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9 Class Counsel for Plaintiffs

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 MICHAEL DON, EXECUTOR OF
13 THE ESTATE OF RUBEN DON;
14 TAMARA PELHAM, SPECIAL
ADMINISTRATOR FOR THE
15 ESTATE OF LEROY LITTLE; and
16 CAROLYN JAN LITTLE, Individually,
and as the Class Representatives on
17 behalf of those insureds similarly
18 situated,
Plaintiffs,

19 vs.
20

21 UNUM GROUP, a Delaware
22 Corporation; and UNUM LIFE
INSURANCE COMPANY OF
23 AMERICA, a Maine Corporation,

24 Defendants.
25
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27
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CASE NO.: CV 13-4502-DSF (VBK)

Assigned to: Hon. Dale S. Fischer

**PLAINTIFFS' & CLASS
COUNSEL'S NOTICE OF
LODGING OF PROPOSED FINAL
JUDGMENT**

Hearing: June 27, 2016
Time: 1:30 p.m.
Place: Courtroom 840

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TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that Plaintiffs and Class Representatives Michael Don (in his capacity as Executor of the Estate of Ruben Don) (“Don”), Tamara Pelham (in her capacity as Special Administrator of the Estate of LeRoy Little) (“Pelham”), and Carolyn Jan Little (“Little”) (collectively “Plaintiffs”), and Class Counsel have attached the Proposed Final Judgment.

Dated: May 26, 2016

By: _____ /S/
Allan A. Sheno
Attorney for Plaintiffs

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15 Attorneys for Plaintiffs

16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**

18 MICHAEL DON, EXECUTOR OF
19 THE ESTATE OF RUBEN DON,
20 LEROY LITTLE, by and through
21 his Guardian ad Litem TAMARA
22 PELHAM, and CAROLYN JAN
23 LITTLE, Individually, and as the
24 Class Representatives on behalf of
25 those insureds similarly situated,

26 Plaintiffs,

27 vs.

28 UNUM GROUP a Delaware
Corporation; and UNUM LIFE
INSURANCE COMPANY OF
AMERICA, a Maine Corporation,

Defendants.

CASE NO.: CV 13-4502-DSF (VBK)

Assigned to: Hon. Dale S. Fischer

[PROPOSED] FINAL JUDGMENT

1 Based upon--and subject to--the class wide settlement approved by the parties
2 and Court in this Action (see "Settlement," and Dock. No.188-1, and the Final Order,
3 Dock. No.____): (1) approving the Class Action Settlement, (2) Awarding Class
4 Counsel's Fees and Class Counsel's Expenses, (3) Awarding Service Awards and
5 Payments To Class Representatives, (4) Permanently enjoining parallel proceedings,
6 and (5) Dismissing this Action with Prejudice:

7 **IT IS HEREBY ORDERED AND ADJUDGED** that:

8 1. The Court has personal jurisdiction over the Parties and all members of
9 the Settlement Class (defined below), subject matter jurisdiction over the claims in
10 the captioned action ("the Action"), and jurisdiction to approve the Stipulation For
11 Settlement and all Exhibits thereto (the "Stipulation"). The certified Class is subject
12 to--and bound by--this Final Judgment and includes, subject to the exclusions listed
13 below, the following persons:

14 "Settlement Class" means, subject to the exclusions listed below, all
15 Class Members, except the following persons: (1) persons who properly opted-out of
16 the Settlement; (2) any officer, director, employee or agent of Unum; (3) any judge,
17 justice, or judicial official presiding over the Action and the staff and immediate
18 family of any such judge, justice, or judicial official; and (4) notwithstanding the
19 above, no Claim shall be eligible for or approved for Settlement Relief with respect
20 to any Policy for which a valid agreement or release exists between Unum and the
21 Settlement Class Member that would preclude the Settlement Class Member's right to
22 receive relief from the Settlement. Unum represents that, except for the members of
23 Subclass VII, each member of the settling subclasses in the Settlement Class: (1) is
24 sufficiently identifiable; (2) Unum can accurately trace the benefits due each
25 beneficiary; and (3) each beneficiary has an undisputed and mathematically
26 ascertainable claim to part of the Settlement Relief. In other words, the value to
27 individual class members of benefits in each of the above items (except as to Subclass
28 VII, which is not included in the monetary Total Settlement Fund) can be accurately
ascertained, and this relief is part of the Settlement Relief.

1 "Class Member" means and includes any person included in the definition of
2 Subclass I, Subclass IV, or Subclass VII.

3 "Subclass I" means all current and former insureds nationwide whose Unum
4 LTC Policies state "[u]nless we tell you something else, years, months and
5 anniversaries that we refer to are calculated from the Policy Date" and Unum used
6 (for insureds with "accrued damages"), is using (for insureds "in claim"), or will use
7 (for "future claimant" insureds) the Effective Date. The class representative for
8 Subclass I is Don.

9 "Subclass IV" means all current (as of the Settlement Agreement Execution
10 Date) and former insureds nationwide whose Unum LTC Policies contain an optional
11 provision for inflation protection which states that their Lifetime Maximum Benefit
12 Amount will increase, and Unum applied (for insureds with "accrued damages"), is
13 applying (for "in claim" insureds), or will apply (for "future claimant" insureds) the
14 annual inflation increase to the remaining Lifetime Maximum Benefit Amount, even
15 though the word "remaining" does not quantify or reduce the Lifetime Maximum
16 Benefit Amount. The class representatives for Subclass IV are Don for those insureds
17 who have "accrued damages," and Pelham for the "in claim" and "future claimant"
18 insureds.

19 "Subclass VII" means all current and former insureds under Unum's LTC
20 Policies nationwide issued pre-2002 who since 2010 received a "duplicate" policy
21 that was not an exact copy of their original policy. The class representatives of
22 Subclass VII are Pelham for "in claim" insureds, and Little for "future claimant"
23 insureds.

24 Excluded from the Settlement Class are the following policyholders who timely
25 filed exclusion forms:(1) ROBERT EDWARD GRACE, (2) JENNIF GRACE, (3)
26 DONNA J. CRISPENO, (4)LARRY E SHOFFNER, (5) CAROLE M. BAGGETT,
27 (6) NADINE KAY, (7) DOROTHY FEVOLD, (8) PHOEBE A. BRODERICK, (9)
28 JULIE CAMPBELL, (10) DAVID J. MULLHOLAND, (11) ANN P. RIETH, (12)

1 MICHAEL KUNKIN, (13) FRANK HUMPRES JR, (14) JEAN ROLL, (15)
2 GERALD E. MILLER, (16) MARY MILLER, (17) PATRICIA A. BRISTOL, (18)
3 DOUGLAS A. LUETJEN, (19) THOMAS E. ROLL, (20) LUANNE O. BULLOCK,
4 (21) DEANNA D. FARRAH, (22) VIVIAN J. BARKER, (23) JOHN H. LEBOEUF,
5 (24) WILLIAM L. WEBB, (25) KAREN J. SEAT, (26) DOROTHY E.
6 CHALLINOR, (27) ELSIE T. MARUNO, (28) MILTON C. CAMPBELL, (29)
7 PRISCILLA D. MILLER, (30) WAYNE TERRY, (31) CHARDELLE F HULL, (32)
8 SANDRA HATHAWAY, (33) DOROTHY J. MORINAGA, (34) ANITA L.
9 PIERCE, (35) SHAMEEM MIRZA, (36) ROGER L. ROUCH, (37) K. DIANE
10 ROUCH, (38) ANNA C. HAMPTON, (39) KENNETH HAMPTON, (40) SUSAN
11 C. RITTER, (41) KATHRYN MULLHOLAND, (42) PATRICIA J. HUMPRES,
12 (43) RONALD BRUYERE, (44) KATHERINE M. AKAGI, (45) BARBARA A.
13 COLUCCI, (46) YVONNE B. NICHOLSON, (47) HOWARD W. NICHOLSON,
14 (48) CONSTANCE SMITH, (49) JULIE E. SMITH, (50) B. DARLENE OGAN, (51)
15 NANCY B. FRENCH, (52) RON D. BRUCE, (53) SUSAN M. MYERS, (54) DORIS
16 A. HENSON, (55) STANLEY G. SEAT, (56) HILARY FISHER, (57) ELIZABETH
17 A. SPRINGER, (58) JANET CASTLE, (59) ELIZABETH M. STUCKART, (60)
18 BOB L. VIA, (61) PAMELA VIA, (62) ERNIE R. PROWS, (63) CHARLENE
19 HERNANDEZ, (64) SANDRA K. BULLARD, (65) MARY ANN YOUNCE, (66)
20 SHIRLEY E. LIPPARD, (67) YOUSSEF HATEFI, (68) STACY HACKNEY, (69)
21 BEVERLY A. SILVEIRA, (70) MARGARET T. HIGA, (71) LAWREN HIGA, (72)
22 MONA J. GROVE, (73) JULIE CILINO, (74) NATALIE BERKEY, (75) JANE
23 VIAL, (76) JACQUELINE JACOBS, (77) JIM BLACK, (78) CLYDE J.
24 MCKINLEY, (79) MARCIA A. ODELL, (80) THERESA SMYTHE, (81)
25 MARJORIE QUOCK, (82) PATRICE RANDLE, (83) JAMES LEONRANDLE, (84)
26 WILLIAM R. STRUCKMANN, (85) GWENDO STRUCKMANN, (86) LYNN A.
27 FRITZIUS, (87) DONNA C. WICKMAN, (88) JOYCE F. COFFIN, (89) JANE Y.
28 KUMAMOTO, (90) RYLLIS M. POINDEXTER, (91) CLARA ELIZABETH
MILLER, (92) EDITH M. JOHNK, (93) JEAN K. ERNST, (94) MARK HOBBS,

1 (95) JANET I. ARONSON, (96) BRETON LEWELLEN, (97) KAREN D.
2 LEWELLEN, (98) KAREN D. LEWELLEN, (99) BRENDA K. DAMEK, (100)
3 IRENE L. ALLEN, (101) VIMALA RAO, (102) JACK W. BLOOMER, (103)
4 MARION B. MAY, (104) MARLENE A. BLOOMER, (105) CONNIE ROWAN,
5 (106) PAUL A. ROWAN, (107) BONNIE B. RUST, (108) MARION H. EMERY,
6 (109) MARY A. MITCHELL, (110) EDITH K. NOMI, (111) DIANE W.
7 BOULAVSKY, (112) JUDY V. WEAVIL, (113) ROGER HOLT, (114) SASHA
8 RAMESSAR, (115) LANNY BOYCE, (116) MAUREEN E. VINCENT, (117) JOAN
9 HERNDON, (118) CANDACE M. SILBER, (119) GUIDO H. STEMPEL, (120)
10 RICHARD L. SHERIDAN, (121) NANCY A. PERRY, (122) JOANNE
11 CURATOLO, (123) JOAN B. MORRELL, (124) GAIL L. RUTH, (125)
12 KATHLEEN D. GAGLIARDI, (126) ANTHONY J. RZEPELA, (127) DAVID
13 CHAMPE, (128) JENNIE F. KONDO, (129) MAUDE R. CALDWELL, (130)
14 GIOVANNI VIGNOLO, (131) SALLY J. WETZEL, (132) LINDA S. KISER, (133)
15 JUDY KELLER, (134) NONA L. ECHEVARRIA, (135) DOMINGO
16 ECHEVARRIA, (136) MARY A. HENSLEY, (137) DWAYNE L. SNYDER, (138)
17 THERESA A. MORIN-DOYLE, (139) ARLENE TYLER, (140) CHARLE
18 SUTTLES, (141) MICHELE SUTTLES, (142) JACK C. WILLIAMS, (143)
19 LOUANN LUTHER, (144) ELAINE ROSE, (145) WILLIAM J. FREDERICK, (146)
20 SHARON FREDERICK, (147) ROSALIE RETTMANN, (148) ROBERT H. LEWIS,
21 (149) MICHAEL A. CHASE, (150) KAREN M. FURUTA, (151) ANGELINE T.
22 MILLS, (152) SUSI B. SLOCUM, (153) DIANE B. HUBBARD, (154) CYNTHIA
23 G. LAKE, (155) ANTONIA MARIA FISHER, (156) BARBARA SHANNAHAN,
24 (157) PATRICIA GOODWIN, (158) WILLIAM E. MOOREHEAD, and (159)
25 NANCY MOOREHEAD.

2. Venue is proper in this Action.

3. This Action (including all the claims of Plaintiffs and the Settlement Class Members) is dismissed, with prejudice on the merits, without fees to any party except

1 as provided in the Stipulation and the Court's Order awarding Class Counsel's
2 Attorneys' Fees and Class Counsel's Expenses.

3 4. The Release set forth in Section IX of the Stipulation For Settlement is
4 incorporated into this Judgment as if fully set forth herein.

5 5. All Settlement Class Members and/or their representatives are permanently
6 enjoined from filing, commencing, prosecuting, maintaining, intervening/participating
7 in, conducting, or continuing litigation as class members or from receiving any
8 benefits from any lawsuit, administrative, arbitration, mediation or regulatory
9 proceeding or order, or other legal proceeding, in accordance with the provisions of
10 Section XII of the Stipulation.

11 6. All Settlement Class Members, and all persons in active concert or participation
12 with any Settlement Class Member, are permanently enjoined from filing,
13 commencing, or prosecuting any lawsuit, arbitration, mediation or other legal
14 proceeding or action, a separate class, or group for purposes of pursuing a
15 putative class (including by seeking to amend a pending complaint to include class
16 allegations seeking class certification in a pending action in any jurisdiction) arising
17 out of, based on, or relating to the Released Claims (as defined in the Stipulation).

18 7. All Settlement Class Members, and all persons in active concert or participation
19 with any Settlement Class Member are permanently enjoined from organizing or
20 soliciting participation of any Settlement Class Member in a separate class or group
21 for purposes of pursuing a putative class action, or any claim or lawsuit, or mediation
22 or other legal proceeding in any jurisdiction based on the Released Claims (as defined
23 in the Stipulation).

24 IT IS SO ORDERED.

25 Dated: _____, 2016

26 _____
27 Honorable Dale Fischer
28 United States District Judge

Notices

2:13-cv-04502-DSF-VBK Michael Don v. Unum Life Insurance Company of America et al

(VBKx),DISCOVERY,MANADR,PROTORD

UNITED STATES DISTRICT COURT for the CENTRAL DISTRICT OF CALIFORNIA

Notice of Electronic Filing

The following transaction was entered by Sheno, Allan on 5/26/2016 at 3:29 PM PDT and filed on 5/26/2016

Case Name: Michael Don v. Unum Life Insurance Company of America et al
Case Number: 2:13-cv-04502-DSF-VBK
Filer: Michael Don
Document Number: 215

Docket Text:

NOTICE OF LODGING filed re NOTICE OF MOTION AND MOTION for Order for For Final Approval [211] (Attachments: # (1) Proposed Order Proposed Final Judgment)(Sheno, Allan)

2:13-cv-04502-DSF-VBK Notice has been electronically mailed to:

Allan A Sheno asheno@shenoikoes.com

Christopher C Vader cvader@dc.rr.com

Daniel J Koes dkoes@shenoikoes.com

Joel S Feldman jfeldman@sidley.com, dvelkovich@sidley.com, efilenotice@sidley.com

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Lisa E Schwartz lschwartz@sidley.com, efilenotice@sidley.com

2:13-cv-04502-DSF-VBK Notice has been delivered by First Class U. S. Mail or by other means BY THE FILER to :

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:C:\fakepath\00042305.PDF

Electronic document Stamp:

[STAMP cacdStamp_ID=1020290914 [Date=5/26/2016] [FileNumber=21558232-0]
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 ecaff37df5b1da265720f8ddaff075fa01372cae34e1d0d1f60c4d2eaa178]]

Document description:Proposed Order Proposed Final Judgment

Original filename:C:\fakepath\00042296.PDF

Electronic document Stamp:

[STAMP cacdStamp_ID=1020290914 [Date=5/26/2016] [FileNumber=21558232-1
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Miscellaneous Filings (Other Documents)

2:13-cv-04502-DSF-VBK Michael Don v. Unum Life Insurance Company of America et al

(VBKx),DISCOVERY,MANADR,PROTORD

UNITED STATES DISTRICT COURT for the CENTRAL DISTRICT OF CALIFORNIA

Notice of Electronic Filing

The following transaction was entered by Sheno, Allan on 5/26/2016 at 3:31 PM PDT and filed on 5/26/2016

Case Name: Michael Don v. Unum Life Insurance Company of America et al
Case Number: 2:13-cv-04502-DSF-VBK
Filer: Michael Don
Document Number: 216

Docket Text:

Proof of Service filed by Plaintiff Michael Don re: Memorandum in Support of Motion [212], Declaration (Motion related)[213], Declaration (Motion related)[214], Notice of Lodging[215], NOTICE OF MOTION AND MOTION for Order for For Final Approval [211] (Sheno, Allan)

2:13-cv-04502-DSF-VBK Notice has been electronically mailed to:

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2:13-cv-04502-DSF-VBK Notice has been delivered by First Class U. S. Mail or by other means BY THE FILER to :

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:C:\fakepath\00042303.PDF

Electronic document Stamp:

[STAMP cacdStamp_ID=1020290914 [Date=5/26/2016] [FileNumber=21558260-0] [802f5d147fe671607c5055dbf6a6ba93d4baeb2e32692334b99e5613b5289965b7e99aa0e5bbd898419da66656531db66801cd39a4fb030d12aebf753210a037]]