

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

MARTIN SILVERSTEIN,
Plaintiff,

v.

GENWORTH LIFE INSURANCE COMPANY,
Defendant.

Civil No. 3:23-cv-00684 (DJN)

[PROPOSED] ORDER APPROVING CLASS ACTION SETTLEMENT

WHEREAS, Plaintiff and Class Representative Martin Silverstein, on behalf of himself and the then-putative class, entered into a settlement (the “Settlement”) with Defendant Genworth Life Insurance Company (“GLIC”) on August 5, 2024;

WHEREAS, on October 11, 2024, the Court entered an Order Preliminarily Approving the Class Action Settlement (“Preliminary Approval Order”). Dkt. 64. Among other things, the Preliminary Approval Order authorized Class Counsel to disseminate notice of the Settlement, the fairness hearing, and related matters to the Class;

WHEREAS, on October 25, 2024, the approved short-form notice was mailed to potential Settlement Class Members, a website was established with the approved long-form notice, and a call-in line was established;

WHEREAS, no potential Settlement Class Member objected to the Settlement by the deadline provided for in the Preliminary Approval Order;

WHEREAS, the Settlement requires, among other things, that all Released Claims against Released Parties be settled and compromised;

WHEREAS, this application is uncontested by Defendant GLIC; and

WHEREAS, this Court has considered Plaintiff's Motion for Final Approval of Class Action Settlement, supporting declarations, oral argument presented at the fairness hearing, and the complete records and files in this matter.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. The capitalized terms used herein shall have the meanings set forth in the Settlement Agreement.

2. The Preliminary Approval Order outlined the form and manner by which Plaintiff would provide potential Settlement Class Members with notice of the Settlement, the fairness hearing, and related matters. Plaintiff filed proof that notice complied with the Preliminary Approval Order with the Court. The form and manner of notice is further detailed in the Memorandum of Law in Support of Motion for Final Approval of Class Action Settlement. The notice given to potential Settlement Class Members complied in all respects with the requirements of Rule 23 of the Federal Rules of Civil Procedure and due process, constituted the best notice practicable under the circumstances, and constituted due and sufficient notice to all persons and entities entitled thereto.

3. The Court finds that the Attorney General of the United States and the state attorneys general have received notice of the Settlement Agreement in accordance with the terms of the Class Action Fairness Act, 28 U.S.C. § 1715(b).

4. The Settlement was attained following an extensive investigation of the facts. It resulted from vigorous arm's-length negotiations which were undertaken with the assistance of mediators and in good faith by counsel with significant experience litigating class actions.

5. The Settlement Class is the class preliminarily certified by this Court on October 11, 2024 (Dkt. 64), with the exclusion of policies owned by Class Counsel and their employees;

GLIC; officers and directors of GLIC, or members of their immediate families; the heirs, successors, or assigns of any of the foregoing; the Court, the Court's staff, and their immediate families. For the reasons stated in the Court's Preliminary Approval Order (Dkt. 64), the Court finds that the prerequisites for certifying the Action as a class action under Rules 23(a) and 23(b) of the Federal Rules of Civil Procedure have been satisfied and certifies the Settlement Class. The Court previously certified Plaintiff as Class Representative and appointed Susman Godfrey LLP as Class Counsel. Dkt. 64.

6. The Settlement is fully and finally approved because its terms are fair, reasonable, and adequate within the meaning of Rule 23 of the Federal Rules of Civil Procedure and the Court directs its consummation pursuant to its terms and conditions. In reaching this conclusion, the Court considered the four factors listed in Rule 23(e)(2) and the factors listed in *In re Jiffy Lube Sec. Litig.*, 927 F.2d 155, 158-59 (4th Cir. 1991).

7. In reaching this conclusion, the Court considered the complexity, expense, and likely duration of the litigation, the Class's reaction to the Settlement, and the result achieved. No objections to the Settlement or the plan of distribution were received or timely filed.

8. The Court reserves continuing and exclusive jurisdiction over the Settlement, including all future proceedings concerning the administration and enforcement of the Settlement Agreement as well as any supplemental application for reimbursement of costs or expenses incurred by Class Counsel or the Settlement Administrator on behalf of the Settlement Class.

9. Pursuant to the Preliminary Approval Order, GLIC deposited \$5.1 million into the Settlement Account Fund on October 15, 2024. The Settlement Fund Account is approved as a Qualified Settlement Fund pursuant to Internal Revenue Code Section 468B and the Treasury Regulations promulgated thereunder.

10. Neither the Settlement, nor any act performed or document executed pursuant to the Settlement, may be deemed or used as an admission of wrongdoing in any civil, criminal, administrative, or other proceeding in any jurisdiction.

11. The distribution plan, as described in the Motion for Final Approval of Class Action Settlement and supporting documents, and previously preliminarily approved by the Court, is approved because it is fair, reasonable, and equitable.

12. The parties shall submit a proposed final judgment consistent with the Settlement and this Order within seven (7) days of entry of this Order.

13. This Order shall become effective immediately.

SO ORDERED.

Dated: _____

David J. Novak
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2024, a true and correct copy of the foregoing was served on all parties of record via the Court's CM-ECF system.

/s/ Kathleen J.L. Holmes