

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
(Richmond Division)

JUDY HALCOM, HUGH PENSON,)	
HAROLD CHERRY, and RICHARD)	
LANDINO, Individually and on Behalf of All)	
Others Similarly Situated,)	
)	Civil Action No. 3:21-cv-00019-REP
Plaintiffs,)	
)	<u>CLASS ACTION</u>
vs.)	
)	
GENWORTH LIFE INSURANCE)	
COMPANY, and GENWORTH LIFE)	
INSURANCE COMPANY OF NEW YORK,)	
)	
Defendants.)	
)	
_____)	

**PLAINTIFFS’ MOTION TO DIRECT NOTICE OF
PROPOSED SETTLEMENT TO THE CLASS**

Plaintiffs Judy Halcom, Hugh Penson, Harold Cherry, and Richard Landino (collectively, “Named Plaintiffs”), pursuant to Rule 23(a), (b)(3), and (e)(1) of the Federal Rules of Civil Procedure, and the Court’s July 2, 2021 Order (ECF No. 41), respectfully move for entry of an Order:

- (1) preliminarily approving the Settlement¹ on the terms set forth in the Settlement Agreement after finding that the Court is likely to grant final approval of the Settlement;
- (2) certifying the proposed Settlement Class for purposes of the Settlement;
- (3) approving the form and content of the Class Notice and Publication Notice (attached as Exhibits A and B, respectively, to the Order Directing Notice of Proposed Settlement to the Class (“Notice Order”));

¹ Unless otherwise stated, all capitalized terms herein are those defined in the parties’ Settlement Agreement.

(4) finding that the procedures for distribution of the Class Notice and Publication Notice in the manner and form set forth in the Notice Order constitute the best notice practicable under the circumstances, and comply with the notice requirements of due process and Rule 23; and

(5) setting a schedule and procedures for: (a) disseminating the Class Notice and Publication Notice; (b) requesting exclusion from the Class; (c) objecting to the Settlement or Plaintiffs' counsel's application for attorneys' fees, expenses, and service awards; (d) submitting papers in support of final approval of the Settlement and Plaintiffs' counsel's application for attorneys' fees, expenses, and service awards; (e) Genworth to report to the Court concerning any state regulatory input on the Settlement, and (f) the Final Approval Hearing.

The reasons in support of this Motion are set forth in the accompanying Memorandum of Law in Support of Motion to Direct Notice of Proposed Settlement to the Class, the accompanying Declaration of Brian D. Penny with attached exhibits, and the pleadings and papers on file with this Court in this matter.

DATED: August 23, 2021

PHELAN PETTY PLC

/s/ Jonathan M. Petty

JONATHAN M. PETTY (VSB No. 43100)
MICHAEL G. PHELAN (VSB No. 29725)
3315 West Broad Street
Richmond, VA 23230
Telephone: 804/980-7100
804/767-4601 (fax)
mphelan@phelanpetty.com
jpetty@phelanpetty.com

GOLDMAN SCARLATO & PENNY, P.C.
BRIAN DOUGLAS PENNY (*pro hac vice*)
Eight Tower Bridge, Suite 1025
161 Washington Street
Conshohocken, PA 19428
Telephone: 484/342-0700
484/342-0701 (fax)
penny@lawgsp.com

ROBBINS GELLER RUDMAN
& DOWD LLP
STUART A. DAVIDSON (*pro hac vice*)
BRADLEY BEALL (*pro hac vice*)
120 East Palmetto Park Road, Suite 500
Boca Raton, FL 33432
Telephone: 561/750-3000
561/750-3364 (fax)

BERGER MONTAGUE PC
GLEN L. ABRAMSON (*pro hac vice*)
1818 Market Street, Suite 3600
Philadelphia, PA 19103
Telephone: 215/875-3000
215/875-4604 (fax)
gabramson@bm.net

Attorneys for Plaintiffs