

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF IOWA  
CENTRAL DIVISION

Advance Trust & Life Escrow Services, LTA,  
as securities intermediary for Life Partners  
Position Holder Trust, on behalf of itself and  
all others similarly situated,

Plaintiff,

v.

North American Company for Life and Health  
Insurance,

Defendant.

Civ. No. 4:18-cv-00368-SMR-HCA

**NOTICE OF MOTION AND MOTION  
FOR CLASS CERTIFICATION**

Please take notice that Plaintiff Advance Trust & Life Escrow Services, LTA, as securities intermediary for Life Partners Position Holder Trust (“ATLES”), will move this Court for an Order certifying this action, which consists of a claim for breach of contract, as a class action on behalf of the following classes:

1. The “COI Overcharge Class”, which consists of:

All current and former owners of Classic Term UL I or II issued or insured by North American Company for Life & Health Insurance, or its predecessors, during the Class Period.

The COI Overcharge Class does not include defendant North American, 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.

The “Class Period” starts on the following dates through the date of final judgment in this action:

Start Date of Class Period	Classic Term UL I or II Issue State
Oct. 30, 2008	Illinois, Indiana, Iowa, Kentucky, Louisiana, Rhode Island, West Virginia, and Wyoming
Oct. 30, 2010	Montana and Ohio
Oct. 30, 2012	Alabama, Arizona, Connecticut, Georgia, Hawaii, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Nevada, New Jersey, New Mexico, New York, North Dakota, Oregon, South Dakota, Tennessee, Utah, Vermont, Washington, and Wisconsin
Oct. 30, 2013	Arkansas, Florida, Idaho, Kansas, Missouri, Nebraska, Oklahoma, and Virginia
Oct. 30, 2014	California, Pennsylvania, and Texas
Oct. 30, 2015	Alaska, Colorado, Delaware, Maryland, New Hampshire, North Carolina, South Carolina, and Washington, D.C.

2. In the alternative, in the event the Court declines to certify the COI Overcharge Class, ATLES requests the Court certify the following state-specific sub-classes:
- (a) The “Four Corners Class”: All members of the COI Overcharge Class, excluding owners whose policies were issued in Alaska, Arizona, California, Iowa, Montana, New Mexico, Tennessee, Texas, Utah, Vermont, Washington.
  - (b) The “Four Corners & Strict *Contra Proferentem* Class”: All members of the COI Overcharge Class whose policies were issued in Florida, Georgia, Hawaii, Massachusetts, Missouri, North Dakota, Oregon, and Virginia.
  - (c) The “Florida Class”: All members of the COI Overcharge Class whose policies were issued in Florida.

3. ATLES also requests that this Court appoint it as the class representative for the aforementioned COI Overcharge Class or alternative classes and that Susman Godfrey L.L.P. be appointed as Class Counsel for the COI Overcharge Class or alternative classes.

Pursuant to Local Rule 7, undersigned counsel personally conferred in good faith with counsel for North American concerning the motion, and North American did not consent to the motion.

This motion is based upon this Notice, Plaintiff's Memorandum of Law in Support of Plaintiff's Motion for Class Certification, the declarations of Glenn Bridgman, Howard Zail, Robert Mills, and accompanying exhibits, filed concurrently herewith, all the pleadings, documents, and records on file herein, and on such other evidence and argument as may be requested or permitted by the Court on this motion.

Dated: April 15, 2021

Respectfully submitted,

By: /s/ Steven G. Sklaver

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ATTORNEYS FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

I hereby certify this 15 day of April, 2021, I caused a true and correct copy of the foregoing to be electronically filed with the Clerk of the court using the CM/ECF system which will send notification to attorneys of record, and is available for viewing and downloading.

/s/ Steven G. Sklaver  
Steven G. Sklaver