

1 KASOWITZ, BENSON, TORRES & FRIEDMAN LLP
2 CHARLES N. FREIBERG (SBN 70890)
3 BRIAN P. BROSNAHAN (SBN 112894)
4 JACOB N. FOSTER (SBN 250785)
5 101 California Street, Suite 2300
6 San Francisco, California 94111
7 Telephone: (415) 421-6140
8 Facsimile: (415) 398-5030

9 LAW OFFICES OF CRAIG A. MILLER
10 CRAIG A. MILLER (SBN 116030)
11 225 Broadway, Suite 1310
12 San Diego, CA 92101
13 Telephone: (619) 231-9449
14 Facsimile: (619) 231-8638

15 Attorneys for Plaintiffs
16 JOYCE WALKER, KIM BRUCE HOWLETT,
17 and MURIEL SPOONER, on behalf of themselves
18 and all others similarly situated

19 **UNITED STATES DISTRICT COURT**
20 **CENTRAL DISTRICT OF CALIFORNIA**

21 **SOUTHERN DIVISION**

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

26 Plaintiffs,

27 v.

28 LIFE INSURANCE COMPANY OF
THE SOUTHWEST, a Texas
corporation,

Defendant.

CLASS ACTION

CASE NO.: CV 10-9198 JVS (RNBx)

**DECLARATION OF BRIAN P.
BROSNAHAN IN SUPPORT OF
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION OF
NEW AND REMAINING CLAIMS
RELATING TO CURRENT BASIS
POLICY VALUES**

Judge: Hon. James V. Selna
Date: February 4, 2013
Time: 1:30 p.m.
Courtroom: 10C

DECLARATION OF BRIAN P. BROSNAHAN IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION
OF NEW AND REMAINING CLAIMS RELATING TO CURRENT BASIS POLICY VALUES

CASE NO. CV 10-9198 JVS (RNBX)

KASOWITZ, BENSON, TORRES & FRIEDMAN LLP
101 CALIFORNIA STREET, SUITE 2300
SAN FRANCISCO, CALIFORNIA 94111

DECLARATION OF BRIAN P. BROSNAHAN

I, Brian P. Brosnahan, declare as follows:

1. I am an attorney and partner in the firm of Kasowitz, Benson, Torres & Friedman LLP (hereinafter “Kasowitz Benson” or “KBTF”), counsel of record for Joyce Walker, Kim Bruce Howlett and Muriel Spooner (collectively “Plaintiffs”) in this action. I have personal knowledge of the facts stated herein and, if called as a witness, I could and would testify competently thereto.

2. Attached hereto as Exhibit A is a true and correct copy of an April 5, 2005 Memo to Craig Smith and Elizabeth MacGowan from Mike Tivilini bates labeled LSW00037039 through LSW000337042.

2. Attached hereto as Exhibit B is a true and correct copy of excerpts from the deposition of Craig Smith taken on December 7, 2012.

3. Attached hereto as Exhibit C is a true and correct copy of the proposed Third Amended Complaint.

5. Attached hereto as Exhibit D is a true and correct copy of a document bates labeled LSW-E00037039 through LSW-E00037042, a letter dated February 10, 2010 from Brett Anderson to Craig Smith with a cover e-mail. This is a portion of Plaintiffs’ Exhibit 227 to the deposition of Craig Smith.

6. Attached hereto as Exhibit E is a true and correct copy of a document bates labeled DOI000015 to DOI000016, an Illustration Actuary Certification To Accompany Policy Form Submissions, signed by Craig A. Smith on December 19, 2006. This is also Plaintiffs’ Exhibit 225 to the deposition of Craig Smith.

7. Attached hereto as Exhibit F is a true and correct copy of a document bates labeled DOI000018 to DOI000019, an Illustration Actuary Certification To Accompany Policy Form Submissions, signed by Craig A. Smith on March 29, 2005. This is also Plaintiffs’ Exhibit 226 to the deposition of Craig Smith.

KASOWITZ, BENSON, TORRES & FRIEDMAN LLP
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SAN FRANCISCO, CALIFORNIA 94111

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I declare under penalty of perjury that the foregoing is true and correct.
Executed this 7th day of January, 2013.

/s/ Brian P. Brosnahan
Brian P. Brosnahan

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