

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

ADVANCE TRUST & LIFE ESCROW)	Case No. 4:18-cv-00368-SMR-HCA
SERVICES, LTA, as securities intermediary)	
for Life Partners Position Holder Trust, on)	
behalf of itself and all others similarly)	
situated,)	ORDER APPROVING FORM AND
)	MANNER OF NOTICE
Plaintiff,)	
)	
v.)	
)	
NORTH AMERICAN COMPANY FOR)	
LIFE AND HEALTH INSURANCE,)	
)	
Defendant.)	

On March 22, 2022, the Court granted Plaintiff Advance Trust & Life Escrow Services, LTA’s, as securities intermediary for Life Partners Position Holder Trust (“Plaintiff”), motion for class certification, permitting this action to proceed as a class action on behalf of a class consisting of “all current and former owners of Classic Term UL I or II issued or insured by Defendant, or its predecessors, during the Class Period” (the “Class”).¹ The Court also appointed Susman Godfrey LLP as class counsel (“Class Counsel”) pursuant to Federal Rule of Civil Procedure 23(g).

Pursuant to the March 22, 2022 order, the Court’s April 13, 2022 order, and Federal Rule of Civil Procedure 23(c), Class Counsel has moved the Court for an Order approving the proposed form and content of the notices to be disseminated to the Class, as well as the proposed manner

¹ The Class Periods are identified in Plaintiff’s Notice of Motion and of Motion for Class Certification. Dkt. 92. Excluded from the Class are Defendant North American Company for Life and Health Insurance, its officers and directors, members of their immediate families, and the heirs, successors or assigns of any of the foregoing; anyone employed with Plaintiff’s counsel’s firms; and any Judge to whom this case is assigned, and his or her immediate family.

for disseminating notice. Class Counsel represents to the Court that Defendant does not oppose the Motion. The Court has reviewed the proposed notices submitted by Class Counsel, as well as the accompanying motion, supporting documents, and declaration describing the form and manner of notice, and has found good cause for entering the following Order.

IT IS HEREBY ORDERED THAT:

1. The Court approves the form and contents of the Short-Form Notice and Long-Form Notices (collectively, the “Notices”) attached as Exhibits B and C, respectively, to the Declaration of Jennifer M. Keough, filed on April 15, 2022. The Notices shall be amended prior to mailing to update the placeholders (identified by brackets) currently in the Notices.

2. The proposed form and content of the Notices meet the requirements of Federal Rule of Civil Procedure 23(c)(2)(B) because they “clearly and concisely state in plain, easily understood language: (i) the nature of the action; (ii) the definition of the class certified; (iii) the class claims, issues, or defenses; (iv) that a class member may enter an appearance through an attorney if the member so desires; (v) that the court will exclude from the class any member who requests exclusion; (vi) the time and manner for requesting exclusion; and (vii) the binding effect of a class judgment on members under Rule 23(c)(3).” The form and content of the notices, as well as the manner of dissemination described below, therefore meet the requirements of Rule 23 and due process, constitute the best notice practicable under the circumstances, and shall constitute due and sufficient notice to all persons and entities entitled thereto.

3. The Court approves the retention of JND Legal Administration LLC (“JND”) as the Notice Administrator.

4. By no later than seven (7) days after the entry of this Order, Defendant must complete production to Class Counsel of a list of Class Members and their last known addresses.

5. Within thirty (30) days after the entry of this Order (the “Notice Date”), JND shall cause the Short-Form Notice attached as Exhibit B to the aforementioned Keough Declaration to be mailed, by first-class mail, postage prepaid, to all Class Members included on the list of Class members from Defendant. Prior to mailing, JND will update the addresses using the National Change of Address database. JND will re-mail any Short-Form Notices returned by the United State Postal Service with a forwarding address.

6. JND shall simultaneously cause of copy of the Long-Form Notice attached as Exhibit C to the aforementioned Keough Declaration to be posted on the website designed for this lawsuit, from which Class members may download copies of the Long-Form Notice.

7. JND will establish and maintain an automated toll-free number that Class Members may call to obtain information about the litigation.

8. Class Members will be legally bound by all Court orders and judgments made in this class action and will not be able to maintain a separate lawsuit against Defendant for the same legal claims that are the subject of this lawsuit.

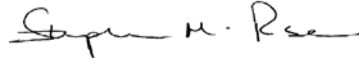
9. Class Members who wish to be excluded from the Class must send a letter to JND requesting exclusion from the Advance Trust & Life Escrow Services, LTA v. North American Company for Life and Health Insurance class action, with his, her, or its name, address, telephone number, email address and signature, and must identify the Classic Term UL I or II insurance policy or policies to be excluded. The exclusion request must be postmarked no later than forty-five (45) days after the Notice Date (the “Exclusion Deadline”).

10. Class Counsel shall file with the Court proof of mailing of the Short-Form Notice and proof of website posting for the Long-Form Notice within fourteen (14) days of the Notice Date.

11. This Order may be modified by the Court upon motion by either or both parties, for good cause shown.

IT IS SO ORDERED.

Dated this 19th day of October, 2022.



STEPHANIE M. ROSE, CHIEF JUDGE
UNITED STATES DISTRICT COURT