

Courtesy Copy

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)

*11/13/2015
Mr. Bindley has
until November 20
to submit opposition
to the motion*

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)

*to
exclude the
policy in his
father's life
from the
class*

MEMO ENDORSED

**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

SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/13/15

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 Bunday 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
Seth Ard
SUSMAN GODFREY L.L.P.
560 Lexington Avenue, 15th Floor
New York, NY 10022
Tel.: 212-336-8330
Fax: 212-336-8340
sard@susmangodfrey.com

Steven G. Sklaver (*pro hac vice*)
Frances Lewis
SUSMAN GODFREY L.L.P.
1901 Avenue of the Stars, Suite 950
Los Angeles, CA 90067-6029

Tel: 310-789-3100
Fax: 310-789-3150
ssklaver@susmangodfrey.com
flewis@susmangodfrey.com

Attorneys for Plaintiffs and the Class

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*)
Edison, McDowell & Hetherington LLP
3200 Southwest Freeway Suite 2100
Houston, TX 77027
Tel: 713-337-5580
tom.hetherington@emhllp.com
david.mcdowell@emhllp.com
jarrett.ganer@emhllp.com

Jason H. Gould (JG-2012)
Waldemar J. Pflepsen, Jr. (*pro hac vice*)
Carlton Fields Jordan Burt, P.A.
1025 Thomas Jefferson Street, NW, Suite 400 East
Tel.: (202) 965-8100
jgould@cfjblaw.com
wpflepsen@cfjblaw.com

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