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11 **UNITED STATES DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA**  
13 **SOUTHERN DIVISION**

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

18 Plaintiffs,

19 vs.

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

22 Defendant.

Case No.: 10-09198 JVS(RNBx)

DECLARATION OF TIMOTHY PERLA  
IN SUPPORT OF MOTION TO  
APPOINT A SPECIAL MASTER

Judge James Selna  
Courtroom: 10C

**DECLARATION OF TIMOTHY J. PERLA**

I, Timothy J. Perla, declare as follows:

1. I am an attorney duly licensed to practice law in the Commonwealth of Massachusetts and before this Court. I am a Partner at the law firm of Wilmer Cutler Pickering Hale and Dorr LLP, counsel for Defendant in the above-entitled action. I respectfully submit this Declaration in support of Defendant Life Insurance Company of the Southwest’s Motion to Appoint a Special Master. I have personal knowledge of the facts stated herein and, if called as a witness, I could and would testify competently thereto.

2. Based upon the data set forth in the document bearing bates number LSW00037142, I determined that the maximum amount of gross premium paid by any LSW SecurePlus Provider or SecurePlus Paragon policyholder was \$6,827,696, and the minimum (non-zero) amount of gross premium paid was \$11. I also determined that the top quartile (25%) of policies, sorted by gross premium paid, accounted for 85.46% of all premiums paid. Finally, using Microsoft Excel, I determined that the standard deviation of gross premiums paid was approximately \$55,910.

3. In January and February 2013, LSW produced policy files for all SecurePlus Provider and SecurePlus Paragon policies issued in California from September 24, 2006 to December 6, 2012 (the date that LSW began extracting files). These productions totaled 8,885,263 pages.

3. Attached hereto as Exhibit A is a true and correct copy of excerpts from the September 18, 2012 oral argument on Plaintiffs’ motion to certify a class.

4. Attached hereto as Exhibit B is a true and correct copy of Plaintiffs’ Responses to LSW’s Fourth Set of Interrogatories.

5. Attached hereto as Exhibit C is a true and correct copy of excerpts from the transcript of the deposition of Muriel Spooner.

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6. Attached hereto as Exhibit D is a true and correct copy of a Sales Illustration Certification form completed by a non-party policyholder bearing the bates number LSW 00078893, which has been redacted for confidentiality reasons.

7. Attached hereto as Exhibit E is a true and correct copy of a Request to Amend New Issue Application form completed by a non-party policyholder bearing the bates number LSW 00083150, which has been redacted for confidentiality reasons.

8. Attached hereto as Exhibit F is a true and correct copy of the Court’s tentative order of September 14, 2012 granting in part and denying in part Plaintiffs’ motion for class certification.

I declare under the penalty of perjury that the foregoing is true and correct.  
Executed this 18<sup>th</sup> day of March, 2013, at Boston, Massachusetts.

By: /s/ Timothy J. Perla  
Timothy J. Perla

**CERTIFICATE 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 March 18, 2013 I served the within document(s):

**DECLARATION OF TIMOTHY PERLA IN SUPPORT OF LIFE INSURANCE COMPANY OF THE SOUTHWEST'S MOTION TO APPOINT A SPECIAL MASTER; EXHIBITS THERETO**

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 Fleming  
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