UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

ADVANCE TRUST & LIFE ESCROW SERVICES, LTA, AS NOMINEE OF LIFE PARTNERS POSITION HOLDER TRUST, and JAMES KENNEY, on behalf of themselves and all others similarly situated,))))
Plaintiffs,)
) Case No. 1:18-cv-03444 (MKV)
v.)
PHL VARIABLE INSURANCE COMPANY,))
Defendant.)
)
)

NOTICE OF PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL AND CLASS CERTIFICATION

PLEASE TAKE NOTICE that Plaintiff James Kenney, as an individual and on behalf of the class of policy owners proposed to be certified for purposes of settlement, moves this Court before the Honorable Mary Kay Vyskocil for an order pursuant to Rule 23 of the Federal Rules of Civil Procedure: (i) preliminarily approving the Settlement and distribution plan; (ii) preliminarily certifying the Settlement Class and appointing Plaintiff James Kenney as Class Representative and Susman Godfrey L.L.P. as Class Counsel for purposes of the Settlement; (iii) approving the form and manner of notice to the Settlement Class; (iv) directing notice under Rule 23(e)(1); and (v) scheduling a final approval hearing at which the Court will consider final approval of the Settlement, final approval of the distribution plan, and Class Counsel's motion for fees and costs, based on the accompanying Memorandum of Law in Support of Plaintiff's Motion for Preliminary Approval and Class Certification, the supporting Declarations of Seth Ard, Professor Eric Green, Robert Mills, and Gina M. Intrepido-Bowden, and the exhibits attached thereto.

Dated: March 7, 2023 SUSMAN GODFREY LLP

/s/ Seth Ard

Seth Ard

Ryan Kirkpatrick

Komal Patel

SUSMAN GODFREY L.L.P.

1301 Avenue of the Americas, 32nd Floor

New York, NY 10019-6023

Tel.: 212-336-8330 Fax: 212-336-8340

sard@susmangodfrey.com

rkirkpatrick@susmangodfrey.com

kpatel@susmangodfrey.com

Steven G. Sklaver (pro hac vice)

Krysta Kauble Pachman (pro hac vice)

Michael Adamson

SUSMAN GODFREY LLP

1900 Avenue of the Stars, Suite 1400

Los Angeles, CA 90067-6029

Tel: 310-789-3100 Fax: 310-789-3150

ssklaver@susmangodfrey.com

kpachman@susmangodfrey.com

madams on @susman god frey.com

Interim Class Counsel