

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

6 LAW OFFICES OF CRAIG A. MILLER
7 CRAIG A. MILLER (SBN 116030)
8 225 Broadway, Suite 1310
9 San Diego, CA 92101
10 Telephone: (619) 231-9449
11 Facsimile: (619) 231-8638

12 Attorneys for Plaintiffs
13 JOYCE WALKER, KIM BRUCE HOWLETT,
14 and MURIEL SPOONER, on behalf of themselves
15 and all others similarly situated

FILED
CLERK, U.S. DISTRICT COURT
JAN 8 2013
CENTRAL DISTRICT OF CALIFORNIA
BY [Signature]

16 UNITED STATES DISTRICT COURT
17 CENTRAL DISTRICT OF CALIFORNIA

18 SOUTHERN DIVISION

19 BY JOYCE WALKER, KIM BRUCE
20 HOWLETT, and MURIEL
21 SPOONER, on behalf of themselves
22 and all others similarly situated,

23 Plaintiffs,

24 v.

25 LIFE INSURANCE COMPANY OF
26 THE SOUTHWEST, a Texas
27 corporation,

28 Defendant.

29 CLASS ACTION

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

31 **DECLARATION OF BRIAN P.
32 BROSNAHAN IN SUPPORT OF
33 PLAINTIFFS' MOTION FOR
34 CLASS CERTIFICATION OF
35 NEW AND REMAINING CLAIMS
36 RELATING TO CURRENT BASIS
37 POLICY VALUES**

38 **By Fax**

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

41 CASE NO. CV 10-9198 JVS (RNBX)

42 LUDGED

43 KASOWITZ, BENSON, TORRES & FRIEDMAN LLP
44 101 CALIFORNIA STREET, SUITE 2300
45 SAN FRANCISCO, CALIFORNIA 94111

46 CLERK U.S. DISTRICT COURT
47 CENTRAL DISTRICT OF CALIFORNIA
48 JAN 7 7 PM 3:07

49 [Stamp] OR VI 1

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.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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
BRIAN P BROSNAHAN

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

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)