

**EXHIBIT 2: [CORRECTED] DECLARATION OF TIMOTHY PERLA**

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**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION**

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

Plaintiffs,

vs.

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

Defendant.

Case No.: CV 10-9198-JVS(RNBx)

**[CORRECTED] SUPPLEMENTAL  
DECLARATION OF TIMOTHY PERLA  
IN OPPOSITION TO PLAINTIFFS'  
MOTION FOR CLASS  
CERTIFICATION**

**DECLARATION OF TIMOTHY PERLA**

I, Timothy Perla, declare as follows:

1. I am an attorney duly licensed to practice law in the Commonwealth of Massachusetts. 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 (“LSW”) in the above-entitled action. I have personal knowledge of the facts stated herein and, if called as a witness, I could and would testify competently thereto.

2. On August 24, 2012, I submitted a Declaration concerning the sample of 400 policy files produced in this matter. I conducted a further review of the files in response to Plaintiffs’ September 27, 2012 supplemental filing. I now submit the following additional information in support of LSW’s supplemental filing in opposition to class certification.

3. Policy files sometimes contain an Agent Report. Part 1, Question 7 of the Agent Report asks the agent to “List any sales materials, including illustrations, used relating to the new application.” In 33 instances, the response lists only materials other than an illustration, reference to quick calc, or to the IC software. My understanding is that Plaintiffs treated these as agent reports that contained no evidence concerning illustration use. This is incorrect: the question specifically asks about illustration use.

4. The Sample contains 491 signed and dated illustrations. In 434 instances (88% of the time), the signature dates falls after the print date. The signature date falls a median of 12 days after the print date.



**PROOF OF SERVICE**

I am a resident of the Commonwealth of Massachusetts, over the age of eighteen years, and not a party to the within action. My business address is Wilmer Cutler Pickering Hale and Dorr LLP, 60 State Street, Boston, Massachusetts 02109. On October 11, 2012, I served the within document(s):

[CORRECTED] SUPPLEMENTAL DECLARATION OF TIMOTHY PERLA IN OPPOSITION TO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

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

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

I emailed the document(s) listed above to the person(s) at the address(es) set forth below.

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

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/s/ Joel A. Fleming  
Joel A. Fleming