

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 18-cv-01897-DDD-NYW

ADVANCE TRUST & LIFE ESCROW SERVICES, LTA,
as securities intermediary for
LIFE PARTNERS POSITION HOLDER TRUST,
on behalf of itself and all others similarly situated,

Plaintiff,

v.

SECURITY LIFE OF DENVER INSURANCE COMPANY,

Defendant.

ORDER APPROVING FORM AND MANNER OF NOTICE

On January 6, 2021, the court certified the breach-of-contract claim in the above-captioned action to proceed as a class action against Defendant Security Life of Denver on behalf of a class consisting of all owners of Strategic Accumulator Universal Life policies subjected to Security Life of Denver Insurance Company's cost-of-insurance rate increase announced in September 2015, and appointed Susman Godfrey L.L.P. as class counsel pursuant to Federal Rule of Civil Procedure 23(g).¹ Pursuant to the January 6, 2021 Order and Federal Rule of Civil Procedure 23(c), class counsel has moved the court for an Order approving the proposed form and content of the

¹ "Class" refers to the uniformity class certified by the court in its January 6, 2021. In its order of certification, the court erroneously said it "preliminarily" certified the class, when in reality its order was final, not preliminary. Excluded from the Class are owners whose policies issued in Alaska, Arkansas, New Mexico, Virginia, and Washington, and SLD, its officers and directors, members of their immediate families, and their heirs, successors, or assigns, as set forth in the court's certification order.

notices to be disseminated to the Class, as well as the proposed manner for disseminating notice. Security Life does not oppose the motion. The court has reviewed the proposed notices submitted by class counsel, as well as the accompanying motion, supporting documents, and declarations describing the form and manner of notice, and has found good cause for entering the following order. It is thus **ORDERED** that Advance Trust’s motion (Doc. 142) is **GRANTED**. It is **FURTHER ORDERED** that:

1. The court approves the form and contents of the Short-Form and Long-Form Notices attached as Exhibits A and B, respectively, to the Declaration of Jennifer M. Keough, filed on January 26, 2021. The Notices must be amended prior to mailing to update the placeholders (identified by brackets) currently in the Notices.

2. The proposed form and content of the Notices meet the requirements of Federal Rule of Civil Procedure 23(c)(2)(B) because they “clearly and concisely state in plain, easily understood language: (i) the nature of the action; (ii) the definition of the class certified; (iii) the class claims, issues, or defenses; (iv) that a class member may enter an appearance through an attorney if the member so desires; (v) that the court will exclude from the class any member who requests exclusion; (vi) the time and manner for requesting exclusion; and (vii) the binding effect of a class judgment on members under Rule 23(c)(3).” The form and content of the notices, as well as the manner of dissemination described below, therefore meet the requirements of Rule 23 and due process, constitute the best notice practicable under the circumstances, and constitute due and sufficient notice to all persons and entities entitled thereto.

3. The court approves the retention of JND Legal Administration LLC as the Notice Administrator.

4. By no later than thirty (30) days after the entry of this Order, Security Life must complete production to class counsel of a list of class members and their last known addresses.

5. Within twenty-one (21) days of receiving a final list of class members from Security Life (the “Notice Date”), JND shall cause the Short-Form Notice attached as Exhibit A to the Keough Declaration to be mailed, by first-class mail, postage prepaid, to all class members included on the list of class members from Security Life. Prior to mailing, JND will update the addresses using the national change of address database. JND will re-mail any Short-Form Notices returned by the United State Postal Service with a forwarding address.

6. JND must simultaneously cause a copy of the Long-Form Notice attached as Exhibit B to the aforementioned Keough Declaration to be posted on the website designed for this lawsuit, from which class members may download copies of the Long-Form Notice.

7. JND will establish and maintain an automated toll-free number that class members may call to obtain information about the litigation.

8. Class members, other than those who timely request to be excluded from the class, will be legally bound by all court orders and judgments made in this class action and will not be able to maintain a separate lawsuit against Security Life for the same legal claims that are the subject of this lawsuit.

9. Class members who wish to be excluded from the Class must send a letter to JND requesting exclusion from the *Advance Trust v. Security Life of Denver* class action, with his, her, or its name, address, telephone number, email address and signature, and must identify the Security Life insurance policy or policies to be excluded. A class member with multiple Security Life

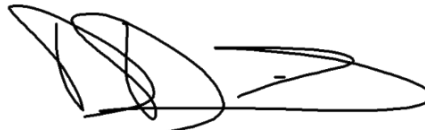
policies included in the Class may request to exclude some policies while participating in the Class with respect to other policies. The exclusion request must be postmarked no later than sixty (60) days after the Notice Date (the “Exclusion Deadline”).

10. Class counsel shall file with the court proof of mailing of the Short-Form Notice and proof of website posting for the Long-Form Notice within fourteen (14) days of the Notice Date.

11. This Order may be modified by the court upon motion by either or both parties, for good cause shown.

DATED: January 29, 2021

BY THE COURT:

A handwritten signature in black ink, appearing to read "Daniel D. Domenico", written over a horizontal line.

Hon. Daniel D. Domenico