

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

37 BESEN PARKWAY, LLC, on behalf of itself and all others similarly situated,)	Civil Action No. 15-cv-9924
)	
Plaintiff,)	
)	
vs.)	
)	
JOHN HANCOCK LIFE INSURANCE COMPANY (U.S.A.),)	
)	
Defendant.)	
)	

**DECLARATION OF STEVEN G. SKLAVER IN SUPPORT OF
PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT**

I, Steven G. Sklaver, declare as follows:

1. I submit this declaration in support of preliminary approval of the proposed class action settlement between Plaintiff 37 Besen Parkway, LLC (“Plaintiff”), on behalf of itself and the proposed Settlement Class, and Defendant John Hancock Life Insurance Company (U.S.A.) (“John Hancock” or “Defendant”).

2. I am a partner in the law firm of Susman Godfrey L.L.P., which is counsel for Plaintiff and the Court-appointed Interim Class Counsel in Civil Action No. 15-9924, Dkt. 26. I have been admitted *pro hac vice* by this Court in this action and am a member of good standing of the California bar. I have personal, first-hand knowledge of the matters set forth herein and, if called to testify as a witness, could and would testify competently thereto.

3. Susman Godfrey has significant experience with insurance litigation and class actions, including cost of insurance class actions and settlements thereof. A copy of the firm’s class action profile and my profile is attached hereto as Exhibit 1.

4. I was among the principal negotiators of the proposed class action settlement with Defendant. Following extensive negotiations, the parties signed a memorandum of understanding on May 24, 2018, and the final Settlement Agreement was executed on July 8, 2018. I attach a true and correct copy of the Settlement Agreement as Exhibit 2.¹ It is the opinion of Class Counsel that this settlement with Defendant is fair, adequate, and reasonable. Plaintiff similarly supports this settlement and believes it to be fair, adequate, and reasonable.

5. The Settlement Agreement is the result of extended negotiations between the parties with the assistance of an experienced mediator, former Magistrate Judge Theodore Katz of this district.

¹ Exhibit A has been lodged with the Court, but given its volume and that it is merely a list of policy numbers, has not been filed publicly in light of certain privacy concerns. All Settlement members will be able to confirm that their policies are in the class by inputting their policy numbers on the settlement administration website.

6. Class Counsel first met with counsel for Defendant to discuss settlement at an in-person meeting on April 28, 2017, but that meeting did not result in any movement towards settlement. After substantial discovery, motion practice, and completion of detailed expert reports, Plaintiff filed its motion for class certification on March 12, 2018, after which the parties re-opened communications concerning settlement. These negotiations resulted in an in-person mediation sessions with Judge Katz that I personally attended and actively participated in. This mediation took place at Judge Katz's offices at JAMS in New York, New York. The mediation was successful, and resulted in the in-person negotiation of a binding memorandum of understanding setting out the principal terms of the settlement.

7. The terms of the settlement were negotiated after the parties exchanged numerous offers and counteroffers, as well as exchanging mediation and other briefing and participating in teleconferences, email discussions, and the in-person meeting at mediation. By the time the settlement was reached at the mediation, Class Counsel were well informed of material facts and the negotiations were hard-fought and non-collusive.

8. Class Counsel took steps to ensure that we had all the necessary information to advocate for a fair, adequate, and reasonable settlement that serves the best interests of the Settlement Class.

9. Class Counsel analyzed over 340,000 pages of documents including over two thousand spreadsheets as well as extensive actuarial tables and issued eighteen subpoenas to Defendant's reinsurers and actuarial and financial advisors. Following extensive negotiations over the production of data about the historical credits and deductions to Class Members' policies, Plaintiff's experts spent 23 days onsite at John Hancock's offices in Boston extracting

this data from John Hancock's systems. Plaintiff's expert had to, among other things, code custom computer scripts to extract data from John Hancock's computer databases.

10. Class Counsel also took multiple depositions of John Hancock's current and former employees and officers, as well as three separate 30(b)(6) designees. Class Counsel also successfully moved to compel John Hancock to produce hundreds of thousands of records of data from its "MY Experience System," Dkt. 83, as well as for John Hancock to produce 30(b)(6) designees on the entire Class at issue, Dkt. 82. Class Counsel also defended the depositions of 37 Besen's managers Eliazer Klein and Arnold Klein, as well as Plaintiff's liability expert, James Rouse, and Plaintiff's economic expert, Robert Mills.

11. Class Counsel also analyzed all of the contested legal and factual issues posted by the litigation, in order to accurately evaluate John Hancock's positions, advocate for a fair settlement that serves the best interests of the class, and make accurate demands of Defendant. Class Counsel briefed multiple substantive issues, including opposition to John Hancock's proposed motion for judgment on the pleadings, motions to compel, and filing a motion for class certification that included multiple expert reports and totaled over eleven thousand pages.

12. The specific terms and conditions of the settlement are set forth in the Settlement Agreement. The principal terms of the settlement are that John Hancock will pay \$91.25 million in exchange for a release of the claims brought in this case. That \$91.25 million is non-reversionary, and will not be reduced by opt-outs. The release in this case does not release claims that members in the Class may have in the future on account of a future *increase* in COI rate scales by John Hancock.

13. In my opinion, the \$91.25 million cash payment to the Class adequately compensates the members of the proposed Settlement Class for their damages in view of the

risks of litigation. Mr. Robert Mills, plaintiff's damages expert on class certification, had two damages models which calculated that through August 2016 and within the applicable statute of limitations, the Class was overcharged by either \$61 million or \$217 million, using different models. A cash payment by John Hancock of \$91.25 million therefore represents at least 42% of those charges through that period. This Settlement represents an especially good result for the Class because none of the cash in the Settlement Fund will be returned to Defendant.

14. Class Counsel recommends the proposed distribution plan described in the Notice and attached as Exhibit D to the Settlement Agreement, which ensures a minimum payment to Class members plus a *pro rata* distribution measured by the damages that each Class member allegedly suffered during the applicable statute of limitations. The proposal is fair, adequate, and reasonable, especially in light of Counsel's detailed assessments of the strengths and weaknesses of the claims asserted, the applicable damages, and the likelihood of recovery.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: July 20, 2018

/s/ Steven G. Sklaver
Steven G. Sklaver
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

37 BESEN PARKWAY, LLC, on behalf of itself
and all others similarly situated,,

Plaintiff,

vs.

JOHN HANCOCK LIFE INSURANCE
COMPANY (U.S.A.),

Defendant.

Civil Action No. 15-cv-9924

DECLARATION OF SERVICE

I, Glenn C. Bridgman, declare:

1. I am over eighteen years of age, I am not a party to this action, and I am an employee with the law firm of Susman Godfrey L.L.P., in the Los Angeles, California office.

2. My business address is 1900 Avenue of the Stars, Suite 1400, Los Angeles, California 90067.

3. On July 20, 2018, I served a copy of the DECLARATION OF STEVEN G. SKLAVER IN SUPPORT OF MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT via email upon the following persons:

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*Attorneys for Defendant,
John Hancock Life Insurance Company (U.S.A.)*

I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 20, 2018, at Los Angeles, California.

/s/ Glenn C. Bridgman
Glenn C. Bridgman

Exhibit 1

SUSMAN GODFREY L.L.P.

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CLASS ACTIONS

For over thirty-five years, Susman Godfrey has been one of the preeminent firms in the country in class action cases. We have secured billions of dollars in victories for our clients across many fields, including antitrust and price-fixing cases, securities litigation, consumer class actions, and products liability cases. From the Corrugated Container antitrust class action, where Steve Susman's team recovered \$500 million for the plaintiffs, to 2015's \$37.5 million class action win (\$23 million after fees and expenses) for a class of more than 7000 limited partners who invested in 12 oil and gas limited partnerships, the Firm has a tradition of winning results, against the fiercest adversaries, when the stakes are highest. Defendants have also recognized the expertise and prowess of the Firm in class action litigation and the Firm has been retained to represent Defendants in a number of high stakes class action cases.

Some of the other significant results in class action cases the Firm has handled include:

- In a seminal insurance class action filed in the Southern District of New York, resolved in September 2015, Susman Godfrey served as lead counsel in a case that challenged Phoenix Life Insurance Company's and PHL Variable Insurance Company's decision to raise the cost of insurance ("COI") nationwide on life insurance policy owners. After winning class certification and defeating two motions for class decertification and a motion for summary judgment, the case settled the day of the final Pretrial Conference - less than two months before trial. Settlement terms included: \$48.5 million cash fund (\$34 million after fees and expenses), COI freeze through 2020, and a covenant by Phoenix not to challenge the policies, worth \$9 billion in face value, when the policies mature on the grounds of lack of insurable interest or misrepresentations in the application. At the final approval hearing, the Court concluded: "I want to say publicly that I think this is an excellent settlement. I think this is a superb - this may be the best settlement pound for pound for the class that I've ever seen."
- A class of 800,000 Comcast cable subscribers represented in part by Susman Godfrey alleged that between Jan. 1, 2003 and Dec. 31, 2008, Comcast and other cable companies entered into subscriber swaps and acquisitions that deterred over-builder competition and enabled Comcast to raise prices to supracompetitive levels, in violation of sections 1 and 2 of the Sherman Act. The parties settled for \$50 million after remand of the case from the U.S. Supreme Court. Final settlement (after fees and expenses) is to be determined later in 2015.

- In May 2014 Susman Godfrey secured a \$19 million cash settlement for customers of two New York City tour bus companies (approximately \$12 million after fees and expenses), Coach USA Inc. and City Sights LLC, and their joint venture, Twin America LLC. The settlement ends an antitrust class action against the joint venture, which plaintiffs said eliminated competition between the two bus companies and artificially raised prices for passengers.
- In December 2013 Susman Godfrey attorneys secured \$86 million in settlements (approximately \$62 million after fees and expenses) when serving as co-lead counsel in litigation involving more than 70 class action cases on behalf of airline passengers who alleged that between January 1, 2000 and August 1, 2007, Korean Air Lines and Asiana Airlines conspired to fix the price of air travel between the United States and the Republic of Korea. The lawsuit asserted that the two airlines, in violation of federal antitrust laws, participated in meetings, conversations and communications during which they agreed to establish artificially high prices for air passenger travel.
- In July 2013 Toyota Motor Corporation agreed to pay benefits worth up to \$1.6 billion (approximately \$1.4 billion after fees and expenses) to settle multi-district class action litigation pending in federal court in Santa Ana, California. In the litigation, plaintiffs, represented by Susman Godfrey, asserted claims for economic losses associated with recalls for unintended acceleration problems in Toyota, Lexus and Scion vehicles.
- In March 2013, Susman Godfrey secured a jury verdict in an antitrust price-fixing class action brought on behalf of direct purchasers of vitamin C against two Chinese vitamin C manufacturers. The \$54.1 million verdict was tripled as required by law and after adjusting for \$32.5 million in settlements with other defendants (\$19.5 million net of fees and expenses), a final judgment of \$147 million was entered against the defendants. The judgment is now on appeal to the Second Circuit Court of Appeals.
- Susman Godfrey represented investors who were allegedly defrauded into purchasing securities issued by the parent of mortgage lender IndyMac Bank. The complaint alleged that IndyMac had misrepresented its financial health and the quality of its lending practices. In January 2013, after more than five years of intense, hard-fought litigation, the court granted final approval of a \$6.5 million recovery for the class (approximately \$4 million after fees and expenses).
- In *White, et al. v. NCAA*, Susman Godfrey served as co-lead counsel in an antitrust class action alleging that the NCAA violated the federal antitrust laws by restricting amounts of athletic based financial aid. The NCAA settled and paid, after fees and expenses, an additional \$218 million for use by current student-athletes to cover the costs of attending college and paid \$10 million to cover educational and professional development expenses for former student-athletes.
- Susman Godfrey has been appointed to serve as lead or co-lead counsel in over a dozen antitrust class actions since 1996. In appointing Susman Godfrey co-lead counsel in one such case, *In re Crude Oil*, Judge Pauley praised the firm's long history of serving as "lead counsel in hundreds of class actions, including complex antitrust actions." See *In re Crude Oil Commodity Futures Litig.*, No. 11-CV-3600 (WHP), 2012 WL 569195, at *2 (S.D.N.Y. Feb. 14, 2012).

The information contained herein is revised frequently and is only accurate and current as of the date printed above. Please call us for the most recent edition.



Steven G. Sklaver

Partner

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Overview

Named one of [California's Lawyer Attorneys of the Year](#) in 2017 and selected as "Top Plaintiff Lawyers in all of California" in [2016](#) and [2017](#) by *The Daily Journal*, Steven Sklaver has secured substantial litigation victories for both plaintiffs and defendants. For plaintiffs, Sklaver was lead counsel for a certified class of insurance policy owners, helping them achieve what the Court in the Southern District of New York described as "the best settlement pound for pound for the class that I've ever seen." You can read the Court's statement in full [here](#). You can also read more about the case in The Deal's profile on the litigation [here](#). Sklaver was also lead trial and appellate counsel for investors against an insurance company that resulted in a complete victory and full pay-out of a \$20 million life insurance policy. A copy of the appellate court decision is available [here](#). To listen to Sklaver's appellate oral argument, click [here](#). That matter was the feature cover story of the [April 2012 California Lawyer](#).

Sklaver also represents the former members of the legendary rock group The Turtles in *Flo & Eddie, Inc. v. Sirius XM Radio, Inc.* (C.D. Cal.) in a certified class action lawsuit against Sirius XM that settled less than 48 hours before the jury trial was scheduled to begin. Sirius XM agreed to pay at least \$25.5 million (over \$16 million after fees and expenses) and royalties under a 10-year license that is valued up to \$62 million (over \$41 million after fees and expenses) as compensation for publicly performing without a license Pre-1972 sound recordings. The settlement was [approved by the Court](#), and has received widespread media coverage from publications such as [The New York Times](#), [Billboard](#), [The Hollywood Reporter](#), [Law360](#), [Rolling Stone](#), [Variety](#), [Reuters](#) and [Managing IP](#).

Within six months after the Sirius XM class action settled, so did Sklaver's [copyright class action](#) brought on behalf of artists owed mechanical royalties for compositions made available by Spotify, the leader in digital music streaming. [Spotify agreed to pay at least \\$43.45 million](#) (fees and expenses not yet determined) and going forward royalties under a license, a settlement that remains subject to Court approval. You can read more about this matter in [Billboard](#).

Sklaver's many significant and widely covered class action results in 2016 helped secure Susman Godfrey's recognition as *Law360's* "Class Action Group of the Year" in early 2017. You can read that article announcing the award [here](#).

For defendants, Sklaver has handled numerous employment class actions across the country. He served, along with the Managing Partner of Susman Godfrey, as trial counsel for Wal-Mart, the world's largest retailer, trying a large employment class action in California. He also successfully defended and defeated class certification in numerous, substantial wage and hour matters for Alta-Dena Certified Dairy, LLC, dairy producers for Dean Foods, one of the leading food and beverage companies in the United States.

Sklaver has tried complex commercial and class action disputes — including jury trials and bench trials in federal and state court, as well as arbitrations. Sklaver graduated cum laude from Dartmouth College, magna cum laude and Order of the Coif from Northwestern University School of Law, and clerked for Judge David Ebel on the United States Court of Appeals for the Tenth Circuit. Sklaver also won the National Debate Tournament for Dartmouth College, and is just one of four individuals in debate history to win three national championships at the high school and collegiate level. From 2010-2017, Sklaver has been recognized every year as a “Super Lawyer” in Southern California, awarded to no more than the top 5% of the lawyers in the state of California (Law & Politics Magazine, Thomson Reuters).

Sklaver currently serves on the Board of Directors for the Western Center on Law & Poverty, the Los Angeles Metropolitan Debate League, and the Association of Business Trial Lawyers. Sklaver was also selected as the 2016-2017 Ninth Circuit Judicial Conference Lawyer Representative.

Education

- Dartmouth College (B.A., *cum laude*)
- Northwestern University School of Law (J.D., *magna cum laude* and Order of the Coif)

Judicial Clerkship

Law Clerk to the Honorable David M. Ebel, United States Court of Appeal for the Tenth Circuit

Honors and Distinctions

- Named one of [California's Lawyer Attorneys of the Year](#) in 2017 by *The Daily Journal*. Click [here](#) for a photo of Sklaver, along with co-counsel, receiving the award.
- Selected as 1 of the 30 [Top Plaintiff Lawyers in all of California in 2016](#) by *The Daily Journal*
- 2010-2017 listings of Southern California “Super Lawyers” awarded to no more than the top 5% of the lawyers in the state of California (Law & Politics Magazine, Thomson Reuters)
- Northwestern Law Review member and editor
- National Debate Tournament (NDT) collegiate championship winner

Articles and Speeches

“Federal Power to Commandeer State Courts: Implications for the Theory of Judicial Federalism,” 32 *Ind. L. Rev.* 71 (1998) (with Martin H. Redish, Professor, Northwestern University School of Law).

Speaking Engagements

- “Cost of Insurance: What Has Been Filed and Decided and What Will Happen Next?” Anticipating Tomorrow – A Symposium on Emerging Legal Issues in Life Insurance. (Philadelphia, PA)
- “Current COI Increases – What’s it All About? The Legal Perspective.” ReFocus2017 Conference (Las Vegas, NV)
- “Litigation Update: Will the Arthur Kramer Insurable-Interest Decision Lift the Cloud Over Much of the

Litigation in the Market?” The 2011 International Life Settlements Conference (London, England)

- “Seeking Interlocutory Appellate Review of Class-Certification Rulings: Tactics, Strategies, and Selected Issues.” Bridgeport 10th Annual Class Action Litigation Conference (Los Angeles, CA)
- PwC 2010 Securities Litigation Study Luncheon. (Los Angeles, CA)
- Life Settlement Litigation Update. 2010 Life Settlement Compliance Conference and Legal Round Table (Atlanta, GA)
- “Litigation: What are the Legal Trends Affecting the Market?” The Life Settlements Conference 2010 (Las Vegas, NV)

Professional Associations and Memberships

- United States Supreme Court
- United States Court of Appeals for the Ninth and Tenth Circuits
- United States District Courts for the Central, Southern, Northern, and Eastern Districts of California and District of Colorado
- Admitted to state bars of Illinois, Colorado, and California
- Board of Directors, Los Angeles Metropolitan Debate League
- Board of Directors, Western Center on Law & Poverty

Notable Representations

Class Actions

- **Copyright Infringement:** Sklaver serves as co-lead counsel with the Gradstein & Marzano firm representing Flo & Eddie (the founding members of 70’s music group, The Turtles) along with a class of owners of pre-1972 sound recordings for copyright violations by music provider Sirius XM. The day before trial was to commence before a California jury in federal court in late 2016, Flo & Eddie reached a landmark settlement with Sirius XM on behalf of the class in a deal potentially worth \$99 million. The Court granted [final approval of the settlement](#) in May 2017. Click [here](#) for more. Sklaver with his co-leads were recently named “[California Lawyer Attorneys of the Year](#)” by *The Daily Journal* for their outstanding legal work on this case.
- In May 2017, Sklaver, as co-lead counsel Gradstein Marzano, secured a \$43.45 million cash fund and an agreement to pay future royalties to settle a class-action lawsuit with Spotify brought on behalf of music copyright owners. The suit alleged that Spotify made music available online without securing mechanical rights from the tracks’ composers. Under the agreement terms, Spotify will establish a \$43.45 million settlement fund from which qualifying class members will receive compensation for past streaming or downloads of their compositions. Spotify also agreed to pay future royalties calculated at the statutory rate for songs streamed by the service, and make its track database available for claimants. In addition, Spotify is responsible for all costs associated with the administration and management of the settlement fund and notice, which adds an additional \$1 million to \$2 million in benefits alone. Read more about the case [here](#) and see *Billboards* coverage of it [here](#).
- **Insurance:** In a seminal insurance class action filed in the Southern District of New York, resolved in September 2015, Mr. Sklaver served as lead counsel in a case that challenged Phoenix Life Insurance Company’s and PHL Variable Insurance Company’s decision to raise the cost of insurance (“COI”) nationwide on life insurance policy owners. After winning class certification and defeating two motions for class decertification and a motion for summary judgment, the case settled the day of the final Pretrial Conference — less than two months before trial. Settlement terms included: \$48.5 million cash fund (\$34 million after fees and expenses), COI freeze through 2020, and a covenant by Phoenix not to challenge the policies, worth \$9 billion in face value, when the policies mature on the grounds of lack of insurable interest or misrepresentations in the application. At the final approval hearing, the Court concluded, “*I want to say publicly that I think this is an excellent settlement. I think this is a superb – this may*

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be the best settlement pound for pound for the class that I've ever seen." You can read the statement in full on page 3 [here](#). You can also read more about the case in *The Deal's* feature on the matter [here](#).

- **Antitrust:** *In re Automotive Parts Antitrust Litigation*. In the largest price-fixing cartel ever brought to light, Mr. Sklaver and a team of Susman Godfrey lawyers run a massive MDL litigation in which the firm serves as co-lead counsel for a class of consumer plaintiffs in multidistrict price-fixing cases pending in a Detroit, Michigan federal court. The actions, alleging anti-competitive conduct, were brought by indirect purchasers of component parts included in over 20 million automobiles, and involve parts such as wire harnesses, instrument panel clusters, fuel senders, heater control panels and alternators.

The Department of Justice has imposed fines exceeding \$2.6 billion pursuant to guilty plea agreements with some of the defendants, and its investigation is still ongoing. The Susman Godfrey team together with its co-lead counsel has defeated multiple motions to dismiss. Settlements have been reached with a certain defendants for a combined \$620 million thus far. Final settlement (after fees and expenses) has not yet been determined. The case remains ongoing against the remaining defendants.

LIFE SETTLEMENTS

- Represented Jonathan Berck, as Trustee of the Rosamond Janis Insurance Trust in a \$5 million rescission claim brought by the Lincoln Life and Annuity Company of New York for alleged violations of New York's insurable interest laws and other "STOLI" (stranger originated life insurance) related claims. RESULT: Summary judgment granted in favor of my client. A copy of the summary judgment order is available [here](#).
- Won reversal in a \$20 million life settlement rescission lawsuit against Lincoln Life & Annuity Company of New York. Lincoln's lawsuit was based on allegations that the insurance policies lacked an insurable interest because they were procured by third-parties for investment purposes and because there were net worth and other misrepresentations in the applications. The appellate court ordered that the trial court enter judgment in favor of the trust. The appellate court also affirmed our trial court victory that Lincoln's fraud claim was time barred because the policies were incontestable. The case is *Lincoln Life & Annuity Co. of New York v. Jonathan Berck, as Trustee of the Jack Teren Insurance Trust*, Court of Appeal Case No. D056373 (Cal. Ct. App. May 17, 2011). A copy of the appellate court decision is available [here](#). To listen to Mr. Sklaver's appellate oral argument, [click here](#). The *Teren* case was the feature, cover story of the [April 2012 California Lawyer](#).
- Represents investors, trusts, trustees, brokers, and insureds in life settlement and STOLI litigation across the country against insurance companies seeking to rescind policies with face values worth more than \$125 million. Mr. Sklaver is also a frequent speaker and commentator on life settlement and STOLI litigation, in both [trade publications](#) and [conferences](#).

FINANCIAL FRAUD

- Represented Royal Standard Minerals, which was the plaintiff in a federal securities lawsuit against a "group" of more than ten dissident shareholders for failing to file Schedule 13-D disclosures. RESULT: Preliminary injunction granted and final judgment entered that, among other things, required for three years the votes of all shares owned by any of the defendants to be voted as directed by the Board of Directors of my client.
- Represented plaintiff who held millions of WorldCom shares as an opt-out to the class in *In re WorldCom Securities Litig.* RESULT: Settled on confidential terms.
- Represented plaintiff Accredited Home Lenders in a TRO and breach of contract action over a wrongful default declared by Wachovia in a credit re-purchase agreement. RESULT: The case was resolved favorably, following the entry of a TRO.
- Represented Walter Hewlett in his challenge to the Hewlett-Packard/Compaq merger. In preparation for that trial, Mr. Sklaver deposed Compaq's former CEO Michael Capellas about his famous handwritten journal note which, describing the merger, stated "at our course and speed we will fail." Mr. Capellas was right.

- Represented one of the world's largest retailers in the defense of a four month long jury trial, wage and hour class action pending in California. One of the world's largest retailers appointed Susman Godfrey L.L.P. to be its national trial counsel for wage and hour litigation.

ANTITRUST

- Lead day-to-day lawyer for the class in *White, et al. v. NCAA*, a certified, antitrust class action alleging that the NCAA violated the federal antitrust laws by restricting amounts of athletic based financial aid. ESPN Magazine coverage of the lawsuit may be found [here](#). RESULT: The NCAA settled and paid an additional \$218 million for use by current student-athletes to cover the costs of attending college, paid \$10 million to cover educational and professional development expenses for former student-athletes, and enacted new legislation to permit Division I institutions to provide year-round comprehensive health insurance to student-athletes.

ENTERTAINMENT

- Represented NAACP image award winner Morris Taylor “Buddy” Sheffield in his breach of contract lawsuit against ABC Cable Networks Group regarding the creation of *Hannah Montana*. RESULT: Defendant settled less than four weeks before trial.

PRO BONO

- Appointed to represent Carl Petersen, who was charged by the United States Attorney's Office with being a felon in possession of a firearm — a charge that carries a five-year prison sentence and an 89% conviction rate. RESULT: Acquittal. Jury deliberation lasted less than four hours. ?

Appointed by the United States Court of Appeals for the Tenth Circuit as appellate counsel in five cases, including: [United States v. Petersen](#); [United States v. Blaze](#) (specifically noting Mr. Sklaver's “good workmanship”); and [Sorrentino v. IRS](#) (appointed as amicus curiae by and for the Court)