

1 The Honorable Kymberly K. Evanson

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7 UNITED STATES DISTRICT COURT  
8 FOR THE WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 DENNIS E. DAVIS, individually and on behalf of  
11 all others similarly situated,

12 Plaintiff,

13 v.

14 SYMETRA LIFE INSURANCE COMPANY,  
15 Defendant.

NO. 2:21-cv-00533-KKE

**SUPPLEMENTAL DECLARATION  
OF RICHARD W. SIMMONS OF  
ANALYTICS CONSULTING LLC  
REARDING IMPLEMENTATION  
OF NOTICE PLAN**

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SUPPLEMENTAL DECLARATION OF RICHARD W.  
SIMMONS - 1

Case No. 2:21-cv-005333-KKE

1 I, Richard W. Simmons, have personal knowledge of the facts and opinions set forth herein,  
 2 and I believe them to be true and correct to the best of my knowledge. If called to do so, I would  
 3 testify consistent with the sworn testimony set forth in this Declaration. Under penalty of perjury,  
 4 I state as follows:

#### 5 SCOPE OF ENGAGEMENT

6 1. I am the President of Analytics Consulting LLC (“Analytics”)<sup>1</sup>. My company is  
 7 one of the leading providers of class and collective action notice and claims management  
 8 programs in the nation. It is my understanding that Analytics’ class action consulting practice,  
 9 including the design and implementation of legal notice campaigns, is the oldest in the country.  
 10 Through my work, I have personally overseen court-ordered class and collective Notice Plans  
 11 in more than 3,000 matters.

12 2. In its Order Granting Preliminary Approval of Class Action Settlement on  
 13 February 4, 2025 (the “February 4, 2025 Order”), the Court approved the Class Notice Plan  
 14 (the “Notice Plan” or “Plan”) proposed in the Settlement Agreement in *Davis v. Symetra Life*  
 15 *Insurance Company*, No. 2:21-cv-00533-KKE, in the United States District Court for the  
 16 Western District of Washington. Subsequently, Class Counsel retained Analytics to implement  
 17 the Notice Plan, including the mailing of the Class Notice to all known Class Members and the  
 18 maintenance of a toll-free hotline, settlement website, and dedicated email address to assist  
 19 Class Members with questions regarding the Settlement.

20 3. My firm performed the services described herein under my supervision and I  
 21 submit this Declaration to supplement my Declaration dated April 3, 2025 and to provide the  
 22 Court with updated information regarding the dissemination of the Court-approved Notices.

23  
 24  
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 26 <sup>1</sup> In October 2013, Analytics Consulting LLC acquired Analytics, Incorporated. I am the former  
 President of Analytics, Incorporated (also d/b/a “BMC Group Class Action Services”).  
 References to “Analytics” herein include the prior legal entity.

### Mailing of the Notice

4. Pursuant to the February 4, 2025, Order, Analytics received from the Defendant a spreadsheet containing 43,934 records identifying Class Member policies.

5. All addresses were updated using the National Change of Address (“NCOA”) database maintained by the United States Postal Service (“USPS”);<sup>2</sup> certified via the Coding Accuracy Support System (“CASS”);<sup>3</sup> and verified through Delivery Point Validation (“DPV”).<sup>4</sup> The address list was then reviewed to identify and consolidate duplicate entries, resulting in 38,516 unique Class Members and 43,391 unique policy numbers.

6. These measures ensured that all appropriate steps have been taken to send Notices to current and valid addresses and resulted in mailable address records for 37,740 Class Members.

7. Analytics formatted the Class Notice and caused them to be printed, personalized with the name and address of each Class Member, posted for First-Class Mail, postage pre-paid, and delivered on March 21, 2025 to the USPS for mailing. A copy of the Class Notice is attached as **Exhibit A**.

8. Analytics requested that the USPS return (or otherwise notify Analytics) of Class Notices with undeliverable mailing addresses. Of the notices mailed to 37,740 class members, 5,509 were returned undeliverable. Analytics searched for updated addresses for the returned notices using Experian’s TrueTrace and Metronet Databases, research tools that draw upon

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<sup>2</sup> The NCOA database contains records of all permanent change of address submissions received by the USPS for the last four years. The USPS makes this data available to mailing firms and lists submitted to it are automatically updated with any reported move based on a comparison with the person’s name and last known address.

<sup>3</sup> The CASS is a certification system used by the USPS to ensure the quality of ZIP +4 coding systems.

<sup>4</sup> Records that are ZIP +4 coded are then sent through Delivery Point Validation (“DPV”) to verify the address and identify Commercial Mail Receiving Agencies. DPV verifies the accuracy of addresses and reports exactly what is wrong with incorrect addresses.

Experian's credit reporting database as well as additional third-party sources.<sup>5</sup> This research located updated addresses for 2,765 records. Analytics subsequently processed a re-mail of the Notice to records with an updated address.

9. The Class Notice was successfully delivered to 92.7% of Class Members.

10. To support the mailing of the Class Notice, Analytics established and continues to maintain a toll-free telephone number for the Action, 1-888-331-9840. This toll-free telephone line connects callers with an Interactive Voice Recording ("IVR"). By calling this number, Class Members are able to listen to pre-recorded answers to Frequently Asked Questions ("FAQs") or request to have a Notice mailed to them. The toll-free telephone line and IVR have been available 24 hours a day, 7 days a week.

11. In addition, Monday through Friday from 8:30 a.m. to 5:00 p.m. Central Time (excluding official holidays), callers to the toll-free telephone line are able to speak to a live operator regarding the status of the Action and/or obtain answers to questions they may have about the Notice. During other hours, callers may request a call back which is automatically queued to the next business day.

12. Class Members can also email a dedicated email address - [aslcoisettlement@noticeadministrator.com](mailto:aslcoisettlement@noticeadministrator.com) with questions regarding the Settlement. This email was included in the Class Notice.

13. Analytics' staff spend necessary time to answer each Class Member's questions regarding the Settlement. I am aware of no questions from Class Members that are unanswered or otherwise remain outstanding.

### **Settlement Website**

<sup>5</sup> TrueTrace draws on Experian's consumer credit database of more than 200 million consumers and 140 million households, and through third party sources (Clarity's alternative payday information and Experian RentBureau property management database) provides access to 100 million thin-file and underbanked consumers. Experian's Metronet database provides data regarding 215 million consumers in 110 million living units across United States.

1           14. To support the mailing of the Class Notice, Analytics established and continues  
2 to maintain a Website dedicated to this Action (www.aslcoisettlement.com) to assist Class  
3 Members. The Website address was set forth in the Notice.

4           15. Recognizing the increasingly mobile nature of communications, the Website is  
5 mobile optimized, meaning it can be clearly read and used by Class Members visiting the  
6 Website via smart phone or tablet.

7           16. By visiting the Website, Class Members are able to read and download key  
8 information about the litigation, including, without limitation:

- 9           a) important dates and deadlines;  
10           b) answers to frequently asked questions; and  
11           c) case documents, including the Class Notice and other relevant case documents such  
12 as the Settlement Agreement.

13                           **Requests for Exclusion and Objections**

14           17. Class Members could opt out of the Settlement by mailing a written statement  
15 requesting exclusion from the Settlement Class to Analytics by April 25, 2025. As of the date  
16 of this Declaration, Analytics has received five (5) requests for exclusion. A list of the requests  
17 for exclusion received by Analytics is attached as **Exhibit B**.

18           18. Class Members could object to the Settlement by mailing a written statement  
19 objecting to the Settlement to Analytics by April 25, 2025. As of the date of this Declaration,  
20 Analytics has received no objections from Settlement Class Members.

21                           **CAFA Notice Implementation**

22           19. At the direction of counsel for Defendant Symetra Life Insurance Company, 107  
23 federal and state officials (the Attorney General of the United States and the Attorneys General  
24 of each of the 50 states, the District of Columbia, and select United States Territories, and the  
25 Insurance Commissioners of each of the 50 states, the District of Columbia, and select United  
26 States Territories) were identified to receive CAFA notice.

20. Analytics maintains a list of these federal and state officials with contact information for the purpose of providing CAFA notice.

21. On January 24, 2025, Analytics sent 107 CAFA Notice Packages (“Notice”). The Notice was sent via Federal Express (Ground Service). The CAFA Notice Service List is included as **Exhibit C**.

22. The materials sent to the federal and state officials included a Cover Letter, which provided notice of the proposed Settlement of the above-captioned case. The Cover Letter is included as **Exhibit D**.

23. The cover letter was accompanied by a CD, which included the following:

- a) **Per 28 U.S.C. § 1715(b)(1)** – Complaint and Any Amended Complaints: Class Action Complaint filed on April 20, 2021, ECF No. 1.
- b) **Per 28 U.S.C. § 1715(b)(3)** – Notification to Class Members: The proposed Class Notice submitted for the Court’s approval with Plaintiff’s Unopposed Motion Pursuant to Rule 23(E) for Preliminary Approval of Class Action Settlement and to Permit Issuance of Notice to Settlement Class. ECF No. 130-2.
- c) **Per 28 U.S.C. § 1715(b)(4)** – Class Action Settlement Agreement:
  - i) Settlement Agreement, ECF No. 130-1;
  - ii) Unopposed Motion Pursuant to Rule 23(E) for Preliminary Approval of Class Action Settlement and to Permit Issuance of Notice to Settlement Class, ECF No. 130;
  - iii) [Proposed] Order Granting Unopposed Motion for Preliminary Approval of Class Action Settlement, ECF No. 103-3;
- d) **Per 28 U.S.C. § 1715(b)(7)** – Estimate of Class Members: Estimated Class Members by State.

1 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
2 knowledge.

3  
4 Dated: May 12, 2025



Richard W. Simmons  
President  
Analytics Consulting LLC

**Exhibit A**



## Class Notice of Symetra Cost of Insurance Class Action Settlement

ABC1234567890

Claim Number 1111111



JOHN Q CLASSMEMBER  
123 MAIN ST  
ANYTOWN, ST 12345

Dear Class Member,

You have been sent this Class Notice of Symetra Cost of Insurance Class Action Settlement (the “Class Notice”) because you were identified as a Settlement Class Member in the class action lawsuit, *Davis v. Symetra Life Insurance Company*, pending in the United States District Court for the Western District of Washington, Case No. 2:21-cv-00533-KKE. This Class Notice summarizes a recent Settlement that impacts your rights. A full description of the Settlement is contained in the Settlement Agreement, which includes the precise definitions of capitalized terms used in this Class Notice. The Settlement Agreement is available for you to read at [www.aslcoisettlement.com](http://www.aslcoisettlement.com). Please read it and this Class Notice carefully to understand your rights and obligations under the Settlement.

Records provided by Symetra Life Insurance Company indicate that you are an Owner (as that term is defined in the Settlement Agreement) of a MasterPlan, Executive MasterPlan, MasterPlan Plus, Joint MasterPlan Plus, or Juvenile MasterPlan Plus universal life insurance policy issued in Arizona, California, Florida, Illinois, Indiana, Kentucky, Minnesota, Missouri, South Carolina, Texas, and/or Washington, that was in force on or after January 1, 2000, that was issued by American States Life Insurance Company and administered by Symetra or its predecessors in interest. Throughout this Class Notice, Symetra Life Insurance Company is referred to as “Symetra.” American States Life Insurance Company merged with Symetra.

The Settlement involves the Cost of Insurance that Symetra deducted from the Cash Values of these life insurance policies. The Settlement provides that Symetra will fund a Settlement Fund in the amount of \$32.5 million, which will be used to pay (1) cash to Settlement Class Members; (2) Class Counsel’s attorneys’ fees and expenses in an amount to be approved by the Court; (3) any service award to Plaintiff in an amount to be approved by the Court; and (4) the expenses incurred in administering the Settlement.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON**

**If You Own or Owned a MasterPlan Series Life Insurance Policy  
issued by American States Life Insurance Company in Arizona,  
California, Florida, Illinois, Indiana, Kentucky, Minnesota,  
Missouri, South Carolina, Texas, or Washington, a Class Action  
Settlement May Affect Your Rights**

**A COURT AUTHORIZED THIS CLASS NOTICE.  
THIS IS NOT A SOLICITATION FROM A LAWYER.  
YOU ARE NOT BEING SUED.**

- A Settlement was reached with Symetra in a class action lawsuit about the Cost of Insurance applied to these policies. If the Settlement is approved by the Court, you will automatically receive a payment. No further action is required.
- The Settlement includes current and former owners of MasterPlan series universal life insurance policies issued by American States Life Insurance Company in Arizona, California, Florida, Illinois, Indiana, Kentucky, Minnesota, Missouri, South Carolina, Texas, or Washington that were in force on or after January 1, 2000 (see Questions 4 & 5 below).
- As part of the Settlement, Settlement Class Members will be eligible to receive a portion of a cash Settlement Fund funded by Symetra; the total Settlement Fund amount is \$32.5 million (see Question 6 below).

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>DO NOTHING</b>	Automatically receive your share of the Settlement Fund
<b>ASK TO BE EXCLUDED</b>	Get no benefits from the Settlement and preserve your right to separately sue Symetra about the claims in this case
<b>OBJECT</b>	Write to the Court if you don't like the Settlement
<b>GO TO A HEARING</b>	Make a request to speak in Court about the fairness of the Settlement

- These rights and options—and the deadlines to exercise them—are explained in this Class Notice.
- The Court in charge of this case still must decide whether to provide final approval of the Settlement. Settlement checks will be automatically issued to each Settlement Class Member if the Court approves the Settlement and after any appeals are resolved. **You do not need to take further action to receive payment if you are eligible under the Settlement. Please be patient.**

**BASIC INFORMATION**

**1. Why did I get this Class Notice?**

Symetra's records show that you own or owned a MasterPlan series life insurance policy issued by American States Life Insurance Company in Arizona, California, Florida, Illinois, Indiana, Kentucky, Minnesota, Missouri, South Carolina, Texas, or Washington (or were identified as the legal representative of such an owner) that was in force on or after January 1, 2000. A Court authorized this Class Notice because you have a right to know about the proposed Settlement and all your

options before the Court decides whether to approve the Settlement. This Class Notice explains the lawsuit, the Settlement, and your legal rights.

United States District Judge Kymberly K. Evanson of the United States District Court for the Western District of Washington is overseeing this case. The case is known as *Davis v. Symetra Life Insurance Company*, Case No. 2:21-cv-00533-KKE. The person who sued, Dennis E. Davis, is called the “Plaintiff.” Symetra Life Insurance Company is the Defendant and is referred to as “Symetra” in this Class Notice.

The following is only a summary of the Settlement. A full description of the Settlement is in the Settlement Agreement. Nothing in this Class Notice changes the terms of the Settlement Agreement. You can read the Settlement Agreement by visiting [www.aslcoisettlement.com](http://www.aslcoisettlement.com).

## 2. What is this Lawsuit about?

This lawsuit is about whether Symetra’s Cost of Insurance deductions were consistent with the policy language in the MasterPlan series life insurance policies issued by American States Life Insurance Company in Arizona, California, Florida, Illinois, Indiana, Kentucky, Minnesota, Missouri, South Carolina, Texas, or Washington (“Policies”). The Policies have a Cash Value that earns interest. The Policies expressly authorize Symetra to take a Cost of Insurance charge from the Cash Value each month.

Plaintiff alleges that Symetra took improper Cost of Insurance charges from the Cash Value. The Policies state that the Monthly Cost of Insurance Rates will be determined by Symetra from time to time based on its expectations as to future mortality experience. Plaintiff alleges Symetra breached the Policies in two ways. First, Plaintiff alleges that Symetra impermissibly used unauthorized and undisclosed non-mortality factors to initially set the Monthly Cost of Insurance Rates. Second, Plaintiff alleges Symetra failed to reduce its Monthly Cost of Insurance Rates when Symetra’s expectations as to future mortality experience improved.

Symetra denies all of Plaintiff’s claims, and asserts that, at all times, it complied with the plain language of the Policies.

You can read Plaintiff’s Class Action Complaint, Symetra’s Answer, and other relevant documents at [www.aslcoisettlement.com](http://www.aslcoisettlement.com).

## 3. Why is there a Settlement?

The Parties negotiated the Settlement with an understanding of the factual and legal issues that would affect the outcome of this lawsuit. During the lawsuit, Plaintiff, through his attorneys, thoroughly examined and investigated the facts and the law relating to the issues in this case.

As with all litigation, the final outcome of the lawsuit is uncertain. A settlement avoids the costs and risks of further litigation, if the lawsuit were to proceed through trial and appeals, and provides immediate relief to the Settlement Class Members. Based on their evaluation of the facts and law, Plaintiff and his attorneys have determined that the proposed Settlement is fair, reasonable, and adequate. They have reached this conclusion based on the substantial benefits the Settlement provides to Settlement Class Members and the risks, uncertainties, and costs inherent in the lawsuit.

There was no trial, and there were no final appellate determinations on the merits of the claims or defenses. Because the case has settled, there will be no trial or final determination on the merits of the remaining claims and defenses if the Court approves the Settlement. The Settlement does not indicate that Symetra has done anything wrong, or that Plaintiff and the Settlement Class Members would win or lose if this lawsuit were to go to trial.

## 4. Who is included in the Settlement Class?

The Settlement Class includes all persons or entities who are Owners (as defined in the Settlement Agreement) of the approximately 43,000 MasterPlan series Policies issued by American States Life Insurance Company in Arizona, California, Florida, Illinois, Indiana, Kentucky, Minnesota, Missouri, South Carolina, Texas, and/or Washington that were in force on or after January 1, 2000 (“Policies”). A Policy includes all applications, schedules, riders, and other forms that were specifically made a part of the Policy at the time of issue, plus all riders and amendments issued later. Policies include everything that was part of “The Policy,” as that term is defined in your Policy or Policies.

You are **not** part of the Settlement Class if you are Symetra; any entity in which Symetra has a controlling interest; any of the officers, directors, employees, or sales agents of Symetra; the legal representatives, heirs, successors, and assigns of Symetra; anyone employed with Plaintiff's counsel's law firms; or any Judge to whom this case is assigned or his or her immediate family.

If someone who would otherwise be a Settlement Class Member is deceased, his or her estate is a Settlement Class Member.

### 5. How can I confirm that I am in the Settlement Class?

If you are not sure whether you are included in the Settlement Class, you can get free help at [www.aslcoisettlement.com](http://www.aslcoisettlement.com), by calling 1-888-331-9840, or by emailing [aslcoisettlement@noticeadministrator.com](mailto:aslcoisettlement@noticeadministrator.com).

### 6. What does the Settlement provide?

Symetra has agreed to fund a Settlement Fund in the amount of \$32.5 million, which will be used to pay (1) all payments to Settlement Class Members; (2) Class Counsel's attorneys' fees and expenses in an amount to be approved by the Court; (3) any service award to Plaintiff Dennis E. Davis in an amount to be approved by the Court; and (4) the expenses incurred in administering the Settlement. The Net Settlement Fund equals \$32.5 million less the amounts described in (2) through (4) as approved by the Court.

If the Court approves the Settlement, settlement checks will be mailed to Settlement Class Members in amounts that will vary according to a Distribution Plan. The Distribution Plan is designed to provide each Settlement Class Member an approximate *pro rata* portion of the Net Settlement Fund in proportion to the amount of Cost of Insurance charges actually paid by each Settlement Class Member. There will also be a minimum cash payment and more paid where a Settlement Class Member's Policy is still in force.

The full Distribution Plan is attached to Plaintiff's Motion Pursuant to Rule 23(e) for Preliminary Approval of Class Action Settlement and to Permit Issuance of Notice to Settlement Class and is available on the Settlement Website.

**You should consult your own tax advisors about the tax consequences of the proposed Settlement, including any benefits you may receive and any tax reporting obligations you may have as a result.**

### 7. How do I participate in the Settlement?

Settlement Class Members do not have to do anything to participate in the Settlement. No claims need to be filed. Upon approval of the Settlement, a settlement check will be sent to every Settlement Class Member in the amount determined by the Settlement Administrator using the method described in Question 6. If someone who would otherwise be a Settlement Class Member is deceased, his or her estate is a Settlement Class Member. If your address changes, you should contact the Settlement Administrator to give them your new address.

### 8. When will I receive my Settlement check?

The settlement checks will be sent to Settlement Class Members within 30 days after the Final Settlement Date, which is the date that the approval process is formally completed. Settlement checks will be automatically mailed without any proof of claim or further action on the part of the Settlement Class Members. It could take several months to complete the Settlement process and depending on factors that cannot be predicted at this time. Updates will be made available to you on the Settlement Website, [www.aslcoisettlement.com](http://www.aslcoisettlement.com).

### 9. What happens if I do nothing?

If the Settlement is approved, you will receive a settlement check representing your share of the Settlement.

If the Settlement is approved, you cannot sue Symetra or be part of any other lawsuit against Symetra concerning the Released Claims, as that term is defined in the Settlement Agreement.

If your Policy is still in force, Symetra is not required to lower its Monthly Cost of Insurance Rates and may continue to use its current Monthly Cost of Insurance Rates. Symetra may also increase Monthly Cost of Insurance Rates if deterioration in its expectations as to future mortality experience is the reason for the increase.

The Settlement Agreement is available at [www.aslcoisettlement.com](http://www.aslcoisettlement.com) and describes the claims that you are giving up. If you have any questions, you can talk to the law firms listed in Question 12 for free, or you can hire your own lawyer.

### 10. Can I exclude myself from the Settlement?

Yes. If you don't want a payment from the Settlement, and/or you want to keep the right to hire your own lawyer and sue Symetra at your own expense about the issues in this case, then you may request to be excluded from the Settlement Class by sending a written notice to the Settlement Administrator. The notice **must include** the following information:

- The Settlement Class Member's name (or the name of the entity that owns the Policy), current address, telephone number, and e-mail address;
- Policy number(s);
- A clear statement that the Settlement Class Member elects to be excluded from the Settlement Class and does not want to participate in the Settlement in *Davis v. Symetra Life Insurance Company*, Case No. 2:21-cv-00533-KKE; and,
- The Settlement Class Member's signature, or the signature of a person providing a valid power of attorney to act on behalf of the Settlement Class Member. If there are multiple owners of a Policy, all owners must sign the notice, unless the signatory submits a copy of a valid power of attorney to act on behalf of all then-current owners of the Policy.

If you want to exclude yourself from the Settlement, your written notice must be mailed to the Settlement Administrator at ASL COI Settlement, P.O. Box 2009, Chanhassen, MN 55317-2009, postmarked no later than April 25, 2025.

### 11. How do I tell the Court if I do not like the Settlement?

You can object to the Settlement if you do not like some part of it. The Court will consider your views. To object to the Settlement, you must serve a written objection in the case, *Davis v. Symetra Life Insurance Company*, Case No. 2:21-cv-00533-KKE. The objection **must include** the following:

- The Settlement Class Member's name (or the name of the entity that owns the Policy), current address, telephone number, and email address;
- Policy number(s);
- A written statement of all reasons 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 (if any);
- A list of all persons who will be called to testify in support of the objection (if any);
- Whether you intend to appear at the Fairness Hearing and the identity of all attorneys (if any) who will appear at the Fairness Hearing on your behalf;
- Whether the objection applies only to you, to a specific subset of the Settlement Class, or to the entire Settlement Class; and
- The signature of you or your counsel.

You must mail your objection to the Settlement Administrator at ASL COI Settlement, P.O. Box 2009, Chanhassen, MN 55317-2009, postmarked no later than April 25, 2025.

### 12. Do I have a lawyer in this case?

Yes. The Court appointed the following lawyers as "Class Counsel" to represent all the members of the Settlement Class:

John J. Schirger, Joseph M. Feierabend  
Schirger Feierabend LLC  
4520 Main St., Suite 1570  
Kansas City, MO 64111  
[aslcoisettlement@SFLawyers.com](mailto:aslcoisettlement@SFLawyers.com)

Patrick J. Stueve, Ethan M. Lange  
Stueve Siegel Hanson LLP  
460 Nichols Rd., Suite 200  
Kansas City, MO 64112  
[aslcoisettlement@stuevesiegel.com](mailto:aslcoisettlement@stuevesiegel.com)

If you have questions, you may contact these lawyers. You will not be charged for contacting these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.



**13. How will the lawyers be paid?**

Class Counsel and the other lawyers who were involved in the pending case have not been paid for their work in this case. In addition to thousands of hours of labor spent on this case, Class Counsel have expended expenses prosecuting this case. The Court will determine how much Class Counsel will be paid for fees and expenses. Class Counsel will seek an award for attorneys' fees of up to one-third of the Settlement Fund, plus reimbursement of Class Counsel's costs and expenses (no more than \$240,000), also to be paid from the Settlement Fund. You will not be responsible for payment of Class Counsel's fees and expenses.

Class Counsel will also request a service award payment of up to \$25,000 for the Plaintiff Dennis E. Davis for his service to the Settlement Class. This payment will also be paid from the Settlement Fund.

The Judge will determine any amounts to be paid to Class Counsel and to Plaintiff. Class Counsel's motion seeking an award of attorneys' fees, reimbursement of costs and expenses, and service award for the Plaintiff will be available at [www.aslcoisettlement.com](http://www.aslcoisettlement.com).

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

The Judge will hold a Fairness Hearing to decide whether to approve the Settlement and any requests for attorneys' fees and expenses, a service award to Plaintiff, and the costs of settlement administration. You may attend and ask to speak, but you do not have to.

The Judge will hold the Fairness Hearing at 10 a.m. on May 19, 2025, at the United States District Court for the Western District of Washington, 700 Stewart Street, Courtroom 16106, Seattle, Washington 98101-9906. The Fairness Hearing may be moved to a different date or time without additional notice being mailed to you, so please check [www.aslcoisettlement.com](http://www.aslcoisettlement.com) for any updates. At the Fairness Hearing, the Judge will consider whether the Settlement is fair, reasonable, and adequate and in the best interests of Settlement Class Members and whether to award the requested attorneys' fees, expenses, service award, and the costs of settlement administration. If there are objections, the Judge will consider them and will listen to people who have asked to speak at the Fairness Hearing. After the Fairness Hearing, the Judge will decide whether to approve the Settlement. We do not know how long the Judge's decision will take.

**15. Do I have to attend the hearing?**

No, but you or your own lawyer are welcome to attend the Fairness Hearing at your expense. If you send a timely objection but do not attend the Fairness Hearing, the Judge will still consider your objection.

**16. May I speak at the hearing?**

You may speak at the Fairness Hearing by filing an objection that indicates your intention to do so. If you wish to appear through counsel, your written objection must list the attorneys representing you who will appear at the Fairness Hearing. Unless otherwise ordered by the Judge, a Settlement Class Member who does not submit a timely objection with the required information will not be permitted to speak at the Fairness Hearing.

**17. How do I get more information?**

This Class Notice summarizes the proposed Settlement. More details are in the Settlement Agreement. You can find a copy of the Settlement Agreement at [www.aslcoisettlement.com](http://www.aslcoisettlement.com). You may also send your questions to the Settlement Administrator, in writing, at ASL COI Settlement, P.O. Box 2009, Chanhassen, MN 55317-2009, or call the Settlement Administrator at 1-888-331-9840. You can review the Court's docket in this case at [www.pacer.gov](http://www.pacer.gov).

If your address has changed or will change, please notify the Settlement Administrator by May 19, 2025.

Be sure to regularly check [www.aslcoisettlement.com](http://www.aslcoisettlement.com) for updates, as information contained in this notice, including dates, times, or locations, may be changed without additional notice being mailed to you.

DATE: March 21, 2025

**Exhibit B**

**Exhibit B**

**Requests for Exclusion**

INDEX	NAME
1	BARRY BARKOVITZ
2	JANICE FERREIRA
3	MARY JUDD AND THE ESTATE OF BILLY C. JUDD
4	DAVID MANNEN
5	KAREN A NAGY



**Exhibit C**

## Exhibit C

## CAFA NOTICE SERVICE LIST

Index	ENTITY	CONTACT	ADDRESS 1	ADDRESS 2	CITY	STATE	ZIP
1	ALASKA ATTORNEY GENERAL	JAHA LINDMUTH	1031 W. 4TH AVENUE	SUITE 200	ANCHORAGE	AK	99501-1994
2	STATE OF ALASKA DEPT. OF COMMERCE, COMMUNITY & ECONOMIC DEVELOPMENT DIVISION OF INSURANCE	LORI K. WING-HEIER	550 WEST 7TH AVENUE, SUITE 1560		ANCHORAGE	AK	99501-3567
3	ALABAMA ATTORNEY GENERAL	STEVEN TROY MARSHALL	501 WASHINGTON AVE		MONTGOMERY	AL	36130-0152
4	ALABAMA DEPARTMENT OF INSURANCE	JIM L. RIDLING	PO BOX 303351		MONTGOMERY	AL	36130-3351
5	ARKANSAS ATTORNEY GENERAL	LESLIE RUTLEDGE	323 CENTER ST.	SUITE 200	LITTLE ROCK	AR	72201-2610
6	ARKANSAS DEPARTMENT OF COMMERCE, ARKANSAS INSURANCE DEPARTMENT	ALAN MCCLAIN	1 COMMERCE WAY, BLDG 4, SUITE 502		LITTLE ROCK	AR	72202-2087
7	ARIZONA ATTORNEY GENERAL	MARK BRNOVICH	1275 W. WASHINGTON STREET		PHOENIX	AZ	85007
8	ARIZONA DEPARTMENT OF INSURANCE	EVAN G DANIELS	100 NORTH 15TH AVENUE, SUITE 261		PHOENIX	AZ	85007-2630
9	CALIFORNIA ATTORNEY GENERAL	XAVIER BECERRA	1300 I ST.	STE. 1740	SACRAMENTO	CA	95814
10	CALIFORNIA DEPARTMENT OF INSURANCE	RICARDO LARA COMMISSIONER	300 CAPITAL MALL, 17TH FLOOR		SACRAMENTO	CA	95814
11	COLORADO ATTORNEY GENERAL	CYNTHIA COFFMAN	RALPH L. CARR COLORADO JUDICIAL CENTER 1300 BROAD 10TH FLOOR		DENVER	CO	80203
12	DEPARTMENT OF REGULATORY AGENCIES, DIVISION OF INSURANCE	MICHAEL CONWAY	1560 BROADWAY, SUITE 850		DENVER	CO	80202
13	CONNECTICUT ATTORNEY GENERAL	GEORGE JEPSEN	55 ELM ST.		HARTFORD	CT	06141-0120
14	CONNECTICUT INSURANCE DEPARTMENT	ANDREW N MAIS	PO BOX 816		HARTFORD	CT	06142-0816
15	ATTORNEY GENERAL OF THE UNITED STATES	JEFF SESSIONS	OFFICE OF THE ATTORNEY GENERAL	950 PENNSYLVANIA AVE, NW	WASHINGTON	DC	20530-0001
16	DISTRICT OF COLUMBIA DEPARTMENT OF INSURANCE, SECURITIES AND BANKING	KARINA M WOODS	1050 FIRST STREET, NE, SUITE 801		WASHINGTON	DC	20002
17	DISTRICT OF COLUMBIA ATTORNEY GENERAL	KARL A. RACINE	441 4TH ST NW	SUITE 1100S	WASHINGTON	DC	20001
18	DELAWARE ATTORNEY GENERAL	MATTHEW DENN	CARVEL STATE OFFICE BLDG.	820 N. FRENCH ST	WILMINGTON	DE	19801-3509
19	DELAWARE DEPARTMENT OF INSURANCE	TRINIDAD NAVARRO	1351 WEST NORTH STREET, SUITE 101		DOVER	DE	19904
20	FLORIDA ATTORNEY GENERAL	PAM BONDI	THE CAPITOL	PL 01	TALLAHASSEE	FL	32399-1050
21	OFFICE OF THE CHIEF FINANCIAL OFFICER	DAVID ALTMAYER	200 EAST GAINES STREET		TALLAHASSEE	FL	32399-0305
22	GEORGIA ATTORNEY GENERAL	SAM OLENS	40 CAPITOL SQ SW		ATLANTA	GA	30334-1300
23	OFFICE OF INSURANCE AND SAFETY FIRE COMMISSIONER	JOHN F KING	TWO MARTIN LUTHER KING, JR. DR. SE	WEST TOWER, SUITE 704, FLOYD BLDG	ATLANTA	GA	30334
24	DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS (DCCA) INSURANCE DIVISION	COLIN M HAYASHIDA	PO BOX 3614		HONOLULU	HI	96811-3614
25	HAWAII ATTORNEY GENERAL A	DOUGLAS S. CHIN	425 QUEEN STREET		HONOLULU	HI	96813
26	IOWA ATTORNEY GENERAL	TOM MILLER	HOOVER STATE OFFICE BUILDING	1305 E. WALNUT	DES MOINES	IA	50319
27	IOWA INSURANCE DIVISION	DOUG OMMEN	1963 BELL AVE, SUITE 100		DES MOINES	IA	50315
28	IDAHO ATTORNEY GENERAL	LAWRENCE WADSEN	700 W JEFFERSON STREET SUITE 210		BOISE	ID	83720
29	IDAHO DEPARTMENT OF INSURANCE	DEAN L. CAMERON	PO BOX 87320		BOISE	ID	83720-0043
30	ILLINOIS ATTORNEY GENERAL	LISA MADIGAN	JAMES R. THOMPSON CTR.	100 W RANDOLPH STREET	CHICAGO	IL	60601
31	ILLINOIS DEPARTMENT OF INSURANCE, STATE OF ILLINOIS	DANA POPISH SEVERINGHAUS	320 W WASHINGTON ST, 4TH FLOOR		SPRINGFIELD	IL	62767-0001
32	INDIANA ATTORNEY GENERAL	CURTIS T. HILL, JR.	INDIANA GOVERNMENT CENTER SOUTH - 5TH FL	302 W WASHINGTON ST	INDIANAPOLIS	IN	46204
33	INDIANA DEPARTMENT OF INSURANCE	STEPHEN W. ROBERTSON	311 W. WASHINGTON STREET SUITE 103		INDIANAPOLIS	IN	46204-2787
34	KANSAS ATTORNEY GENERAL	DEREK SCHMIDT	120 SW 10TH AVE, 2ND FL		TOPEKA	KS	66612-1597
35	KANSAS INSURANCE DEPARTMENT	VICKI SCHMIDT	1300 SW ARROWHEAD ROAD		TOPEKA	KS	66604
36	KENTUCKY ATTORNEY GENERAL	ANDY BESHEAR	700 CAPITOL AVENUE	CAPITOL BUILDING STE 118	FRANKFORT	KY	40601
37	KENTUCKY DEPARTMENT OF INSURANCE	SHARON P CLARK	PO BOX 517 - 2 SE 11		FRANKFORT	KY	40602-0517
38	LOUISIANA ATTORNEY GENERAL	JEFF LANDRY	1885 N THIRD STREET		BATON ROUGE	LA	70802
39	LOUISIANA DEPARTMENT OF INSURANCE	JAMES J. DONELON	PO BOX 94214		BATON ROUGE	LA	70804-9214
40	MASSACHUSETTS ATTORNEY GENERAL	MAURA HEALEY	1 ASHBURTON PLACE		BOSTON	MA	02108-1698
41	OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION (OCABR) MASSACHUSETTS DIVISION OF INSURANCE	GARY ANDERSON	1000 WASHINGTON STREET, 8TH FLOOR		BOSTON	MA	02118-6200
42	MARYLAND ATTORNEY GENERAL	BRIAN FROSH	200 ST. PAUL PLACE	SUITE 2700	BALTIMORE	MD	21202-2202
43	MARYLAND INSURANCE ADMINISTRATION	KATHLEEN A BIRRANE	200 ST. PAUL PLACE		BALTIMORE	MD	21202-2272
44	DEPARTMENT OF PROFESSIONAL & FINANCIAL REGULATION MAINE BUREAU OF INSURANCE	ERIC A. CIOPPA	34 STATE HOUSE STATION		AUGUSTA	ME	04333-0034
45	MAINE ATTORNEY GENERAL	JANET T MILLS	6 STATE HOUSE STATION		AUGUSTA	ME	04333
46	DEPT. OF INSURANCE & FINANCIAL SERVICES	ANITA G FOX	PO BOX 30220		LANSING	MI	48909-7720
47	MICHIGAN ATTORNEY GENERAL	BILL SCHUETTE	525 W. OTTAWA ST		LANSING	MI	48909-0212
48	MINNESOTA ATTORNEY GENERAL	LORI SWANSON	445 MINNESOTA STREET	STE 1400	ST. PAUL	MN	55101-2131
49	MINNESOTA DEPARTMENT OF COMMERCE	GRACE ARNOLD	85 7TH PLACE EAST, SUITE 280		ST. PAUL	MN	55101
50	MISSOURI ATTORNEY GENERAL	JOSHUA D. HAWLEY	SUPREME CT. BLDG.	207 W HIGH ST	JEFFERSON CITY	MO	65101
51	MISSOURI DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION (DIFP)	CHLORA LINDLEY-MYERS	PO BOX 690		JEFFERSON CITY	MO	65102-0690
52	MISSISSIPPI ATTORNEY GENERAL	JIM HOOD	DEPARTMENT OF JUSTICE - WALTER SILLERS BUILDING	550 HIGH STREET, SUTE 1200	JACKSON	MS	39201
53	MISSISSIPPI INSURANCE DEPARTMENT	MIKE CHANEY	PO BOX 79		JACKSON	MS	39205
54	MONTANA ATTORNEY GENERAL	TIM FOX	JUSTICE BUILDING	215 N. SANDERS	HELENA	MT	59620-1401
55	OFFICE OF THE COMMISSIONER OF SECURITIES AND INSURANCE, MONTANA STATE AUDITOR	TROY DOWNING	840 HELENA AVENUE		HELENA	MT	59601
56	NORTH CAROLINA ATTORNEY GENERAL	JOSH STEIN	DEPT. OF JUSTICE	9001 MAIL SERVICE CENTER	RALEIGH	NC	27699-9001
57	NORTH CAROLINA DEPARTMENT OF INSURANCE	MIKE CAUSEY	1201 MAIL SERVICE CENTER		RALEIGH	NC	27699-1201
58	NORTH DAKOTA ATTORNEY GENERAL	WAYNE STENEHJEM	STATE CAPITOL	600 E. BOULEVARD AVE	BISMARCK	ND	58505-0040
59	NORTH DAKOTA INSURANCE DEPARTMENT	JON GODFREAD	600 EAST BOULEVARD AVENUE, 5TH FLOOR		BISMARCK	ND	58505-0320
60	NEBRASKA ATTORNEY GENERAL	DOUG PETERSON	STATE CAPITOL	2115 STATE CAPITOL	LINCOLN	NE	68509
61	NEBRASKA DEPARTMENT OF INSURANCE	BRUCE R. RAMGE	PO BOX 82089		LINCOLN	NE	68501-2089
62	NEW HAMPSHIRE ATTORNEY GENERAL	JOSEPH A FOSTER	33 CAPITOL ST		CONCORD	NH	3301
63	NEW HAMPSHIRE INSURANCE DEPARTMENT	CRIS NICOLOPOULOS	21 SOUTH FRUIT STREET, SUITE 14		CONCORD	NH	03301
64	NEW JERSEY ATTORNEY GENERAL	CHRISTOPHER S. PORRINO	RICHARD J. HUGHES JUSTICE COMPLEX	8TH FLOOR, WEST WING, 25 MARKET ST	TRENTON	NJ	08625
65	STATE OF NEW JERSEY DEPARTMENT OF BANKING AND INSURANCE	MARLENE CARIDE	20 WEST STATE STREET	PO BOX 325	TRENTON	NJ	08625-0325
66	NEW MEXICO ATTORNEY GENERAL	HECTOR BALDERAS	VILLAGRA BUILDING	408 GALISTEO ST	SANTA FE	NM	87501
67	OFFICE OF SUPERINTENDENT OF INSURANCE	RUSSELL TOAL	PO BOX 1689		SANTA FE	NM	87504-1689
68	NEVADA ATTORNEY GENERAL	ADAM PAUL LAXALT	OLD SUPREME CT. BLDG.	100 N. CARSON ST.	CARSON CITY	NV	89701
69	NEVADA DEPT. OF BUSINESS & INDUSTRY DIVISION OF INSURANCE	BARBARA D. RICHARDSON	1818 EAST COLLEGE PKWY, SUITE 103		CARSON CITY	NV	89706
70	NEW YORK ATTORNEY GENERAL	ERIC SCHNEIDERMAN	DEPT OF LAW - THE CAPITOL	2ND FL	ALBANY	NY	12224
71	NEW YORK STATE DEPT. OF FINANCIAL SERVICES	LINDA A LACEWELL	ONE STATE STREET		NEW YORK	NY	10004-1151
72	OHIO ATTORNEY GENERAL	MIKE DEWINE	STATE OFFICE TOWER	30 E. BROAD ST	COLUMBIUS	OH	43266-0410
73	OHIO DEPARTMENT OF INSURANCE	JUDITH L FRENCH	50 WEST TOWN STREET, SUITE 300		COLUMBUS	OH	43215
74	OKLAHOMA ATTORNEY GENERAL	MIKE HUNTER	313 NE 21ST ST		OKLAHOMA CITY	OK	73105
75	OKLAHOMA INSURANCE DEPARTMENT	GLEN MULREADY	400 NE 50TH STREET		OKLAHOMA CITY	OK	73105-1816
76	OREGON ATTORNEY GENERAL	ELLEN F. ROSENBLUM	JUSTICE BUILDING	1162 COURT ST NE	SALEM	OR	97301
77	OREGON DEPT. OF CONSUMER & BUS SRVCS DIVISION OF FINANCIAL REGULATION	ANDREW R STOLFI	PO BOX 14480		SALEM	OR	97609-0405

## Exhibit C

## CAFA NOTICE SERVICE LIST

Index	ENTITY	CONTACT	ADDRESS 1	ADDRESS 2	CITY	STATE	ZIP
78	PENNSYLVANIA ATTORNEY GENERAL	JOSH SHAPIRO	1600 STRAWBERRY SQUARE		HARRISBURG	PA	17120
79	PENNSYLVANIA INSURANCE DEPARTMENT	JESSICA K. ALTMAN	1326 STRAWBERRY SQUARE		HARRISBURG	PA	17120
80	OFFICE OF THE COMMISSIONER OF INSURANCE	MARIANO A MIER ROMEU	PO BOX 195415		SAN JUAN	PR	00919
81	PUERTO RICO ATTORNEY GENERAL	WANDA VÁZQUEZ GARCED	CALLE OLIMPO, ESQ. AXTMAYER	PDA, 11 MIRAMAR	SAN JUAN	PR	00902-0192
82	RHODE ISLAND ATTORNEY GENERAL	PETER KILMARTIN	150 S. MAIN ST		PROVIDENCE	RI	02903-2907
83	STATE OF RHODE ISLAND DEPARTMENT OF BUSINESS REGULATION DIVISION OF INSURANCE	ELIZABETH KELLEHER DWYER	1511 PONTIAC AVENUE, BUILDING 69-2		CRANSTON	RI	02920
84	SOUTH CAROLINA ATTORNEY GENERAL	ALAN WILSON	REMBERT C. DENNIS OFFICE BLDG.	1000 ASSEMBLY STREET ROOM 519	COLUMBIA	SC	29201
85	SOUTH CAROLINA DEPARTMENT OF INSURANCE	RAYMOND G. FARMER	PO BOX 100105		COLUMBIA	SC	29202-3105
86	SOUTH DAKOTA ATTORNEY GENERAL	MARTY J. JACKLEY	1302 E HWY 14	STE 1	PIERRE	SD	57501-8501
87	SOUTH DAKOTA DEPT. OF LABOR & REGULATION DIVISION OF INSURANCE	LARRY DEITER	124 SOUTH EUCLID AVENUE, 2ND FLOOR		PIERRE	SD	57501
88	TENNESSEE ATTORNEY GENERAL	HERBERT H. SLATERY, III	425 5TH AVE N		NASHVILLE	TN	37243
89	TENNESSEE DEPARTMENT OF COMMERCE & INSURANCE, INSURANCE DIVISION	CARTER LAWRENCE	500 JAMES ROBERTSON PARKWAY		NASHVILLE	TN	37243-0565
90	TEXAS ATTORNEY GENERAL	KEN PAXTON	300 W 15TH STREET		AUSTIN	TX	78701
91	TEXAS DEPARTMENT OF INSURANCE	DOUG SLAPE	PO BOX 149104		AUSTIN	TX	78714-9104
92	UTAH ATTORNEY GENERAL	SEAN REYES	STATE CAPITOL	RM 236	SALT LAKE CITY	UT	84114-0810
93	UTAH INSURANCE DEPARTMENT	JONATHAN T PIKE	PO BOX 146901		SALT LAKE CITY	UT	84114-6901
94	VIRGINIA ATTORNEY GENERAL	MARK HERRING	900 E MAIN ST		RICHMOND	VA	23219
95	VIRGINIA BUREAU OF INSURANCE	SCOTT A WHITE	PO BOX 1157		RICHMOND	VA	23218
96	OFFICE OF THE LIEUTENANT GOVERNOR DIVISION OF BANKING, INSURANCE, AND FINANCIAL REGULATION	TREGENZA A ROACH	5049 KONGENS GADE		ST THOMAS	VI	00802
97	VIRGIN ISLANDS ATTORNEY GENERAL	CLAUDE E. WALKER	34038 KRONPRINDESENS GADE	TERS BUILDING, 2ND FLOOR	ST. THOMAS	VI	802
98	VERMONT ATTORNEY GENERAL	TJ DONOVAN	109 STATE ST.		MONTPELIER	VT	05609-1001
99	VERMONT DEPARTMENT OF FINANCIAL REGULATION	MICHAEL S. PIECIAK	89 MAIN STREET		MONTPELIER	VT	05620-3101
100	WASHINGTON ATTORNEY GENERAL	BOB FERGUSON	1125 WASHINGTON ST SE		OLYMPIA	WA	98504-0100
101	WASHINGTON STATE OFFICE OF THE INSURANCE COMMISSIONER	MIKE KREIDLER	PO BOX 40255		OLYMPIA	WA	98504-0255
102	OFFICE OF THE COMMISSIONER OF INSURANCE, STATE OF WISCONSIN	MARK AFABLE	PO BOX 7873		MADISON	WI	53707-7873
103	WISCONSIN ATTORNEY GENERAL	BRAD SCHIMEL	WISCONSIN DEPARTMENT OF JUSTICE	STATE CAPITOL	MADISON	WI	53707-7857
104	WEST VIRGINIA ATTORNEY GENERAL	PATRICK MORRISEY	STATE CAPITOL	1900 KANAWHA BLVD. E	CHARLESTON	WV	25305
105	WEST VIRGINIA OFFICES OF THE INSURANCE COMMISSIONER	JAMES A DODRILL	PO BOX 50540		CHARLESTON	WV	25305-0540
106	WYOMING ATTORNEY GENERAL	PETER K MICHAEL	STATE CAPITOL BUILDING		CHEYENNE	WY	82002
107	WYOMING INSURANCE DEPARTMENT	JEFF RUDE	106 EAST 6TH AVENUE		CHEYENNE	WY	82002-0440

**Exhibit D**

January 24, 2025

Re: *Davis v. Symetra Life Insurance Company*  
Case No. 2:21-cv-00533-KKE (W.D. WA)  
CAFA Notice Pursuant to 28 U.S.C. § 1715

Dear Federal and State Officials:

Analytics LLC, settlement administrator, on behalf of Defendant Symetra Life Insurance Company ("Defendant"), in the above-captioned action (the "*Symetra* Action"), hereby provides your office with this notice under the provisions of the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1711, et seq. Under 28 U.S.C. § 1715, this notice is to inform you of a proposed class action settlement for the *Symetra* Action, a lawsuit currently pending in the United States District Court for the Western District of Washington. Symetra denies the allegations in the complaint and denies any liability whatsoever. Symetra settled this action solely to eliminate the burden, expense, and uncertainties of further litigation and focus on the business of serving its clients.

Plaintiffs filed a motion with the United States District Court for the Western District of Washington on January 14, 2025, requesting preliminary approval of the proposed settlement. The proposed settlement includes current and former owners of relevant insurance policies issued in the following states: Arizona, California, Florida, Illinois, Indiana, Kentucky, Minnesota, Missouri, South Carolina, Texas, and Texas.<sup>1</sup>

In accordance with 28 U.S.C. § 1715(b), Defendants state as follows:

**(1) The operative Complaint and any materials filed with the Complaint.**

The operative complaint in the *Symetra* Action, as well as all attachments thereto, is contained on the enclosed CD. In addition, the complaint and all other pleadings and records filed in the *Symetra* Action are available on the internet through the federal government's PACER service at <https://ecf.ctd.uscourts.gov/cgi-bin/login.pl>. Additional information about the PACER service may be found at <https://www.pacer.gov>.

**(2) Notice of any scheduled judicial hearing in the class action.**

There are no scheduled hearings at this time. If any hearings are scheduled, information concerning the date, time, and location of those hearings will be available through PACER and can be accessed as described in section (1) above.

**(3) Any proposed or final notification to class members.**

The proposed forms of direct notice to class members, which provide notice of the proposed settlement and each class member's right to object to the class action, are included on the enclosed CD. The proposed Class Notice was submitted for the Court's approval with the Unopposed Motion for Preliminary Approval of Class Settlement and Memorandum in Support. ECF No. 130. The Motion is included on the enclosed CD. The Settlement website (<https://www.pacer.gov>) will also be updated with information that will notify the settlement class members about the details of the settlement.

**(4) Any proposed or final class action settlement.**

The parties' proposed class action settlement agreement ("Settlement Agreement"), is included on the enclosed CD, as is the Preliminary Approval Of Class Settlement and Memorandum in Support, including all supporting declarations and exhibits.

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<sup>1</sup> Symetra notes that settlement class members may now reside outside of these eleven (11) states from where the policies were originally issued.

**(5) Any settlement or other agreement contemporaneously made between class counsel and counsel for Defendants.**

There are no additional agreements between class counsel and counsel for Defendants, other than those reflected in the Settlement Agreement.

**(6) A final judgment or notice of dismissal.**

No final judgment or notice of dismissal has yet been entered in the *Symetra* Action. Upon entry, a copy of the Final Order and Judgment will be available through PACER and can be accessed as described in section (1) above.

**(7) Names of class members who reside in each state and the estimated proportionate share of the claims of such members to the entire settlement.**

At this time a specific list of class members is not yet compiled. The Settlement Agreement defines the Settlement Class as owners of approximately 43,000 policies issued in eleven (11) states.<sup>2</sup> The award amounts will be determined according to a court-approved formula provided by Plaintiffs' Counsel and ultimately approved by the Court. Upon final approval of the court, the settlement proceeds will be distributed among the class members according to the procedures set forth in the Settlement Agreement. Symetra's best estimate of the number of class members per state is attached to this letter ("Estimated Class Members by Resident State"). This estimate is based on the best information currently available to Symetra using information from Symetra's life insurance policyholder master record. These numbers included class members who were issued Policies subject to the Settlement in the eleven (11) states, as well as class members that are currently understood by Symetra to be residents in other states.

**(8) Any written judicial opinion relating to the materials described in sections (3) through (6).**

No written judicial opinions have been issued relating to the proposed settlement as of this time. Inasmuch as certain documents on the enclosed CD contain confidential information, it has been encrypted and password protected. Decryption instructions and the password will be sent under separate cover.

Thank you for your attention to this matter.

Sincerely,

Jeff Mitchell  
Project Manager, Analytics LLC  
jmittell@analyticsllc.com

Enclosures

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<sup>2</sup> The Settlement Agreement defines class members as the "Owner" or "Owners" of a Policy on the Policy List. "Owner" is defined to mean a Policy's owner or owners, whether a person or an entity and whether in an individual or representative capacity, as indicated in Defendant's records as of the Class List Date, except that if the Owner is deceased as of the Class List Date, the Owner shall mean the estate of the deceased Owner. Various factors affect who is a policy "Owner" and, thus, a settlement class member. Policyholders (or their beneficiaries) may not inform or update Symetra with information related to those factors. For example, a policy Owner may have passed away, but Symetra is not aware of the passing and the beneficiary or successor in interest has not yet made a claim on the policy. Or, the previous policy Owner may have changed the beneficiary, but Symetra was not informed of that change or the change is currently being disputed. While the Policy List includes only Policies issued in the subject eleven (11) states, the class members may be residents of other states.