

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PHT HOLDING I LLC, and JAMES KENNEY,)
on behalf of themselves and all others similarly)
situated,)

Plaintiffs,)

v.)

PHL VARIABLE INSURANCE COMPANY,)

Defendant.)

Case No. 1:18-cv-03444 (MKV)

**DECLARATION OF GINA M. INTREPIDO-BOWDEN
REGARDING IMPLEMENTATION OF SETTLEMENT NOTICE PLAN**

I, GINA M. INTREPIDO-BOWDEN, declare and state as follows:

1. I am a Vice President at JND Legal Administration LLC (“JND”). This Declaration is based upon my personal knowledge, as well as upon information provided to me by experienced JND employees, and if called upon to do so, I could and would testify competently thereto.

2. JND is serving as the Settlement Administrator in the above-captioned litigation (“Action”) for purposes of administering the Joint Stipulation and Settlement Agreement (“Settlement Agreement”) as ordered by the Court in its Preliminary Approval Order (“Order”) (Dkt. 271), dated August 9, 2023. I previously submitted a declaration of Proposed Settlement Notice Plan (Dkt. 266) and a declaration regarding Proof of Notice Mailing (Dkt, 277). I am submitting this declaration to provide an update regarding the implementation of the Settlement Notice Plan.

NOTICE MAILING

3. As previously stated in my declaration regarding Proof of Notice Mailing, on September 8, 2023, JND mailed the Court approved Class Notice (“Notice”) to 4,976 Class Members.

4. As of November 2, 2023, of the 4,976 Notices mailed, nine (9) were returned as undeliverable, and none of the undeliverable Notices were returned with forwarding address information from the United States Postal Service (“USPS”). JND performed advanced skip-trace address research for the nine (9) records but did not receive updated address information for the Class Members.

5. Of the 4,976 Notices mailed, 4,967 or 99.8% were delivered, and only nine (9) or approximately 0.2% were undeliverable.

CASE WEBSITE

6. As previously stated in my declaration regarding Proof of Notice Mailing, on September 8, 2023, JND established a dedicated website for the Action (www.phlcoisettlement.com), which hosts important case documents (including, but not limited to, the Long Form Notice, Amended Class Action Complaint, Joint Stipulation and Settlement Agreement, Motion for Preliminary Approval and Class Certification, Preliminary Approval Order), answers to frequently asked questions, and provides contact information for the Administrator.

7. On October 10, 2023, JND uploaded downloadable copies of the Notice of Class Counsel’s Motion for Attorneys’ Fees, Reimbursement of Litigation Expenses, and Service Award and supporting documents.

8. As of November 2, 2023, the website has tracked 462 unique users who registered 1,099 page views.

TOLL-FREE TELEPHONE NUMBER AND POST OFFICE BOX

9. As previously stated in my declaration regarding Proof of Notice Mailing, on September 8, 2023, JND activated a case-specific toll-free number (1-877-871-0905) for Class Members to call to obtain more information about the Action. The telephone line is available 24 hours a day, seven (7) days a week.

10. As of November 2, 2023, JND has received 53 incoming calls.

11. JND established and maintained a dedicated post office box for this matter where Class Members could have mailed their exclusion requests.

EXCLUSIONS RECEIVED

12. The Notice informed recipients that Class Members may exclude themselves from the Settlement by submitting an exclusion request to the Settlement Administrator by October 23, 2023.

13. As of November 2, 2023, JND has received 13 timely postmarked exclusion requests for 72 policies.

14. On November 2, 2023, Class Counsel informed JND that one Class Member withdrew their exclusion for eight (8) policies, resulting in 12 active exclusion requests, submitted by 11 unique owners, for 64 policies. A list of the 64 policies that requested exclusion from the Settlement are attached hereto as **Exhibit A**.

OBJECTIONS

15. The Notice informed recipients that Class Members may object to the proposed Settlement by filing an objection with the Court and serving copies to Class Counsel and Counsel for Defendant by October 23, 2023.

16. As of November 2, 2023, JND has not received any objections.

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

Executed on November 7, 2023, at Stone Harbor, NJ.



Gina Intrepido-Bowden

EXHIBIT A

Case No. 18-CV-3444 (MKV)
Policies Requesting Exclusion

JND Unique ID	Policy
D24L37FBKE	97516556
D2J8CK57ET	97519179
D2K8M79U5X	97516797
D4H7PKV953	97522142
D4XLMZSK67	97521012
D6AG5S2ZBD	97524232
D6J94RKZXF	97524674
D7QFCR23WE	97526378
D9M4KBCG8J	97526661
D9Y5HC2M4P	97525531
DAKE94VMRD	97526094
DAKPHVSBZD	97506328
DBA6QRT4G3	97520777
DBHQE4A6TS	97521403
DE46B8HZAL	97519791
DESD6UVTWA	97517940
DF5XKHZ7J6	97524140
DFU2BC9LRN	97521770
DG3BRZPJ8D	97516044
DGEK9HLWFJ	97522793
DGQDJAU2V3	97522876
DHLPEKXUCN	97520888
DJ74M9N65A	97519185
DJN6RHKS23	97518273
DLZHJDGT67	97516373
DM7Z25X3CG	97511307
DNBT9AJWZE	97523517
DR3W5T6PBD	97519187
DSMTQ8B4PL	97532586
DTJLY3U6K7	97520812
DVRF4K5W3N	97523440
DXTYH5WN8V	97514837
DYGAS3JEHT	97517542
DZAUNY9V4H	97517257
DZM34TASW6	97515602
DZX5LC4ADS	97521514
D52DSRYXFE	97516319
D53XKCLTF9	97516396
D6NKH8FCWZ	97514312
D7MBG2RXF5	97516390
D9TUKL86S5	97514578
DCXYZVF2SD	97514434
DFNLSXAW6U	97515939

Case No. 18-CV-3444 (MKV)
Policies Requesting Exclusion

JND Unique ID	Policy
DJWMT6NYDV	97516244
DP6GX53RSC	97514575
DS2WJHX9GF	97514812
DVNWC6HEKM	97515131
D3YFMCD7ZE	97516549
D3YNMVWCAU	97514445
D4JUK58M6E	97515446
D4KFHB9T7A	97512920
D5U4SKNP7E	97514159
D7M9HA54KW	97513801
DD8NL69TU4	97513208
DES8R3KWMX	97514821
DGKRBSECTP	97509095
DLAVUHZ7Q5	97513944
DLHCSPJNQA	97522225
DNPLH458QX	97514680
DPMBL8RC3G	97527681
DQK4GE7CPN	97514433
DR3Z785MQX	97517293
DSEJXTZNRU	97511528
DSMY87UXP2	97515278