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**06-CV-2235 PSG(PJWx)**

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**IN THE UNITED STATES DISTRICT COURT FOR  
THE CENTRAL DISTRICT OF CALIFORNIA**

RALPH SHAFFER, individually and  
on behalf of all others similarly  
situated,

Plaintiff,

vs.

CONTINENTAL CASUALTY  
COMPANY, and CNA FINANCIAL  
CORPORATION dba CNA LTC..  
and VALLEY FORGE LIFE  
INSURANCE COMPANY,

Defendants.

CASE NO. CV 06-2235-PSG (PJWx)

**[PROPOSED] ORDER GRANTING  
STIPULATION REGARDING  
CLASS DEFINITION AND CLASS  
MEMBER CORRESPONDENCE**

Judge: Hon. Philip S. Gutierrez  
Crtrm: 790

**[PROPOSED] ORDER**

1  
2 The Court has received the Stipulation Regarding Class Definition  
3 and Class Member Correspondence . The Court having reviewed the stipulation  
4 and the exhibits attached thereto, and good cause appearing, makes the following  
5 ORDERS:

6 1. Paragraph 3 of this Court's Order dated January 14, 2008 is hereby  
7 amended as follows:

8  
9 Solely for purposes of effectuating the Settlement, the Court hereby amends  
10 the class definition as follows (the "Settlement Class"): all individuals  
11 nationwide who have or had in-force an individual Premier, Classic,  
12 Preferred Advantage, Preferred Advantage TQ or Classic TQ Long-Term  
13 Care Policy numbered P1-18215, P1-18876, P0-18876, P1-21295, P1-  
14 21300, P1-21305, P0-21295, P0-21300, P0-21305, P1-N0022, P1-N0023,  
15 P1-N0026, P1-N0027, P1-N0030, P1-N0031, P1-N0034, P1-N0035, P1-  
16 N0066, P1-N0070, P0-N0022, P0-N0023, P0-N0026, P0-N0027, P0-N0030,  
17 or P0-N0034 purchased from Continental Casualty Company or Valley  
18 Forge Life Insurance Company. Notwithstanding the foregoing, the terms  
19 "Class Members," "Class," and "Settlement Class" do not include any of the  
20 following: (1) persons whose policies lapsed before receiving notice of a  
21 premium rate increase; (2) persons who received claim payments under their  
22 policies before the Effective Date of the Settlement; (3) persons who, as of  
23 February 1, 2008, had lapsed their Policies within 120 days following a rate  
24 increase of less than 50% where the total increase, when combined with all  
25 past increases (if any), was less than the contingent nonforfeiture ("CNF")  
26 threshold percentage specified by the NAIC Model Regulation for that  
27 person's issue age, as set forth on Exhibit B of the Stipulation of Settlement;

1 (4) persons who owned Policies numbered P0-N0023, P0-N0027, P1-  
2 N0023, P1-N0027, P1-N0031, and P1-N0035 but lapsed or cancelled their  
3 Policies before the Effective Date of the Settlement; and (5) persons who  
4 were deceased as of the Effective Date of the Settlement.

5  
6 2. The letter substantially in the form of Exhibit 1 to the stipulation  
7 regarding class definition and class member correspondence is approved for  
8 distribution to those persons who received the Court's Class Notice in May 2007  
9 but who are not included within the amended class definition.

10  
11 3. The letter substantially in the form of Exhibit 2 to the stipulation  
12 regarding class definition and class member correspondence is approved for  
13 distribution to those Class Members who received the Court's Class Notice in May  
14 2007 and elected to exclude themselves from the Class at that time.

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17 **IT IS SO ORDERED.**

18 DATE: 02/07/08

PHILIP S. GUTIERREZ  
**Honorable Philip S. Gutierrez**  
Judge of the United States District Court,  
Central District

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