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18 Company of the Southwest

19 **UNITED STATES DISTRICT COURT**  
20 **CENTRAL DISTRICT OF CALIFORNIA**  
21 **SOUTHERN DIVISION**

22 JOYCE WALKER, KIM BRUCE  
23 HOWLETT, and MURIEL SPOONER  
24 on behalf of themselves and all others  
25 similarly situated,

26 Plaintiffs,

27 vs.

28 LIFE INSURANCE COMPANY OF  
THE SOUTHWEST, a Texas  
corporation, and DOES 1-50,

Defendant.

Case No.: 10-09198 JVS(RNBx)

**DECLARATION OF TIMOTHY PERLA IN SUPPORT OF LSW'S SUPPLEMENTAL FILING IN SUPPORT OF ITS EX PARTE APPLICATION FOR ENTRY OF ORDER RE: CONTACTS WITH PUTATIVE CLASS MEMBERS**

Judge James V. Selna

**DECLARATION OF TIMOTHY PERLA**

I, Timothy Perla, declare as follows:

I. I am an attorney duly licensed to practice law in the Commonwealth of Massachusetts and admitted *pro hac vice* before this Court. I am a Counsel at the law firm of Wilmer Cutler Pickering Hale and Dorr LLP, counsel for Defendant Life Insurance Company of the Southwest's ("LSW") in the above-entitled action. I respectfully submit this Declaration in support of LSW's Supplemental Filing in Support of its Application for Entry Of Order Re: Contacts with Putative Class Members. I have personal knowledge of the facts stated herein and, if called as a witness, I could and would testify competently thereto.

2. On March 22, 2012, Plaintiffs served responses to LSW's First Set of Interrogatories, including as a schedule the names and addresses of 364 persons ("the Recipients") who received the letter from Plaintiffs' counsel about this litigation ("the Recipient List"). A true and accurate copy of the responses to LSW's First Set of Interrogatories are attached hereto as Exhibit A.<sup>1</sup>

3. I compared the Recipient List with policy documentation and information that have been produced in this litigation. Based on that comparison, I determined that 86 of the Recipients were insureds who are not policy owners.

4. The comparison also showed that more than 10% of the Recipients were minors at the time the letters were sent.

5. Attached hereto as Exhibit B is a true and correct copy of an Application (redacted to exclude personal information) that LSW produced in this litigation.

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<sup>1</sup> In the interest of protecting the privacy of Recipients, the schedule to the responses (which contains the actual names and addresses) is not attached hereto.

1 I declare under the penalty of perjury that the foregoing is true and correct.

2 Executed this 23rd day of March, 2012, at Boston, Massachusetts.

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By: /s/ Timothy Perla  
Timothy Perla

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1 **PROOF OF SERVICE**

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3 I am a resident of the State of California, over the age of eighteen years, and not a  
4 party to the within action. My business address is Wilmer Cutler Pickering Hale and Dorr  
5 LLP, 950 Page Mill Road, Palo Alto, CA 94304. On March 23rd, 2012 I served the within  
6 document(s):

7 **DECLARATION OF TIMOTHY PERLA**

8 I placed the document(s) listed above in a sealed envelope with postage  
9 thereon fully prepaid, in the United States mail at Palo Alto, CA  
10 addressed as set forth below.

11 I personally caused to be emailed the document(s) listed above to the  
12 person(s) at the address(es) set forth below.



14 I electronically filed the document(s) listed above via the CM/ECF  
15 system.

16 Brian P. Brosnahan  
17 Charles N. Freiberg  
18 Jacob Foster  
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28 /s/ Jonathan A. Shapiro  
Jonathan A. Shapiro