflicted.

4. Under Illinois law, therefore, Kenneth Soldat died “by suicide while sane or insane or by self-destruction while insane.” Accordingly, the court should find that the Policy’s suicide clause applies, and that the death benefit payable is limited to the amount of premiums paid.

WHEREFORE, plaintiff, OHIO NATIONAL LIFE ASSURANCE CORPORATION, respectfully requests entry of judgment in its favor pursuant to Fed. R. Civ. P. 52.

Respectfully submitted,

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By: /s/ Warren von Schleicher
Attorney for Plaintiff, Ohio National
Life Assurance Corporation

CERTIFICATE OF SERVICE

I hereby certify that on June 24, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following attorney of record:

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