

WILMERHALE

April 26, 2012

Timothy Perla

By E-mail

+1 617 526 6696(t)
+1 617 526 5000(f)
timothy.perla@wilmerhale.com

Brian Brosnahan
Kasowitz, Benson, Torres & Friedman LLP
101 California Street, Suite 2300
San Francisco, CA 94111

Re: Walker et al. v. Life Insurance Company of the Southwest

Dear Brian:

I write on behalf of Life Insurance Company of the Southwest (“LSW”) in furtherance of our April 23 conversation about LSW Deposition Topics 1-5. As I explained to you, LSW has consistently insisted that these topics must relate only to “mandatory” disclosures in order to render the topics manageable for LSW’s designee (*i.e.*, so that a designee need not attempt the likely impossible task of familiarizing with thousands of marketing materials), and to confine the topics to LSW’s knowledge (*i.e.*, LSW is not present during interactions between client and independent agent). As I further explained, to the extent Plaintiffs seek to understand LSW’s disclosures and marketing, numerous other topics address marketing strategy and content standards governing marketing documents. LSW has also produced tens of thousands of pages of documents concerning disclosures and marketing. I understand that Plaintiffs nonetheless disagree with a limitation on topics 1-5.

I appreciate your confirmations made to me via telephone that: (i) the topics in question do not call for a witness to be familiar with the thousands of produced marketing materials that were available for use during the relevant period, and (ii) the topics to not call for review of policyholder files for the presence of disclosures. With those understandings, LSW agrees to remove the limitation to “mandatory” documents for the topics. As indicated previously, Ms. MacDonald will be LSW’s designee for Topics 1-5 to the extent they call for testimony identifying the written statements and the decision around what documents to mandatorily provide policyholders. To the extent Plaintiffs seek testimony about non-mandatory written disclosures by LSW, Ms. Rusnock will testify.

Please let me know if you have any questions or if this does not accurately convey what you stated today by telephone.

Sincerely,

/s/ Timothy Perla

WILMERHALE

Brian Brosnahan
April 26, 2012
Page 2

Timothy Perla
cc: Andrea J. Robinson
Jonathan A. Shapiro
James Lux