

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

THOMAS IWANSKI, on behalf of himself and all  
others similarly situated,

Plaintiff,

vs.

FIRST PENN-PACIFIC LIFE INSURANCE  
COMPANY,

Defendant.

Case No. 18-cv-01573 (RBS)

TVPX ARS INC., *as securities intermediary for*  
CONSOLIDATED WEALTH MANAGEMENT,  
LTD., *on behalf of itself and all others similarly*  
*situated,*

Plaintiff,

vs.

LINCOLN NATIONAL LIFE INSURANCE  
COMPANY,

Defendant.

Case No. 18-cv-02989 (RBS)

**STIPULATION TO EXTEND THE DISCOVERY SCHEDULE  
AND [PROPOSED] REVISED SCHEDULING ORDER**

WHEREAS on October 31, 2018 the Court entered a Scheduling Order in the above  
referenced matters;

WHEREAS on July 24, 2018 and December 7, 2018, plaintiff in the *First-Penn Pacific* action served requests for production of documents on the defendant, and on October 18, 2018, plaintiff in the *Lincoln* action served a request for production of documents on the defendant.

WHEREAS Defendants contend that they are both actively engaged in reviewing and producing document discovery to respond to those requests for production, including by:

- (a) reviewing thousands of specimen policy forms in an effort to identify all products and policy forms that potentially fall within the scope of Plaintiffs' putative class definitions;
- (b) interviewing employees in an effort to identify individuals with knowledge relevant to Plaintiffs' claims as well as potentially relevant repositories of documents, many of which are in hard copy, and given the age of the products and policies at issue, are decades old;
- (c) reviewing thousands of boxes of hard copy materials in an effort to identify pricing and marketing materials;
- (d) reviewing more than 100,000 electronic documents identified pursuant to Defendants' own proposed search terms for their proposed custodians in this matter, although search terms and custodians remain subject to negotiations between the parties;
- (e) working with company personnel to identify and extract relevant electronic data stored within the company's electronic repositories; and
- (f) working extensively with the company's IT personnel to develop a data extract containing policyholder information responsive to Plaintiffs' requests;

WHEREAS Defendants contend that they require additional time to complete their review and production of documents;

WHEREAS this is the parties' first request for an extension of the discovery schedule; and

WHEREAS no trial date has yet been set in this matter;

IT IS HEREBY STIPULATED AND AGREED BY AND AMONG THE PARTIES HERETO AND THEIR COUNSEL OF RECORD, SUBJECT TO THE APPROVAL OF THE COURT, THAT:

1. Defendants shall produce documents on a rolling basis, and will meet the interim document production deadlines set forth in Exhibit A, and substantial completion of all other document discovery responsive to the pending requests for production previously served by Plaintiffs shall be completed by August 30, 2019.

2. All other fact discovery shall be completed by July 31, 2020.

3. All expert discovery shall be completed by December 30, 2020.

4. The parties may, by written agreement, modify the interim document production deadlines set forth in Exhibit A without further court approval.

5. Plaintiffs' Motions for Class Certification shall be filed on September 16, 2020.

Should a Plaintiff wish to file its Motion for Class Certification at an earlier date, the parties shall file a joint submission setting forth Plaintiff(s)' requested filing date and the reasons therefore, and Defendant(s)' response and the reasons therefore. Nothing in this order or stipulation shall be used as reasons or grounds to deny any request by any Plaintiff to file a Motion for Class Certification at an earlier date.

6. Defendants shall file their response to Plaintiffs' Motion for Class Certification on or before January 15, 2021.

7. The parties are **ORDERED** to cooperate in good faith to coordinate discovery in the above-captioned cases and, to the extent practicable, in the case of *Glover v. Connecticut General Life Ins. Co.*, No. 16-827 (D. Conn.), in order to avoid duplicative discovery and unnecessary burden and expense.

8. Dispositive Motions shall be filed on or before March 16, 2021. Responses to Dispositive Motions shall be filed on or before May 16, 2021.

9. Trial will be scheduled after the dispositive motions are ruled upon.

Respectfully submitted,

DATED: March 1, 2019

SUSMAN GODFREY LLP

/s/ Steven G. Sklaver

Steven G. Sklaver (*pro hac vice*)

Bryan Caforio (*pro hac vice*)

Glenn C. Bridgman (*pro hac vice*)

Catriona M. Lavery (*pro hac vice*)

Richard Jolly (*pro hac vice*)

SUSMAN GODFREY L.L.P.

1900 Avenue of the Stars, Suite 1400

Los Angeles, CA 90067-6029

Tel: (310) 789-3100

Fax: (310) 789-3150

ssklaver@susmangodfrey.com

bcaforio@susmangodfrey.com

gbridgman@susmangodfrey.com

clavery@susmangodfrey.com

rjolly@susmangodfrey.com

Seth Ard (*pro hac vice*)

Ryan Kirkpatrick (*pro hac vice*)

SUSMAN GODFREY L.L.P.

1301 Avenue of the Americas, 32nd Floor

New York, NY 10019

Tel.: (212) 336-8330

Fax: (212) 336-8340

sard@susmangodfrey.com

rkirkpatrick@susmangodfrey.com

Gaetan Alfano (I.D. No. 32971)

PIETRAGALLO GORDON ALFANO

BOSICK & RASPANTI

1818 Market St Suite 3402

Philadelphia, PA 19103

Tel.: 215-320-6200

Fax: 215-981-0082

gja@pietragallo.com

*Interim Class Counsel*

BOIES SCHILLER FLEXNER LLP

/s/ John F. LaSalle

Alan B. Vickery (*admitted pro hac vice*)

avickery@bsflfp.com

John F. LaSalle (*admitted pro hac vice*)

jlalalle@bsflfp.com

Andrew Villacastin (*admitted pro hac vice*)

avillacastin@bsflfp.com

55 Hudson Yards

New York, New York 10001

Telephone: 212.446.2300

Motty Shulman (*admitted pro hac vice*)

mshulman@bsflfp.com

Evelyn N. Fruchter (*admitted pro hac vice*)

efruchter@bsflfp.com

333 Main Street

Armonk, New York 10504

Telephone: 914.749.8200

PEPPER HAMILTON LLP

Robin P. Sumner, I.D. No. 82236

sumnerr@pepperlaw.com

Brian H. Callaway, I.D. No. 316034

callawab@pepperlaw.com

3000 Two Logan Square

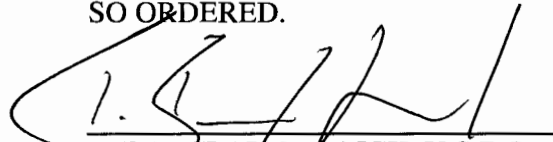
Philadelphia, Pennsylvania 19103

Telephone: 215.981.4000

*Attorneys for Defendants First Penn-Pacific Life  
Insurance Company and Lincoln National Life  
Insurance Company*

Dated:  
Philadelphia, Pennsylvania

SO ORDERED.

  
\_\_\_\_\_  
R. BARCLAY SURRICK, U.S.D.J.:  
United States District Judge

March 4, 2019

Exhibit A –Interim Discovery Deadlines

1. By March 30, 2019, Defendants shall identify any additional marketing names and policy form numbers for any in-scope products not previously identified and produce a list that ties the marketing names to policy form numbers and plan codes.
2. By April 2, 2019, Defendants shall produce copies of all specimen policy forms and substantially complete their production of the following categories of documents for products owned by the named Plaintiffs: (1) current COI tables; (2) all mortality tables used in the last six years for asset liability management, cash flow testing, GAAP financial reporting, statutory financial reporting, and any re-pricings, as well as a description of which table(s) map to which policy form(s); (3) original pricing and any re-pricing documents that have been located; and (4) marketing materials.
3. By June 3, 2019, Defendants shall substantially produce the following categories of documents for all other products within the definitions of the proposed classes: (1) current COI tables, along with any scalers or adjustments required to map a COI table or rate to specific product or premium class; (2) original pricing and re-pricing documents that have been located; (3) marketing materials; and (4) policy-level data extracts.
4. By June 24, 2019, Defendants shall produce mortality tables used in the last six years for asset liability management, cash flow testing, and any re-pricings in connection with the other products within the definitions of the proposed classes, as well as a description of which table(s) map to which policy form(s).
5. By July 15, 2019, Defendants shall produce mortality tables used in the last six years for GAAP financial accounting and statutory accounting in connection with the other

products within the definitions of the proposed classes, as well as a description of which table(s) map to which policy form(s).