

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

PHT HOLDING I LLC, and ALICE  
CURTIS, on behalf of themselves and all  
others similarly situated,

Plaintiffs,

v.

RELIASTAR LIFE INSURANCE  
COMPANY,

Defendant.

Civ. No.: 18-cv-2863 DWF/TNL

**DECLARATION OF**  
**KIMBERLY K. NESS REGARDING**  
**SETTLEMENT ADMINISTRATION**

I, Kimberly K. Ness, declare as follows:

1. I am a Director at JND Legal Administration LLC (“JND”). This declaration is based on my personal knowledge, as well as upon information provided to me by experienced JND employees, Counsel for the Plaintiffs and the Class (“Class Counsel”), and Counsel for Defendant (“Defense Counsel” and, together with Class Counsel, “Counsel”), and if called upon to do so, I could and would testify competently thereto.

2. JND is serving as the Settlement Administrator<sup>1</sup> in the above-captioned litigation (“Action”) for the purposes of administering the Joint Stipulation and Settlement Agreement (“Settlement Agreement,” Dkt. 259-2) preliminarily approved by the Court in its Order Preliminarily Approving Class Action Settlement (Dkt. 266).

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<sup>1</sup> Capitalized terms used and not otherwise defined herein shall have the meanings given to such term in the Joint Stipulation and Settlement Agreement (Dkt. 259-2) and in my colleague Jennifer M. Keough’s declaration regarding the Proposed Settlement Notice Program (Dkt. 260).

3. My colleague, Jennifer M. Keough previously submitted Declarations in this Action regarding the Proposed Notice Plan (dated April 28, 2022, Dkt. 218), the Proposed Settlement Notice Program (dated July 20, 2023, Dkt. 260), and our Settlement Administration Expenses (dated September 21, 2023, Dkt. 273). I am submitting this Declaration to provide an update on the implementation of the Settlement Notice Program.

**CLASS DATA RECEIVED**

4. On August 9, 2023, JND received spreadsheets from Defense Counsel that were forwarded to JND by Class Counsel containing updated information for the individuals identified as Class Members. After receiving this information, JND updated the contact information using data from the National Change of Address (“NCOA”) database.<sup>2</sup> JND further analyzed the data to remove duplicate records, resulting in 124,982 records.

5. JND received one additional spreadsheet from Defense Counsel that was forwarded to JND by Class Counsel on August 10, 2023. After receiving the spreadsheet, JND reconciled these records with the previous spreadsheets to locate additional policies, policy owners, or addresses that were not included in the August 9, 2023 records. JND identified 14 new policy numbers and 1,073 new owners, resulting in 1,087 additional records. This brought the total quantity of records for the Class Members from 124,982 to 126,069. JND also located 180 new addresses for certain policy owners. The additional Class Member data and addresses were loaded into the database established for this Action.

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<sup>2</sup> The NCOA database is the official United States Postal Service (“USPS”) technology product which makes changes of address information available to mailers to help reduce the undeliverable mail pieces before mail enters the mail stream.

**NOTICE MAILING**

6. On August 21, 2023, JND mailed the Court-approved Postcard Settlement Notice to 124,710 individuals using the records for the Class Members received on August 9, 2023. A copy of the Postcard Settlement Notice is attached hereto as **Exhibit A**.

7. On September 15, 2023, JND mailed additional notices to 1,087 additional records using the updated information received on August 10, 2023, and to 180 updated addresses obtained from that same August 10 production.<sup>3</sup>

8. As of October 17, 2023, of the total 125,799 Postcard Settlement Notices mailed, 220 Notices were forwarded to updated addresses from USPS, and 23,864 were undeliverable. Of the undeliverable notices, four (4) notices were returned with updated addresses and were subsequently forwarded to the updated addresses. For the remaining undeliverable notices, JND conducted advanced address searches and received updated address information for 13,057 Class Members. JND re-mailed the Postcard Settlement Notices to the updated addresses accordingly. Of the re-mailed notices, eight (8) notices were returned as undeliverable.

9. As of October 17, 2023, of the 125,799 total Postcard Settlement Notices mailed, 114,988 Postcard Settlement Notices were sent and not returned as undeliverable, whether initially or after additional research, representing successful mailings to about 91% of the addresses for Class Members.

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<sup>3</sup> The August 10, 2023 records were not received from Defense Counsel in time for the initial August 21, 2023 mailing. As such, and in line with the Court's order for JND to re-mail the notice for every person and entity for which JND obtained an updated address, *see* Dkt. 266 at 3–4, JND mailed these additional notices on September 15, 2023.

**SETTLEMENT WEBSITE**

10. On August 21, 2023, JND updated the dedicated website for this Action (“Settlement Website,” <https://www.reliastarcoil litigation.com/>), which JND originally created in conjunction with the initial class notices mailed in 2022, to include information about the proposed Settlement. The website hosts copies of important cases documents (including, but not limited to, downloadable copies of the Long Form Settlement Notice, Joint Stipulation and Settlement Agreement, and the Order Preliminarily Approving Class Action Settlement), answers to frequently asked questions, and contact information for the Settlement Administrator and Class Counsel. A copy of the Long Form Settlement Notice is attached hereto as **Exhibit B**.

11. JND further uploaded to the Settlement Website downloadable copies of Class Counsel’s Motion for Attorneys’ Fees, Reimbursement of Litigation Expenses, and Services Awards, and its supporting documents (Dkts. 267–75), on September 22, 2023, the day after they were filed.

12. From August 21, 2023 through October 17, 2023, the Settlement Website has tracked 1,500 unique users who registered 3,420 page views.

**TOLL-FREE TELEPHONE LINE**

13. On August 21, 2023, JND also updated the dedicated toll-free telephone line (1-888-681-2090), which JND originally set up in conjunction with the initial class notices mailed in 2022, with Interactive Voice Response (“IVR”) recordings to provide information about the proposed Settlement. The number is accessible 24 hours a day, 7 days a week.

14. From August 21, 2023 through October 17, 2023, JND has received 367 incoming calls to the toll-free telephone line.


**OBJECTIONS**

15. The Postcard Settlement Notice, which was mailed as described above, and the Long Form Settlement Notice, which was posted to the Settlement Website, informed recipients that Class Members may object to the Settlement if they do not agree with the terms of the proposed Settlement. The notices also informed recipients that Class Counsel would seek an award of its attorneys' fees not to exceed \$15,919,029.67, or 33 1/3% of the gross benefits provided to the Class, and service awards up to \$50,000 for each of the two Plaintiffs, as well as reimbursement of expenses, including settlement administration expenses. In order to object, Class Members were required to file a written objection with the Court and serve copies of the objection on Counsel. The deadline to object to the Settlement, as stated in the notices, was October 5, 2023.

16. As of October 17, 2023, JND has not received any objections to the proposed Settlement or any objections related to Class Counsel's Motion for Attorneys' Fees, Reimbursement of Litigation Expenses, and Services Awards.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: October 19, 2023

  
\_\_\_\_\_  
Kimberly K. Ness

# **EXHIBIT A**

COURT AUTHORIZED LEGAL NOTICE

**If you own or owned a UL or VUL life insurance policy issued or insured by ReliaStar Life Insurance Company or its predecessors, you may be eligible for a payment in a class action settlement**

A proposed settlement has been reached in a class action lawsuit called *PHT Holding I LLC, et al. v. ReliaStar Life Insurance Company*, Case No. 0:18-cv-2863-DWF-TNL (D. Minn.) (the "Settlement"). Records indicate you may be affected. This Notice summarizes your rights and options. More details are available at [www.ReliaStarCOILitigation.com](http://www.ReliaStarCOILitigation.com).

**ReliaStar COI Settlement**  
c/o JND Legal Administration  
P.O. Box 91307  
Seattle, WA 98111

FIRST CLASS  
MAIL  
US POSTAGE  
PAID  
Permit#\_

«Barcode»

Postal Service: Please do not mark barcode

Unique ID: [JND Unique ID]

«Full\_Name»

«CF\_CARE\_OF\_NAME»

«CF\_ADDRESS\_1»

«CF\_ADDRESS\_2»

«CF\_CITY», «CF\_STATE» «CF\_ZIP»

«CF\_COUNTRY»

**What is this about?** The lawsuit alleges that ReliaStar Life Insurance Company ("Defendant") violated its contractual commitment to policyholders by imposing unlawful cost of insurance ("COI") charges and waiver rider ("Rider") charges on certain universal life ("UL") and variable universal life ("VUL") policy owners. Defendant denies Plaintiffs' claims and any and all liability or wrongdoing. The Court has not decided who is right or wrong. Instead, both sides have agreed to a Settlement to avoid the risks, costs, and delays of further litigation.

**Who is affected?** The Settlement affects two Classes (collectively, the "Class"). Records indicate you may be a Class Member.

(1) The COI Class consists of all current and former owners of UL or VUL policies issued or insured by Defendant, or its predecessors, on policy forms 82-358, 82-500, 82-501, 82-502, 82-503, 82-508, 82-509, 83-187, 83-300, 83-301, 83-302, 83-303, 83-304, 83-305, 83-306, 83-307, 83-308, 83-309, 10820, 10820PA, 10830, 10830 PA, 10840, 10890, 10910, 10980, 10980MN, 11021F, 11021FMN, 11060, 11060MN, 11060-U, 11060-P, 11065, 11260, 11260MN, 11265, 73853-0, and 614680 during the Class Period.

(2) The Rider Class consists of all current and former owners of UL or VUL policies issued or insured by Defendant, or its predecessors, on policy forms 10830 and 10910 during the Class Period.

The Class excludes all owners who validly opted out of the Class during the original opt-out period, specifically the owners of the following policy numbers: SC0995834J, SC1064330H, SC707939R, 005014044B, SC0622331W, SC062235D, and CBS0134313. The Class Period is defined in the FAQ section at [www.ReliaStarCOILitigation.com](http://www.ReliaStarCOILitigation.com). Excluded from the Class are current or former owners of the class policies issued in Alaska, Arkansas, New Mexico, New York, Virginia, Washington, and Wyoming; Defendant, its officers and directors, members of their immediate families, and their heirs, successors, or assigns; and any person/entity who timely and properly opted out of the Class previously. Also excluded from the COI Class are current or former owners of the policies listed in Exhibit A of the Long Form Notice available at [www.ReliaStarCOILitigation.com](http://www.ReliaStarCOILitigation.com).

**What does the Settlement provide?** A Settlement Fund of \$39 million will be established. Defendant further agrees to offer the following relief that has been quantified by a life insurance expert to be worth \$8,757,089. First, Defendant will never take any legal action, that seeks to void, rescind, cancel, have declared void, or seeks to deny coverage under or deny a death claim for any Class Policy based on: (1) an alleged lack of valid insurable interest under any applicable law or equitable principles; or (2) any misrepresentation allegedly made on the

application for or otherwise made in applying for the policy, as outlined in the Settlement Agreement available at [www.ReliaStarCOLitigation.com](http://www.ReliaStarCOLitigation.com). Second, Defendant has agreed not to increase current COI rate scales for the Class Members' policies for a period of seven years after the Court finally approves the Settlement or January 1, 2024, whichever is earlier. After payments for attorneys' fees (not to exceed \$15,919,029.67 or 33 1/3% of the gross benefits provided to the Class), settlement administration, expenses, and Service Awards (up to \$50,000 for each of the two Plaintiffs), the remaining amount of the Settlement Fund will be distributed to Class Members in proportion to their share of the overall alleged overcharges collected from the Class through the Class Period, with each Class Member receiving a minimum distribution of \$100. No portion of the Settlement Fund will be returned to Defendant.

**What are my options?** You can do nothing or object to the Settlement. You may not exclude yourself from ("opt-out" of) the case at this time. The deadline for opting out has passed.

**Do nothing.** You will receive certain benefits from the Settlement. You will automatically receive a payment in the mail if you are entitled to one.

**Object.** You may object or tell the Court what you do not like about the Settlement. If you are in the Class and the Settlement becomes final, you will still receive a payment. The Court can only approve or deny the Settlement. The Court cannot alter the terms of the Settlement. Objections must be **filed and served by October 5, 2023**.

For more details about your rights and options and how to object, go to [www.ReliaStarCOLitigation.com](http://www.ReliaStarCOLitigation.com).

**What happens next?** The Court will hold a Fairness Hearing on November 16, 2023 at 12:00 p.m. CT at the Warren E. Burger Federal Building and United States Courthouse, 316 North Robert Street, St. Paul, Minnesota, to consider whether the Settlement is fair, reasonable, and adequate; and how much to pay and reimburse Class Counsel and Plaintiffs. The Court has appointed Susman Godfrey L.L.P. as Class Counsel. You or your attorney may ask to speak at the hearing at your own expense, but you do not have to. The date of the Fairness Hearing may change without further notice, so please check [www.ReliaStarCOLitigation.com](http://www.ReliaStarCOLitigation.com) for updates.

**How can I get more information?** Go to [www.ReliaStarCOLitigation.com](http://www.ReliaStarCOLitigation.com), call toll-free 1-888-681-2090, or write to ReliaStar COI Settlement Administrator, c/o JND Legal Administration, P.O. Box 91307, Seattle, WA 98111.

**Please do not contact the Court**

Carefully separate this Address Change Form at the perforation

Name: \_\_\_\_\_

Current Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Unique ID: [JND Unique ID]

**Address Change Form**

To make sure your information remains up-to-date in our records, please confirm your address by filling in the above information and depositing this postcard in the U.S. Mail.



ReliaStar COI Settlement Administrator  
c/o JND Legal Administration  
P.O. Box 91307  
Seattle, WA 98111



# **EXHIBIT B**

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

**If you own or owned a UL or VUL life insurance policy issued or insured by ReliaStar Life Insurance Company or its predecessors, you may be eligible for a payment in a class action settlement**

*A court authorized this notice. This is not a solicitation from a lawyer.*

- A proposed settlement has been reached in a class action lawsuit called *PHT Holding I LLC, et al. v. ReliaStar Life Insurance Company*, Case No. 0:18-cv-2863-DWF-TNL (D. Minn.) (the “Settlement”).
- PHT Holding I LLC and Alice Curtis (“Plaintiffs”) allege that ReliaStar Life Insurance Company (“Defendant”) violated its contractual commitment to policyholders by imposing unlawful cost of insurance (“COI”) and waiver rider (“Rider”) charges on certain universal life (“UL”) and variable universal life (“VUL”) policy owners. Defendant denies Plaintiffs’ claims and any and all liability or wrongdoing. The Court has not decided who is right or wrong. Instead, both parties have agreed to the Settlement.
- If the Court approves the Settlement, Class Members will be eligible to receive payment from a cash Settlement Fund of \$39 million, as further detailed in Section 10 of this Notice.
- In addition, Defendant agrees that for a period of seven years after the Court finally approves the Settlement or January 1, 2024, whichever is earlier, current COI rate scales for the Class Members’ policies will not be increased. Defendant further agrees that it will never take any legal action that seeks to void, rescind, cancel, have declared void, or seeks to deny coverage under or deny a death claim for any Class Policy based on: (1) an alleged lack of valid insurable interest under any applicable law or equitable principles; or (2) any misrepresentation allegedly made on the application for, or otherwise made in applying for the policy, as outlined in the Settlement Agreement available at [www.ReliaStarCOILitigation.com](http://www.ReliaStarCOILitigation.com).
- You are a Class Member if you are:
  1. A current or former owner of universal life policies issued on the following Policy Forms issued or insured by Defendant, or its predecessors, during the Class Period: 82-358, 82-500, 82-501, 82-502, 82-503, 82-508, 82-509, 83-187, 83-300, 83-301, 83-302, 83-303, 83-304, 83-305, 83-306, 83-307, 83-308, 83-309, 10820, 10820PA, 10830, 10830 PA, 10840, 10890, 10910, 10980, 10980MN, 11021F, 11021FMN, 11060, 11060MN, 11060-U, 11060-P, 11065, 11260, 11260MN, 11265, 73853-0, and 614680. Excluded are owners of policies issued in Alaska, Arkansas, New Mexico, New York, Virginia, Washington, and Wyoming, policies listed on the Court’s docket 149-2 (filed May 28, 2021) and attached in Exhibit A, and policies owned by ReliaStar, its officers and directors, members of their immediate families, and their heirs, successors or assigns.
  2. A current or former owner of universal life policies issued on the following Policy Forms issued or insured by Defendant, or its predecessors, during the Class Period who were assessed Rider charges during the Class Period: 10830 and 10910, excluding policies issued in Alaska, Arkansas, New Mexico, New York, Virginia, Washington, and Wyoming, and policies owned by ReliaStar, its officers and directors, members of their immediate families, and their heirs, successors or assigns.

The Class Period is defined in Section 7 of this Notice.

- Your legal rights are affected whether or not you act. ***Please read this Notice carefully.***

QUESTIONS? CALL 1-888-681-2090 OR VISIT [WWW.RELIASTARCOILITIGATION.COM](http://WWW.RELIASTARCOILITIGATION.COM)

<b>YOUR LEGAL RIGHTS AND OPTIONS</b>		
<b>Do Nothing</b>	<ul style="list-style-type: none"> <li>• Get certain benefits from the Settlement. You will automatically receive a payment in the mail if you are entitled to one.</li> </ul>	
<b>Object</b>	<ul style="list-style-type: none"> <li>• Tell the Court what you do not like about the Settlement. If you are in the Class and the Settlement becomes final, you will still receive a payment.</li> </ul> <p>The purpose of an objection to the Settlement is to persuade the Court not to approve the proposed Settlement. A successful objection to the Settlement may mean that the objector and other members of the Class are not bound by the Settlement.</p>	Filed and served by October 5, 2023

- You may not exclude yourself from ("opt-out" of) the case at this time. The deadline for opting out has passed.
- Your rights and options are explained in this Notice. Court dates and deadlines may be moved, cancelled, or otherwise modified, so please check [www.ReliaStarCOILitigation.com](http://www.ReliaStarCOILitigation.com) regularly for updates and further details.
- The Court in charge of this case still has to decide whether to approve the Settlement. Payments will be made if the Court approves the Settlement and after any appeals are resolved. Please be patient.

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## **BASIC INFORMATION**

### **1. Why was this Notice issued?**

You have a right to know about a proposed Settlement and your rights and options before the Court decides whether to approve the Settlement.

Judge Donovan W. Frank of the United States District Court for the District of Minnesota (the “Court”) is in charge of this case. The case is called *PHT Holding I LLC, et al. v. ReliaStar Life Insurance Company*, Case No. 0:18-cv-2863-DWF-TNL (D. Minn.). The Plaintiffs are PHT Holding I LLC and Alice Curtis. The company they sued, ReliaStar Life Insurance Company, is called the Defendant.

### **2. What is this lawsuit about?**

The class action lawsuit alleges that Defendant breached its contracts with certain policy owners. Plaintiffs allege that Defendant breached the COI Class Policies because Defendant imposed COI charges that were not based on Defendant’s expectations as to future mortality experience, and that Plaintiffs and members of the COI Class have been damaged as a result. Plaintiffs further allege that Defendant breached the Rider Class Policies by deducting Rider charges using rates that exceed the Rider rates expressly set forth in the Rider Class Policies. Defendant denies Plaintiffs’ claims and asserts multiple defenses; however, both sides have agreed to the Settlement to avoid the risks, costs, and delays of further litigation, including an appeal, so that people affected will get a chance to receive compensation.

### **3. Which life insurance policies are affected by the lawsuit?**

UL (including VUL) policies insured by ReliaStar written on the following policy forms which were assessed COI charges during the Class Period: 82-358, 82-500, 82-501, 82-502, 82-503, 82-508, 82-509, 83-187, 83-300, 83-301, 83-302, 83-303, 83-304, 83-305, 83-306, 83-307, 83-308, 83309, 10820, 10820PA, 10830, 10830 PA, 10840, 10890, 10910, 10980, 10980MN, 11021F, 11021FMN, 11060, 11060MN, 11060-U, 11060-P, 11065, 11260, 11260MN, 11265, 73853-0, and 614680 are affected, as well as UL policies insured by ReliaStar written on policy forms 10830 and 10910 which were assessed Waiver Rider charges during the Class Period. Excluded are owners of policies issued in Alaska, Arkansas, New Mexico, New York, Virginia, Washington, and Wyoming, policies listed on the Court’s docket 149-2 (filed May 28, 2021), and policies owned by ReliaStar, its officers and directors, members of their immediate families, and their heirs, successors or assigns. The Class Period is defined in Section 7 of this Notice.

### **4. What is a class action and who is involved?**

In a class action, a person(s) or entity(ies) called a “class representative(s)” sues on behalf of all individuals who have a similar claim. All these people together are a class or class members. The individuals or companies the plaintiffs sue are called the defendants. One court resolves the issues for all class members, except those who have excluded themselves from (“opted out” of) the class.

### **5. Why is this lawsuit a class action?**

The Court decided that the breach of contract claim against Defendant in this lawsuit can proceed as a class action because it met the requirements of Rule 23 of the Federal Rules of Civil Procedure, which governs class actions in federal court. The Court found that:

- There are numerous Class Members whose interests will be affected by this lawsuit;
- There are legal questions and facts that are common to each of them;
- The Class Representatives’ claims are typical of the claims of the rest of the Class;

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- The Class Representatives and the lawyers representing the Class will fairly and adequately represent the interests of the Class;
- A class action would be a fair, efficient and superior way to resolve this lawsuit;
- The common legal questions and facts predominate over questions that affect only individual Class Members; and

In certifying the Class, the Court appointed Susman Godfrey L.L.P. as Class Counsel. For more information, visit the Important Documents page at [www.ReliaStarCOILitigation.com](http://www.ReliaStarCOILitigation.com).

**6. Why is there a Settlement?**

Defendant denies any and all liability or wrongdoing of any sort with regard to its COI rates and rider charges. Instead, the parties have agreed to the Settlement. The parties want to avoid the risks, costs, and delays of further litigation. The Court has not decided in favor of the Plaintiffs or the Defendant. Plaintiffs and Class Counsel think the Settlement is in the best interests of the Class and is fair, reasonable, and adequate.

**THE CLASS**

**7. Am I part of the Class?**

The Settlement resolves the claims of:

1. **The COI Class**, which consists of, subject to the exceptions provided for in the answer to Question 8 below, all current and former owners of universal life policies issued on the following Policy Forms issued or insured by ReliaStar Life Insurance Company, or its predecessors, who were assessed COI charges during the Class Period: 82-358, 82-500, 82-501, 82-502, 82-503, 82-508, 82509, 83-187, 83-300, 83-301, 83-302, 83-303, 83-304, 83-305, 83-306, 83-307, 83-308, 83-309, 10820, 10820PA, 10830, 10830 PA, 10840, 10890, 10910, 10980, 10980MN, 11021F, 11021FMN, 11060, 11060MN, 11060-U, 11060-P, 11065, 11260, 11260MN, 11265, 73853-0, and 614680.
2. **The Rider Class**, which consists of, subject to the exception provided for in the answer to Question 8 below, all current and former owners of universal life policies issued on the following Policy Forms issued or insured by ReliaStar Life Insurance Company, or its predecessors, during the Class Period who were assessed Rider charges during the Class Period: 10830 and 10910.

The “Class Period” starts on the following dates through the date of final judgment in this action:

Start Date of Class Period	Policy Issue State
October 5, 2003	Kentucky
October 5, 2008	Illinois, Indiana, Iowa, Louisiana, Rhode Island, West Virginia
October 5, 2010	Montana, Ohio
October 5, 2012	Alabama, Arizona, Connecticut, Georgia, Hawaii, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Nevada, New Jersey, North Dakota, Oregon, South Dakota, Tennessee, Utah, Vermont, Wisconsin
October 5, 2013	Florida, Idaho, Kansas, Missouri, Nebraska, Oklahoma
October 5, 2014	California, Pennsylvania, Texas

**8. Are there exceptions to being included?**

Yes. Excluded from the Class are current or former owners of the Policies issued in Alaska, Arkansas, New Mexico, New York, Virginia, Washington, and Wyoming; Defendant ReliaStar Life Insurance Company, its officers and directors, members of their immediate families, and their heirs, successors, or assigns; and any person/entity who timely and properly opted out of the Class previously. Also excluded from the COI Class are current or former owners of the policies listed in Exhibit A.

**9. What if I am still not sure if I am included?**

If you are still not sure whether you are a Class Member, please visit [www.ReliaStarCOILitigation.com](http://www.ReliaStarCOILitigation.com), call the Settlement Administrator toll-free at 1-888-681-2090, or write to: ReliaStar COI Settlement Administrator, c/o JND Legal Administration, P.O. Box 91307, Seattle, WA 98111.

**THE SETTLEMENT**

**10. What does the Settlement provide?**

A Settlement Fund of \$39 million will be established for Class Members. Defendant has also agreed to the following relief that has been quantified by a life insurance expert to be worth \$8,757,089: Defendant will not:

- Increase current COI rate scales for the Class Members' policies for a period of seven years after the Court finally approves the Settlement or January 1, 2024, whichever is earlier.
- Take any legal action (including asserting as an affirmative defense or counter-claim), or cause to take any legal action, that seeks to void, rescind, cancel, have declared void, or seeks to deny coverage under or deny a death claim for any Class Policy based on: (1) an alleged lack of valid insurable interest under any applicable law or equitable principles; or (2) any misrepresentation allegedly made on the application for, or otherwise made in applying for the policy.

After payment of Class Counsel's fees (not to exceed \$15,919,029.67 or 33 1/3% of the gross benefits provided to the Class), settlement administration expenses, Class Counsel's expenses, and any Service Awards (up to \$50,000 for each of the two Plaintiffs), the Settlement Administrator will distribute the remaining amounts to Class Members in proportion to their share of the overall overcharges collected from the Class through the Class Period, with each Class Member receiving a minimum distribution of \$100. No portion of the Settlement Fund will be returned to Defendant.

More details are in a document called the Settlement Agreement, which is available at [www.ReliaStarCOILitigation.com](http://www.ReliaStarCOILitigation.com).

**11. How can I get a payment?**

You will automatically receive a payment in the mail if you are entitled to one. No claims need to be filed.

**12. When will I get my payment?**

Payments will be mailed to Class Members after the Court grants "final approval" of the Settlement and after all appeals are resolved. If the Court approves the Settlement, there may be appeals. It is always uncertain whether these appeals can be resolved and resolving them can take time. Please be patient.

## **THE LAWYERS REPRESENTING YOU**

### **13. Do I have a lawyer in this case?**

Yes. The Court has appointed the following lawyers as "Class Counsel."

**Steven G. Sklaver**  
**Rohit D. Nath**  
SUSMAN GODFREY LLP  
1900 Avenue of the Stars, Suite 1400  
Los Angeles, CA 90067-6029  
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[kzuniga@susmangodfrey.com](mailto:kzuniga@susmangodfrey.com)  
Telephone: 713-651-9366

### **14. How will the lawyers be paid?**

The Court will determine how much Class Counsel will be paid for fees and expenses. Class Counsel will file a motion seeking an award for attorneys' fees not to exceed 33 1/3% of the gross benefits provided to the Class (that is, will not exceed 33 1/3% of \$47,757,089 million, which is \$15,919,029.67). In addition to seeking an award for attorneys' fees, Class Counsel will seek reimbursement for expenses incurred or to be incurred in connection with the Settlement, as well as a Service Award up to \$50,000 for each of the two Plaintiffs for their service as the representative on behalf of the Class, to be paid from the Final Settlement Fund. You will not be responsible for direct payment of any of these fees, expenses, or awards.

### **15. Should I get my own lawyer?**

You do not need to hire your own lawyer to pursue the claims against Defendant because Class Counsel is working on behalf of the Class. However, if you want to be represented by your own lawyer, you may hire one at your own expense and cost.



**YOUR RIGHTS AND OPTIONS**

**16. What happens if I do nothing at all?**

Those who are eligible to receive a payment from the Settlement do not need to do anything to receive payment; you will automatically receive a payment from the Settlement.

**17. How can I tell the Court if I do not like the Settlement?**

If you are a Class Member, you may object to the fairness, reasonableness, or adequacy of the proposed Settlement. Class Members who wish to object to any term of the Settlement must do so, in writing, by filing a written objection with the Court, Class Counsel, and Counsel for the Defendant. The Court can only approve or deny the Settlement. The Court cannot alter the terms of the Settlement. The written objection must include:

- The case name and number (*PHT Holding I LLC, et al. v. ReliaStar Life Insurance Company*, Case No. 0:18-cv-2863-DWF-TNL);
- Your full name, address, telephone number, and email address (if any);
- The policy number(s);
- A written statement of all grounds for the objection accompanied by any legal support for the objection (if any);
- Copies of any papers, briefs, or other documents upon which the objection is based;
- A list of all persons who will be called to testify in support of the objection (if any);
- A statement of whether you intend to appear at the Fairness Hearing; and
- Your or your counsel’s signature.

If you intend to appear at the Fairness Hearing through counsel, the written objection must also state the identity of all attorneys representing you who will appear at the Fairness Hearing. Your objection, along with any supporting material you wish to submit, must be filed with the Office of the Court, Class Counsel, and Counsel for the Defendant at the addresses below by **October 5, 2023**.

Clerk of Court	Class Counsel	Counsel for Defendant
<b>Clerk’s Office</b> Diana E. Murphy United States Courthouse 300 South Fourth Street Suite 202 Minneapolis, MN 55415	<b>Steven G. Sklaver</b> SUSMAN GODFREY LLP 1900 Avenue of the Stars, Suite 1400 Los Angeles, CA 90067-6029	<b>Clark Johnson</b> Kaplan Johnson Abate & Bird LLP 710 West Main Street 4th Floor Louisville, KY 40202

**18. Can I still exclude myself (“opt-out”) from the Settlement?**

No, you may not exclude yourself at this time. The instructions and deadline for excluding yourself were provided in a prior notice, and the deadline has now passed.

If you previously excluded yourself by the August 8, 2022 deadline, you are not part of the Class and you will not receive any payment from the Settlement. If you did not previously exclude yourself by the August 8, 2022 deadline, you will be bound by any judgments in this case.

## **THE COURT'S FAIRNESS HEARING**

### **19. When and where will the Court decide whether to approve the Settlement?**

The Court will hold a Fairness Hearing on November 16, 2023 at 12:00 p.m. CT at the Warren E. Burger Federal Building and United States Courthouse, 316 North Robert Street, St. Paul, Minnesota. At the Fairness Hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also consider how much to pay and reimburse Class Counsel and any Service Award payment to Plaintiffs. If there are objections, the Court will consider them at this time. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take. The date of the Fairness Hearing may change without further notice, so please check [www.ReliaStarCOILitigation.com](http://www.ReliaStarCOILitigation.com).

### **20. Do I have to come to the hearing?**

No. But you or your own lawyer may attend at your expense. If you submit an objection, you do not have to come to Court to talk about it. As long as you filed and served your written objection on time to the proper addresses, the Court will consider it.

### **21. May I speak at the hearing?**

Yes. You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your "Notice of Intent to Appear." Your request must state your name, address, and telephone number, as well as the name, address, and telephone number of the person that will appear on your behalf. Your request must be filed with the Clerk of the Court and served on Class Counsel and Counsel for the Defendant listed in Section 17 no later than October 5, 2023.

## **GETTING MORE INFORMATION**

### **22. How can I get more information?**

This Notice summarizes the proposed Settlement. More details are in the Settlement Agreement available at [www.ReliaStarCOILitigation.com](http://www.ReliaStarCOILitigation.com). You can also call the Settlement Administrator toll-free at 1-888-681-2090, or write to:

ReliaStar COI Settlement Administrator  
c/o JND Legal Administration  
P.O. Box 91307  
Seattle, WA 98111

**PLEASE DO NOT CONTACT THE COURT**

# Exhibit A

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