

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DUANE BUCK AND ANN BUCK,
on Behalf of Themselves and All Others
Similarly Situated,

Plaintiffs,

vs.

AMERICAN GENERAL LIFE INSURANCE
COMPANY,

Defendant.

CIVIL ACTION

Case No. 1:17-cv-13278-CPO-EAP

Hon. Christine P. O'Hearn, U.S.D.J.

**ORDER GRANTING
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

THIS MATTER having been presented to the Court by Stark & Stark, P.C., and Gorman & Gorman, LLC, as counsel for Plaintiffs, Duane and Ann Buck and those similarly situated, by way of an Unopposed Motion for: (i) Preliminary Approval of the Settlement and Certification of the Settlement Classes; (ii) Approval of the Proposed Class Notice; (iii) Appointment of Proposed Class Counsel, Class Representatives and Settlement Administrator; and (iv) Entry of a Scheduling Order and Date for a Fairness/Final Approval Hearing; and the Court having considered the arguments of counsel for Plaintiffs, and for good cause appearing,

WHEREAS, the Court has considered the Settlement Agreement, associated exhibits and appendices, and the submission of counsel; and

WHEREAS, the Court finds on a preliminary basis that the settlement memorialized in the Settlement Agreement, which has been filed with the Court, falls within the range of reasonableness and, therefore, meets the requirements for preliminary approval as required by *Federal Rule of Civil Procedure 23(e)*; and

WHEREAS, *Federal Rule of Civil Procedure* 23(e)(1)(B) requires courts to “direct notice in a reasonable manner to all class members who would be bound by the proposal”; and

WHEREAS, the Court finds the Proposed Class Notice, consisting of a Short Form Notice to be mailed out via postcard, Long Form Notice to be placed on the settlement website, and Publication Notice to be placed in a newspaper of national circulation (*USA Today*), as set forth in the Settlement Agreement, subject to the inclusion of dependent dates and similar information to be added upon approval, along with any minor formatting changes required due to size restrictions, to be accurate, objective, informative, and sufficient to provide Settlement Class Members with all of the information necessary to make an informed decision regarding their participation in the settlement and its fairness; and

WHEREAS, the Court finds the proposed Class Notice to be the best practicable means of providing notice under the circumstances (*see Federal Civil Procedure* 23(c)(2)(B)) and, when completed, shall constitute due and sufficient notice of the proposed class settlement and the Fairness/Final Approval Hearing to all persons and entities affected by and/or entitled to participate in the settlement, in full compliance with the notice requirements of *Federal Civil Procedure* 23, due process, the *Constitution of the United States*, and all other applicable laws;

It is this 15th day of June 2023:

ORDERED that the Motion for Preliminary Approval of the Class Action Settlement is **GRANTED**. Unless otherwise defined herein, all terms used in this Order shall have the same meaning as defined in the Settlement Agreement. The Plaintiffs and

Defendant are to carry out the settlement according to the terms of the Settlement Agreement; and it is further

ORDERED that, for settlement purposes only, the following Settlement Classes are certified pursuant to the Settlement Agreement and *Federal Rule of Civil Procedure* 23:

- a. Damages Settlement Class: All Identified Damages Settlement Class Members and Supplemental Damages Settlement Class Members;
- b. Injunctive Settlement Class: All Policyholders with Active Policies administered on Defendant's ULA. LifeComm86, LifeComm90, ALS, or ALIP administrative systems;

and it is further

ORDERED that the named Plaintiffs, Duane and Ann Buck, are appointed as the Class Representatives of the Settlement Classes for settlement purposes only; and it is further

ORDERED that Martin P. Schrama and Stefanie Colella-Walsh, of Stark & Stark, P.C., and Scott B. Gorman, of Gorman & Gorman, LLC, are appointed as Class Counsel of the Settlement Classes for settlement purposes only; and it is further

ORDERED that Postlethwaite & Netterville, APAC, is appointed Settlement Administrator to perform the duties of Settlement Administrator in accordance with the terms of the Settlement Agreement, including, but not limited to administering the Class Notice, opt-out, claims submission, and payment provisions of the Settlement Agreement; and it is further

ORDERED that Damages Settlement Class Members who wish to opt out of the Settlement must submit their written request to opt out no later than forty-five from the date the Settlement Administrator first mails and publishes the Class Notice; and it is further

ORDERED that any written objection to the Settlement must be submitted to the Settlement Administrator no later than forty-five days from the date the Settlement Administrator first mails and publishes the Class Notice; and it is further

ORDERED that Supplemental Damages Settlement Class Members must submit their completed Proof of Claim no later than forty-five days from the date the Settlement Administrator first mails and publishes the Class Notice; and it is further

ORDERED that this matter is stayed—except as set out in this Order—pending the Court’s decision on Final Approval of the Settlement; and it is further

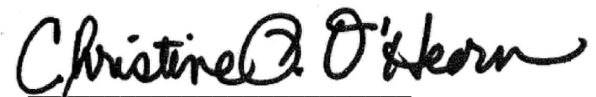
ORDERED that a Fairness/Final Approval Hearing be and is hereby scheduled for the 29th day of September, 2023, at 10:00 o’clock, a.m., at the United States District Court, District of New Jersey, in Camden, New Jersey, Courtroom 5A, to determine the overall fairness of the Settlement and whether to grant Final Approval of the Settlement and Certification of the Settlement Classes; Final Appointment of Proposed Class Counsel and Class Representatives; Final Approval of Class Counsel’s Attorneys’ Fees and Litigation Expenses; Final Approval of Class Notice and Administration Costs; Final Approval of Incentive Awards; Dismissal of this Action With Prejudice; and consideration of any other matters that may properly be brought before the Court. The Fairness/Final Approval Hearing may be continued without further notice to Class Members. The Fairness/Final Approval Hearing may be converted to a remote proceeding, in which case

Class Counsel will be instructed to provide a link to the proceedings on the settlement website; and it is finally

ORDERED that the following schedule is hereby approved by the Court:

Event	Proposed Date
Deadline to provide Class Notice List to Settlement Administrator	7 days after entry of Preliminary Approval Order
Deadline to mail Short-Form Class Notice and to publish Publication Notice	20 days after Class Notice List is Provided to Settlement Administrator
Deadline for Opt-Outs, Objections, and Claims	45 days after deadline to mail Short-Form Class Notice and publish Publication Notice
Deadline for filing Intention to Appear at Fairness Hearing regarding Objection	14 days before Fairness/Final Approval Hearing
Deadline for filing Motion for Final Approval of Settlement	10 before Fairness/Final Approval Hearing
Proposed Fairness/Final Approval Hearing	105 days after entry of Preliminary Approval Order
Effective Date	35 days after entry of Final Approval Order and Judgment*
Deadline for funding Settlement Fund	10 days after Effective Date
Deadline for Defendant to begin efforts to place disclosure language on specified Annual Statements	10 days after Effective Date
Deadline for issuance of payment for Class Representative Incentive Awards, Attorneys' Fees and Litigation Expenses, and Class Notice and Administration Costs.	5 days after Settlement Fund is funded
Deadline to begin issuing payment to Damages Settlement Class Members in accordance with Allocation Plan	10 days after Settlement Fund is funded

* If an appeal is filed, the Effective Date will be adjusted in accordance with the terms of the Settlement Agreement.



Hon. Christine P. O'Hearn
United States District Judge