

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARTIN FLEISHER, AS TRUSTEE OF THE)	
MICHAEL MOSS IRREVOCABLE LIFE)	
INSURANCE TRUST II and JONATHAN)	
BERCK, AS TRUSTEE OF THE JOHN L. LOEB,)	
JR. INSURANCE TRUST, on behalf of)	
themselves and all others similarly situated,)	
)	
Plaintiff,)	
)	
vs.)	
)	
PHOENIX LIFE INSURANCE COMPANY,)	
)	
Defendant.)	
)	
)	

Civil Action No. 11-cv-8405(CM)

SPRR LLC, on behalf of itself and all others)	
similarly situated,)	
)	
Plaintiff,)	
)	
vs.)	
)	
PHL VARIABLE INSURANCE CO.,)	
)	
Defendant.)	
)	
)	

Civil Action No. 14-cv-8714(CM)

**NOTICE OF PLAINTIFFS’ MOTION FOR (1) ENTRY OF JUDGMENT, (2)
APPROVAL OF PAYMENTS AND DISTRIBUTION FROM SETTLEMENT FUND,
AND (3) DETERMINATION OF VALIDITY OF CLAIM OF BINDAY TO SHARE IN
CLASS ACTION SETTLEMENT FUNDS**

Please take notice that Plaintiffs Martin Fleisher, as Trustee of the Michael Moss Irrevocable Life Insurance Trust II and Jonathan Berck, as Trustee of the John L. Loeb, Jr. Insurance Trust, in Civil Action No. 11-cv-8405(CM), and Plaintiff SPRR LLC in Civil Action

No. 14-cv-8714 (together, “Class Plaintiffs”) for themselves and on behalf of the certified Class, move this Court before the Honorable Colleen McMahon, United States District Judge, at the United States District Court for the Southern District of New York, 500 Pearl St., New York, NY 10007, for an order in support of (1) entry of judgment under Federal Rule of Civil Procedure 58; (2) an order approving reimbursement of Settlement Administrator Costs and Class Counsel’s expenses that were incurred after the filing of the initial motion for costs from the Settlement Fund; (3) an authorization to distribute money to class members in accordance with the distribution plan previously approved by the Court and a release for the Settlement Administrator, Class Plaintiffs, Class Counsel, Defendants, and Defense counsel from any claims arising out of their handling of that distribution; and (4) resolution of a dispute asserted by Michael Bindow regarding Class membership. A Proposed Order and Judgment reflecting these requests is attached.

In support of the motion, Plaintiffs will rely upon the accompanying memorandum of law, the declaration attached thereto, and other written or oral argument as may be requested or permitted by the Court.

Dated: November 10, 2015

/s/ Steven G. Sklaver
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Attorneys for Plaintiffs and the Class

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PHL VARIABLE INSURANCE CO.,)	
)	
Defendant.)	

Civil Action No. 14-cv-8714(CM)

DECLARATION OF SERVICE

The undersigned hereby declares as follows:

1. I am over eighteen years of age and am not a party to this action and an employee with the law firm of Susman Godfrey L.L.P., in the Los Angeles, California office.
2. My business address is 1901 Avenue of the Stars, Suite 950, Los Angeles, CA 90067.
3. On November 10, 2015, I served a copy of the Notice of Plaintiffs' Motion for (1) Entry of Judgment, (2) Approval of Payments and Distribution from Settlement Fund, and (3) determination of Validity of Claim of Binda to Share in Class Action Settlement Fund; Declaration of Steven G. Sklaver in Support of Plaintiffs' Motion for (1) Entry of Judgment, (2)

Approval of Payments and Distribution from Settlement Fund, and (3) Determination of Validity of Claim of Bindow to Share in Class Action Settlement Funds; and [Proposed] Order and Final Judgment Approving Class Action Settlement via email upon the following persons:

Thomas F.A. Hetherington (*pro hac vice*)
David T. McDowell (*pro hac vice*)
Jarrett E. Ganer (*pro hac vice*)
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Attorneys for Defendant Phoenix Life Insurance Company

-and-

Michael Bindow
MichaelB@plansandconcepts.com

and by U.S. Mail upon the following person:

Rosalyn Bindow
32 Cooper Rd.
Scarsdale, NY 10583-2832

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 10th day of November, 2015, at Los Angeles, California.



Helen Danielson