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Attorneys for Defendant Life Insurance
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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)

**DECLARATION OF CRAIG SMITH
IN SUPPORT OF DEFENDANT LIFE
INSURANCE COMPANY OF THE
SOUTHWEST'S OPPOSITION TO
PLAINTIFFS' MOTION FOR LEAVE
TO FILE THIRD AMENDED
COMPLAINT**

Judge: Hon. James V. Selna
Date: March 4, 2013
Time: 1:30 P.M.
Courtroom: 10C

1 I, Craig Smith, declare as follows:


2 1. I am Vice President of Strategic Analysis and Appointed Actuary at National
3 Life. I was previously an illustration actuary for the SecurePlus Provider ("Provider")
4 and SecurePlus Paragon ("Paragon") indexed universal life insurance products issued by
5 Life Insurance Company of the Southwest ("LSW"). I have not been the illustration
6 actuary for these products since early 2011. I was never responsible for any aspects of the
7 design, pricing, or administration of Provider or Paragon and I was never the product
8 actuary for these products.

9 2. I have personal knowledge of the facts stated herein and, if called as a
10 witness, I could and would testify competently thereto.

11 3. As I testified at my deposition, I did not know one way or the other whether
12 the Company would in fact pay certain non-guaranteed enhancements illustrated to
13 Paragon or Provider policyholders. For this reason, I disagree with Plaintiffs'
14 characterization of my testimony as stating that LSW lacked the intent to provide those
15 non-guaranteed enhancements.

16 4. LSW's GAAP accounting anticipates a 1.25% increase in the interest
17 credited under the Provider policy beginning in policy year ten.

18 I declare under the penalty of perjury that the foregoing is true and correct.
19 Executed this 29th day of January, 2013 at Montpelier, Vermont.

20
21 By: 
22 Craig Smith