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8 Class Counsel for Plaintiffs

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

11
12 MICHAEL DON, EXECUTOR OF
13 THE ESTATE OF RUBEN DON;
TAMARA PELHAM, SPECIAL
14 ADMINISTRATOR OF THE ESTATE OF
LEROY LITTLE; and CAROLYN JAN
15 LITTLE, Individually, and as the Class
Representatives on behalf of those insureds
16 similarly situated,

17 Plaintiffs,

18 vs.

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

21 Defendants.

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

[Assigned to: Hon. Dale S. Fischer
Courtroom: 840]

CLASS ACTION

**SUPPLEMENTAL
DECLARATION OF ALLAN A.
SHENOI IN SUPPORT OF FINAL
APPROVAL**

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

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I, Allan A. Shenoi, declare on personal knowledge as follows:

1. I am counsel of record for the Plaintiffs, and am a member of the Bar of the State of California and the Bar of this Court.

2. Although Plaintiffs are confident in the merits and strengths of their claims, Unum vehemently denies any wrongdoing or liability and has vigorously contested Plaintiffs at every stage of the litigation. Unum raised a host of factual and legal defenses to liability, including that Plaintiffs would not be able to demonstrate proximate causation, and highlighted similar proof failures.

3. The proposed resolution of this fiercely litigated class action did not come until after completion of very substantial and exhaustive discovery, giving the respective parties a firm grip on the strengths and weaknesses of all claims and defenses.

4. The accompanying declaration of Bruce Holman of Rust Consulting, the Settlement Administrator, in paragraph 11 confirms that Notices to individuals and Notice packets were mailed. A true and correct copy of the Notice is attached as Exhibit C to the accompanying declaration of Bruce Holman of the Settlement Administrator.

5. On May 2, 2016, our office received an Objection from Ross Schriftman dated April 28, 2016. A true and correct copy of that Objection is attached as Exhibit B to the accompanying declaration of Bruce Holman of the Settlement Administrator. Unum's counsel informed me of the following: that Ross Schriftman is insured under a Unum group long-term care insurance policy. As a result, he is not a member of Subclass I because Unum's group policies do not include the language at issue in Subclass I. See Declaration of Ronald L. Lucas (Dock. No. 141) at 1-2 ¶ 4. Nor is he a member of Subclass VII. He is, however, a member of Subclass IV. Mr.

1 Schrifman has a Lifetime Maximum Benefit Amount of 72 times his LTC Facility
2 Monthly Benefit, which is between \$1,000 and \$6,000.

3 6. Mr. Schrifman did not serve any notice of his intent to appear at the
4 June 27, 2016 Final Fairness hearing on our office, or on the Settlement
5 Administrator as was required by Section B of the Section titled "How can I Object"
6 on page 5 of the Class Notice, as paragraph 15 of Bruce Holman's declaration notes.

7 7. On May 2, 2016, our office received a written request to speak at the
8 fairness hearing from Harry J. Balkin dated April 25, 2016, which did not contain an
9 Objection as required by Section B of the Section titled "How can I Object" on page
10 5 of the Class Notice. Nor did Mr. Balkin serve the Settlement Administrator as
11 required by Section B of the Section titled "How can I Object" on page 5 of the Class
12 Notice. See paragraph 15 of the Settlement Administrator's declaration. A true and
13 correct copy of Mr. Balkin's request we received is attached as **Exhibit A**.

14 8. On May 5, 2016, our office received a written piece of paper titled "Objection"
15 from Marlene Rae Salveson which stated: "I object. Period." A true and correct
16 copy of that document is attached as **Exhibit B**. Ms. Salveson did not file any notice
17 of her intent to appear at the June 27, 2016 Final Fairness hearing on our office, as
18 required by Section B of the Section titled "How can I Object" on page 5 of the Class
19 Notice. Nor did Ms. Salveson serve the Settlement Administrator as required by
20 Section B of the Section titled "How can I Object" on page 5 of the Class Notice, as
21 established by paragraph 15 of the Settlement Administrator's declaration.

22 9. As reflected in the concurrently filed Proof of Service, Plaintiffs'
23 counsel mail served Messrs. Schrifman and Balkin as well as Ms. Salveson with
24 courtesy copies of Plaintiffs' Notice of Motion and Motion for Final Approval and
25 documents in support of that motion.

EXHIBIT A

April 25, 2016

DONvUNUM CLASS ACTION

To whom this may concern:

I plan to speak at the fairness hearing on June 27, 2016 and have been advised to inform each of the following by the Administrators office.

This letter is being sent to the following:

Counsel for the Class

Allan A. Shenoi
SHENOI KOES LLP
175 S. Lake Avenue
Ste. 202
Pasadena CA 91101

Law Offices of Christopher C. Vader
82632 B Hwy 111
Ste. 3
Indio CA 92201

Counsel for Defendants

Joshua E. Anderson
SIDLEY AUSTIN LLP
555 West Fifth Street
Suite 4000
Los Angeles California 90013

Other

DON v UNUM CLASS ACTION ADMINISTRATOR
C/O RUST CONSULTING INC – 5069
P. O. BOX 2492
FARIBAULT MN 55021-9192

My Information

Harry J Balkin
1052 N Turner Avenue
Unit 172
Ontario Ca 91764-5348

0000141000

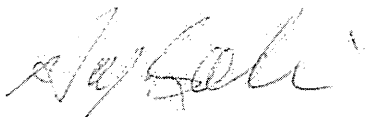


EXHIBIT B

I object. Period.

Marlene Rae Salveson

BL0468595

3000 S Palo Verde Ln #3

Yuma, AZ 85365

Responses, Replies and Other Motion Related 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 Shenoi, Allan on 5/26/2016 at 3:14 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: 213

Docket Text:

DECLARATION of Allan A. Shenoi in support of NOTICE OF MOTION AND MOTION for Order for For Final Approval [211] filed by Plaintiff Michael Don. (Attachments: # (1) Exhibit A and B)(Shenoi, Allan)

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

Allan A Shenoi 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

Joshua E Anderson janderson@sidley.com, dvelkovich@sidley.com, laefilenotice@sidley.com

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\00042302.PDF

Electronic document Stamp:

[STAMP cacdStamp_ID=1020290914 [Date=5/26/2016] [FileNumber=21557823-0] [7904804f911cf31e8ee2d6bd4eee3fa6db5cc07ef1e0bb5ef3e8b3aac5e8e680576d0dce030022ba2c31fb344925ba2df85a902eb523bf8dc7c6156a84baf1ff]]

Document description:Exhibit A and B

Original filename:C:\fakepath\00042292.PDF

Electronic document Stamp:

[STAMP cacdStamp_ID=1020290914 [Date=5/26/2016] [FileNumber=21557823-1]
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