

1 WALTER J. LACK, SBN 57550
2 STEVEN C. SHUMAN, SBN 82828
3 **ENGSTROM, LIPSCOMB & LACK**
4 10100 SANTA MONICA BLVD., STE. 1200
5 LOS ANGELES, CA 90067-4113
6 TELEPHONE: (310) 552-3800
7 FACSIMILE: (310) 552-9434

8 Attorney for Plaintiffs

9 **UNITED STATES DISTRICT COURT**
10 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

11 RICHARD BEHFARIN, individually
12 and on behalf of a class of similarly
13 situated individuals,

14 Plaintiffs,

15 vs.

16 PRUCO LIFE INSURANCE
17 COMPANY, THE PRUDENTIAL
18 INSURANCE COMPANY OF
19 AMERICA, PRUCO LIFE
20 INSURANCE COMPANY OF NEW
21 JERSEY, and DOES 1-10, inclusive,

22 Defendants.

CASE NO. 2:17-cv-05290-MWF-
FFM

[Hon. Michael W. Fitzgerald, Judge]

**DECLARATION OF RICHARD
BEHFARIN IN SUPPORT OF
MOTION FOR ATTORNEY FEES
AND COSTS AND INCENTIVE
AWARD FOR CLASS
REPRESENTATIVE**

Hearing: April 20, 2020
Time: 10:00 a.m.
Courtroom: 5A

**[Filed concurrently with Notice of Motion
and Motion for Final Certification of
Settlement Class and Final Approval of
Proposed Nationwide Class Settlement
Agreement and Approval of Notice Under
Fed. R. Civ. P. 23(e) and (g), and Notice of
Motion and Motion for Attorneys' Fees;
Declaration of Steven C. Shuman, and
[Proposed Order]**

Complaint filed: 7/18/17

1 I, Richard Behfarin, declare:

2 1. I am the plaintiff in this action. I have personal knowledge of the facts
3 set forth in this declaration by reason of my personal involvement in the events
4 described, and if called as a witness I could competently testify to those facts.

5 2. From the time I initiated contact with counsel to propose bringing this
6 case up to the present, I have been an active participant in all stages of the case. At
7 the time I obtained the policy of life insurance on my parents, I was a licensed life
8 agent, and the education and experience I received in that capacity has helped me
9 contribute productive comments and ideas and otherwise assist counsel during
10 prosecution and settlement of this case.

11 3. I began discussing this case with Steven C. Shuman, Esq. in summer,
12 2016. I was involved in all phases of the case, from discussion about and review of
13 the complaint to review of the settlement documents.

14 4. Specifically, during the course of this case, I

15 a) discussed the facts and legal claims with Mr. Shuman during
16 preparation of the complaint, reviewed the complaint and revisions of the
17 complaint;

18 b) engaged in countless communications by e-mail and phone, and
19 in numerous personal meetings, with both Mr. Shuman and Mr. Roth during
20 the entire pendency of this case;

21 c) researched and identified potential avenues for locating potential
22 additional class representatives and discussed efforts to locate other class
23 representatives with counsel;

24 d) reviewed and discussed the file of a person identified as a
25 potential additional class representative;

26 e) assisted counsel in fashioning discovery requests to defendants;

27 f) reviewed the entire history of phone calls transcribed and
28 produced by defendants and discussed those calls at length with Messrs. Roth

1 and Shuman;

2 g) gathered and reviewed documents I had to produce in response
3 to defendants' Requests for Production;

4 h) reviewed and provided my input on documents produced by
5 defendants in response to our Requests for Production;

6 i) answered interrogatories from defendants;

7 j) submitted to a full-day deposition, met with Messrs. Shuman
8 and Roth in advance to prepare for that event, and reviewed the deposition
9 transcript;

10 k) explored avenues to promote publicity about the case;

11 l) reviewed drafts of the report of expert Theodore Affleck and
12 provided input on that report to counsel;

13 m) interfaced with the California Department of Insurance
14 concerning the case;

15 n) reviewed and provided input on plaintiff's motion for class
16 certification and plaintiff's mediation brief;

17 o) attended three all-day mediation sessions and participated in
18 phone calls and e-mails between those sessions concerning proposed
19 settlement terms to assist in evaluating whether to settle and in negotiating
20 acceptable settlement terms, including initiating certain concepts that became
21 part of the settlement, and including review and execution of settlement term
22 sheet;

23 p) reviewed numerous settlement documents, suggested revisions
24 to them, and continued negotiating details of settlement during drafting
25 process;

26 q) reviewed the Motion for Preliminary Approval of the
27 Settlement; and

28 r) monitored progress of claims process under settlement by

1 reviewing information on that subject provided to counsel by Claims
2 Administrator.

3 5. The total amount of time I have expended on these efforts is
4 approximately 265 hours. I have provided my counsel with a summary time record
5 allocating these hours among the functions I performed and the time periods I
6 performed them, and have authorized him to make this time record available to the
7 Court for in-camera inspection.

8 6. During the course of settlement negotiations, there were multiple
9 instances in which I declined to agree to terms proposed and pressed our team to
10 seek better terms on behalf of the class. On most of those occasions, we were able
11 to improve the terms of the settlement for the class.

12 7. As part of serving as class representative, I agreed to forego certain
13 claims that were available for me to assert, such as a claim for bad faith, that I
14 understood could disqualify me as a class representative because they were unique
15 to my personal circumstances. It is possible that such personal claims could have
16 resulted in a greater recovery for me than could be achieved on a class-wide basis,
17 but I have elected to maintain and resolve this as a class action in order to secure the
18 relief obtained for the class as a whole.

19 8. At the end of the mediation, following agreement on the terms of the
20 settlement for the class, Prudential agreed to pay up to \$50,000 as an incentive
21 award for my services as class representative.

22
23 I declare under penalty of perjury under the laws of the United States of
24 America that the foregoing is true and correct. Executed this 11th day of February,
25 2020.

26 

27 _____
28 RICHARD BEHFARIN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2020, a true and correct copy of:
**DECLARATION OF RICHARD BEHFARIN IN SUPPORT IN SUPPORT
OF MOTION FOR ATTORNEY FEES AND COSTS AND INCENTIVE
AWARD FOR CLASS REPRESENTATIVE** was filed electronically and will be
served via Notice of Electronic Filing under the Court’s CM/ECF system this 12TH
day of February, 2020, to all parties with an email address on record, who have
consented to electronic service in this action.

/s/ Steven C. Shuman

STEVEN C. SHUMAN