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CHUHAK&TECSON^{PC}
attorneys at law

Christine A. Barone

Writer's Direct Line
312.855.4348

Writer's Email
cbarone@chuhak.com

Thomas S. Chuhak
1920-1995
Joseph A. Tecson
1928-2015
Principals
John P. Adams
Mark J. Altschul
Christine A. Barone
Adam K. Beattie
David J. Bloomberg
Steven P. Bloomberg
Kimberly Boike
Mark E. Broadus
Edmond M. Burke
Carri A. Conlon
Kevin M. Coyne

Michael W. Debre
Phyllis K. Fasel
David J. Feinberg
Mitchell S. Feinberg
Brandon R. Freud
Daniel J. Fumagalli
Julie F. Gardner
Andrew L. Glubisz
Ryan A. Haas
Jeffrey M. Heller
Terrell J. Iselhard
Edwin I. Josephson
Arnold E. Karolewski
Loretto M. Kennedy
Amanda E. Losquadro
Lindsey P. Markus

Christina M. Mermigas
Adam R. Moreland
Mallory A. Moreno
Donald J. Russ, Jr.
David B. Shiner
Andrew P. Tecson
David J. Tecson
Janet Wagner
Molly A. Ward
Mitchell D. Weinstein
Anne M. Wolniakowski
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Senior Counsel
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Thomas M. Calascibetta
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Hannah M. Clark
Martin J. Crowley
Missy Turk Firmage
Paige N. Fox
Thomas G. French
Cecilio I. Porras
Agnes A. Ptasznik
Margaret M. Salinas
Aaron Weinger Ward

Of Counsel
Barry A. Feinberg *
William F. DeYoung *
James B. Gottlieb *
Melissa A. Guseynov †
Michele K. Jaspán †‡
Michael L. Moskowitz †
Daniel A. Padernacht †
Ronald N. Primack *
Richard E. Weltman †‡
* Admitted in Illinois
† Admitted in New York
‡ Admitted in New Jersey

July 20, 2022

VIA EMAIL TO BRADPOGOFISKY@GMAIL.COM

Lyle Bradley Pogofsky
1212 N. LaSalle St.
Unit 704
Chicago, IL 60610



Re: Response to Request Dated 6-19-22

Dear Mr. Pogofsky,

Please be advised that this firm represents Benjamin Pogofsky, as Trustee of the Irrevocable Pogofsky Family Trust dated September 6, 2005. We are in receipt of your letter dated June 19, 2022, requesting the following information related to the Irrevocable Pogofsky Family Trust dated September 6, 2005 (hereafter "Trust").

You requested the following:

- Complete accounting of the trust since its inception;
- Complete accounting of all financial activity including investments, brokerage fees, and legal fees since its inception; and
- Complete accounting of all assets, liabilities, and any particulars relating to the administration of the trust since its inception.

First, please be advised that the Trust is funded only with a second to die insurance policy, specifically Lincoln Financial Group Policy #4841607. As the Trust is funded with only the one insurance policy, I am enclosing fourth quarter statements for the policy for the years: 2019, 2020 and 2021. I have also enclosed a first quarter statement for the year 2022. Virtually, no premium payments have been made for this policy since 2014. As you can see from the statements, the cash value of the policy is utilized to pay for the policy's quarterly premiums.

The Crummey notice received by you in 2014 represents funds gifted by Linda Pogofsky ("Linda") to the Trust in order to pay the premium(s) for the policy. The Crummey notice is intended to provide long-term estate tax planning advantages to the family and to save the family money by ensuring that any gift to the Trust by Linda qualifies as an annual gift exclusion. Crummey notices ensure that any additional contributions to the Trust are considered part of the

Lyle Bradley Pogofsky
July 20, 2022
Page 2

annual gift exclusion and do not use a portion of Linda's lifetime exemption amount. In order for the gifted amount to the Trust to be considered an annual exclusion gift, the Internal Revenue Service requires beneficiaries to receive a Crummey notice.

I am hoping that the enclosed statements satisfy your above requests. As the only asset of the Trust is the Lincoln Financial insurance policy, the Trust has limited liquidity and it would be prudent to avoid any unnecessary legal fees. At this time, I will assume that all information you have requested pertaining to the Trust has now been provided.

Should you require additional information or documentation, please contact me directly and send any future communications or requests through this firm. Thank you.

Very truly yours,



Christine A. Barone

CAB:
Attachments



The Lincoln National Life Insurance Company
One Granite Place
P.O. Box 515
Concord, NH 03302-0515

Phone #: 800-487-1485
Fax #: 800-819-1987

Issuing Company:
The Lincoln National Life Insurance Company

Quarterly Policy Summary

Addressee:

The Pogofsky Irrev Family Trust
c/o Benjamin Pogofsky, Ttee
362 W Huron St Unit A
Chicago, IL 60654

Policy Number: 4841607

4th Quarter 2019

POLICY SPECIFICATIONS

Insured: Larry A Pogofsky Lynda N Pogofsky	Date Of Birth: September 25, 1946 May 29, 1948	Sex: Male Sex: Female	Issue Age: 59
Current Specified Amount: \$500,000.00	Issue Date: September 20, 2005	Maturity Date: September 20, 2048	
Policy Status: Active	Issue State: Illinois	Product Name: Flexible Premium Variable Life Insurance	
State Of Residence: Illinois	Planned Frequency: Annual		
Plan Name: Lincoln SVUL-IV with the Elite Series of Funds			
Planned Premium: \$2,009.92			

SUMMARY OF INSURANCE BENEFITS

	As Of December 31, 2019
Death Benefit: Option 1	\$500,000.00
Accumulation Value	\$98,904.98
Surrender Charge	\$0.00
Cash Value	\$98,904.98
Surrender Value	\$98,904.98

QUARTERLY ACCOUNT SUMMARY

	As Of December 31, 2019
Beginning Accumulation Value	\$93,227.72
Gross Payments	\$0.00
Quarterly Cost of Insurance	-\$403.88
Quarterly Expense Charges	-\$30.00
Gain/Loss	\$6,111.14
Ending Accumulation Value	\$98,904.98

POLICY VALUES

	Beginning Value September 30, 2019	Ending Value December 31, 2019
Death Benefit	\$500,000.00	\$500,000.00
Accumulation Value	\$93,227.72	\$98,904.98
Surrender Charge	\$0.00	\$0.00
Cash Value	\$93,227.72	\$98,904.98
Surrender Value	\$93,227.72	\$98,904.98

CAUTION: Premiums received by Lincoln after the anniversary date of this statement period are not recorded on this statement and any projections provided do not account for such payments. If you have concerns regarding the performance of the policy, please contact our Customer Care Center to request a current illustration.

Actual values provided are as of the last business day of the quarter

From: Bill Waters [mailto:BWATERS@chisox.com]
Sent: Monday, August 27, 2018 11:27 AM
To: Pogofsky, Ben <ben.pogofsky@jpmorgan.com>
Cc: Marianne Demke <MDEMKE@chisox.com>
Subject: RE: Chicago White Sox, Ltd. 2017 K-1 Pogofsky

Hi Ben,

The interest held in Chisox Corporation (registered in the name of Lynda Pogofsky, not individually, but as Trustee of the Larry A. Pogofsky Family Trust U/A Dated March 15, 1995 as amended and restated September 6, 2005) represents an effective ownership interest of .019333% in the White Sox and is NOT included in the Chicago White Sox K-1 issued to you.

Thanks for your patience.

Bill.

From: Marianne Demke
Sent: Friday, August 24, 2018 4:34 PM
To: Bill Waters <BWATERS@chisox.com>
Subject: FW: Chicago White Sox, Ltd. 2017 K-1 Pogofsky

See Ben Pogofsky's question below (highlighted).

From: Pogofsky, Ben [mailto:ben.pogofsky@jpmorgan.com]
Sent: Monday, August 20, 2018 1:30 PM
To: Marianne Demke
Subject: RE: Chicago White Sox, Ltd. 2017 K-1 Pogofsky

Ok no rush at all.

Benjamin S. Pogofsky | Vice President | **J.P. Morgan Securities**
21 S. Clark Street, Suite 3200, Chicago, IL 60603 | T: 312 580 4199 | F: 312 462 3918 |

<http://www.jpmorgansecurities.com/psmgroup>

Ben.Pogofsky@jpmorgan.com

J.P. Morgan Securities LLC
JPMorgan Chase Bank, N.A.

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From: Marianne Demke [mailto:MDEMKE@chisox.com]
Sent: Monday, August 20, 2018 1:28 PM



From: Marianne Demke [mailto:MDEMKE@chisox.com]
Sent: Monday, August 20, 2018 1:28 PM
To: Pogofsky, Ben <ben.pogofsky@jpmorgan.com>
Subject: RE: Chicago White Sox, Ltd. 2017 K-1 Pogofsky

So sorry, I do not know the answer to that question. Bill will be back next Monday and I am sure he can answer that question.

From: Pogofsky, Ben [mailto:ben.pogofsky@jpmorgan.com]
Sent: Monday, August 20, 2018 12:23 PM
To: Marianne Demke
Cc: Bill Waters
Subject: RE: Chicago White Sox, Ltd. 2017 K-1 Pogofsky

Hey Marianne,

Random question. We have a very small additional percentage ownership from my dads seat on the board of directors. Is that included on these k1s?

Benjamin S. Pogofsky | Vice President | **J.P. Morgan Securities**
21 S. Clark Street, Suite 3200, Chicago, IL 60603 | T: 312 580 4199 | F: 312 462 3918 |

<http://www.jpmorgansecurities.com/psmgroup>

Ben.Pogofsky@jpmorgan.com

J.P. Morgan Securities LLC
JPMorgan Chase Bank, N.A.

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From: Claudia A. Suszczynska
Sent: Tuesday, October 18, 2022 3:36 PM
To: CBarone@chuhak.com
Cc: Jeffrey A. Zaluda <jzaluda@hmblaw.com>
Subject: Response to Matter Regarding Mr. Bradley Pogofsky

Hello Ms. Barone,

I am writing in response to your email with our client, Mr. Bradley Pogofsky. We would like to know first if, in addition to representing Benjamin Pogofsky, you also represent Linda Pogofsky.

We would also like to discuss de-escalation regarding this issue. If Bradley were to receive the \$100,000 gift from his mother as promised, and be guaranteed what his parents set out for him in the family trust, we will withdraw Bradley's complaints with J.P. Morgan, the ARDC, and FINRA.

Please let me know if this is agreeable to your client.

Best,
Claudia Suszczynska



CLAUDIA A. SUSZCZYNSKA

500 West Madison Suite 3700

Chicago IL 60661

O 312.606.3200 Ext. 4405

F 312.606.3232

E csuszczynska@hmblaw.com

hmblaw.com

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From: Claudia A. Suszczynska csuszczyńska@hmblaw.com
Subject: RE: Response to Matter Regarding Mr. Bradley Pogofsky
Date: Oct 25, 2022 at 1:31:57 PM
To: CBarone@chuhak.com
Cc: Jeffrey A. Zaluda <[REDACTED]@hmblaw.com>

Ms. Barone,

I am writing to follow up on this matter. We believe it would be in everyone's best interests to get this issue resolved as soon as possible. Please let me know if you have any questions.

Best,
Claudia Suszczynska



CLAUDIA A. SUSZCZYNSKA

500 West Madison Suite 3700
Chicago IL 60661
O 312.606.3200 Ext. 4405
F 312.606.3232
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From: Claudia A. Suszczynska
Sent: Tuesday, October 18, 2022 3:36 PM
To: CBarone@chuhak.com
Cc: Jeffrey A. Zaluda <[\[REDACTED\]@hmblaw.com](mailto:[REDACTED]@hmblaw.com)>
Subject: Response to Matter Regarding Mr. Bradley Pogofsky

Hello Ms. Barone,

I am writing in response to your email with our client, Mr. Bradley Pogofsky. We would like to know first if, in addition to representing Benjamin Pogofsky, you also represent Linda Pogofsky.

We would also like to discuss de-escalation regarding this issue. If Bradley were to receive the \$100,000 gift from his mother as promised, and be guaranteed what his parents set out for him in the family trust, we will withdraw Bradley's complaints with J.P. Morgan, the ARDC, and FINRA.

Please let me know if this is agreeable to your client.

Best,
Claudia Suszczynska

CLAUDIA A. SUSZCZYNSKA



From: Bradley Pogofsky brad.pogofsky@gmail.com
Subject: Re: Response to Matter Regarding Mr. Bradley Pogofsky
Date: Nov 7, 2022 at 2:38:34 PM
To: Claudia A. Suszczynska csuszczyńska@hmblaw.com

Hi Claudia.

I just wanted to follow up. I'm assuming there was no reply from my brothers attorney. Can you just confirm that they have not replied at all. I'm waiting to hear back from Jeff on what options I have. Thanks

Bradley Pogofsky

C: [312.606.3200](tel:312.606.3200)

E: brad.pogofsky@gmail.com

On Oct 25, 2022, at 1:31 PM, Claudia A. Suszczynska
<csuszczyńska@hmblaw.com> wrote:

Ms. Barone,

I am writing to follow up on this matter. We believe it would be in everyone's best interests to get this issue resolved as soon as possible. Please let me know if you have any questions.

Best,
Claudia Suszczynska



CLAUDIA A. SUSZCZYNSKA

[500 West Madison Suite 3700](#)

[Chicago IL 60661](#)

O [312.606.3200](tel:312.606.3200) Ext. 4405

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Christine A. Barone
To: Bradley Pogofsky >

3/12/24

Automatic reply: ON BEHALF OF CHRISTINE A. BARONE - Response to Request Dated 6/19/22

Thank you for your email. I'll be out of the office on parental leave until the end of March.

I'll be checking my email periodically. However, please contact my assistant, Kathleen, via email at kneumann@chuhak.com or at [312-201-3404](tel:312-201-3404), and she can direct you to an attorney who will be assisting with your matter while I am out.

Thank you,
Christine Barone





Lindsey Paige Markus



Lindsey Paige Markus

You're not friends on Facebook

76 mutual friends including Danny Pogofsky and Stacy Hurvitz McGinty

Lives in Highland Park, Illinois

View profile

JUL 30, 2022 AT 3:32 PM

Hey Lindsey. Hope all is well. I have a quick question. Are you still with Chuhak & Tecson?

AUG 1, 2022 AT 8:14 AM

Brad,

Congrats on your engagement! It's nice to see you so happy! Yes - I am still with Chuhak. Benji hired our firm to communicate answers to some questions you posed.

Please let us know if you are represented by counsel and if you have any questions, kindly send them to us at CBarone@chuhak.com and you can cc me - Lmarkus@chuhak.com

Warm regards,

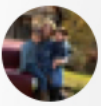
L

AUG 1, 2022 AT 1:08 PM

Lindsey,

Appreciate that. Congrats on the new client.

Definitely send any correspondence



Lindsey Paige Markus

CBarone@chuhak.com and you can cc me -
Lmarkus@chuhak.com

Warm regards,

L



AUG 1, 2022 AT 1:08 PM

Lindsey,

Appreciate that. Congrats on the new client.

Definitely send any correspondence directed to me certified mail or by process service if you expect me to read it or have an attorney respond on my behalf.

All my best,

B

NOV 17, 2022 AT 5:08 PM

Hey Lindsey. My attorney reached out a few times and hasn't heard back from your firm. I'm not sure Christine is getting all her emails.

NOV 17, 2022 AT 6:12 PM

It is unlike Christine so I would recommend that your attorney telephone Christine to make sure she is getting her communications. I would love to help but It is improper for me to communicate directly with you when you are represented by counsel.



NOV 17, 2022 AT 7:58 PM

😂😂. Maybe Christine needs a copy of your book. Is there a chapter on emails?



Christine A. Barone

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312.855.4348

Writer's Email
cbarone@chuhak.com

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Michael L. Moskowitz †
Daniel A. Padernacht †
Ronald N. Primack *
Richard E. Weltman ‡
* Admitted in Illinois
† Admitted in New York
‡ Admitted in New Jersey

January 18, 2023

VIA CERTIFIED MAIL

Lyle Bradley Pogofsky
1212 N. LaSalle St.
Unit 704
Chicago, IL 60610

**Re: Irrevocable Pogofsky Family Trust dated September 6, 2005 December 2022
Statement and Attorney Representation**

Dear Mr. Pogofsky,

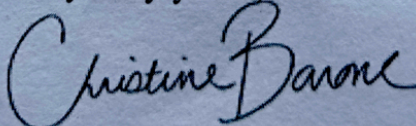
As you know, this firm represents Benjamin Pogofsky, as Trustee of the Irrevocable Pogofsky Family Trust dated September 6, 2005.

We were previously contacted by Claudia Suszczynska and Jeffrey Zaluda with HMB Legal Counsel regarding representation of you in this matter. However, Ms. Suszczynska and Mr. Zaluda never responded to our subsequent communications and we received notice from them today that they are not representing you.

Please have your current attorney contact me directly and/or provide us with their contact information.

Finally, enclosed, please find a copy of the December 2022 financial statement for the insurance policy #4841607 with Lincoln Financial Group. As you may recall, the policy is the only asset of the Irrevocable Pogofsky Family Trust dated September 6, 2005. Thank you.

Very truly yours,



Christine A. Barone

CAB:

Enclosure: Lincoln Financial Group 4th Quarter 2022 Statement