**UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF NEW YORK**

| | |
|---|---|
| PHT HOLDING I LLC, and JAMES KENNEY, on behalf of themselves and all others similarly situated,<br><br>   Plaintiffs,<br><br>  v.<br><br>PHL VARIABLE INSURANCE COMPANY,<br><br>   Defendant. | )<br>)<br>)<br>)<br>)<br>)<br>)<br>) Case No. 1:18-cv-03444 (MKV)<br>)<br>)<br>)<br>)<br>)<br>) |

## <u>MOTION FOR FINAL APPROVAL AND CLASS CERTIFICATION</u>

PLEASE TAKE NOTICE that Plaintiff James Kenney, on behalf of himself and all others similarly situated, moves this Court before the Honorable Mary K. Vyskocil for an order, pursuant to Rule 23 of the Federal Rules of Civil Procedure, granting final approval of the Settlement and distribution plan and certifying the Settlement Class. In support of this motion, Plaintiff submits the accompanying Memorandum of Law in Support of Plaintiff's Motion for Final Approval and Class Certification, the corresponding declarations and exhibits thereto, and Class Counsel's Motion for Attorneys' Fees, Reimbursement of Litigation Expenses, and Service Award (Dkts. 279–86). The Final Fairness Hearing is set for December 17, 2023, at 10:00 am, in the United States District Court for the Southern District of New York, United States Courthouse, Courtroom 18C, 500 Pearl St., New York, NY 10007-1312.

Dated: November 7, 2023

SUSMAN GODFREY LLP

*/s/ Seth Ard*
Seth Ard
Ryan Kirkpatrick
Komal Patel
SUSMAN GODFREY L.L.P.
1301 Avenue of the Americas, 32nd Floor
New York, NY 10019-6023
Tel.: 212-336-8330
Fax: 212-336-8340
sard@susmangodfrey.com
rkirkpatrick@susmangodfrey.com
kpatel@susmangodfrey.com

Steven G. Sklaver (*pro hac vice*)
Krysta Kauble Pachman (*pro hac vice*)
Michael Adamson
SUSMAN GODFREY LLP
1900 Avenue of the Stars, Suite 1400
Los Angeles, CA 90067-6029
Tel: 310-789-3100
Fax: 310-789-3150
ssklaver@susmangodfrey.com
kpachman@susmangodfrey.com

1

madamson@susmangodfrey.com

*Interim Class Counsel*

3

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was served on all parties through their

counsel of record via the Court's CM/ECF system, on November 7, 2023.


_/s/ Seth Ard_
Seth Ard