

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TED BAXTER,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 1:09-CV-03818
)	
SUN LIFE ASSURANCE COMPANY)	Hon. Robert M. Dow, Jr.
OF CANADA,)	
)	
Defendant.)	

DECLARATION OF STEVEN J. LEASK

Steven J. Leask, being first duly sworn upon his oath states on personal knowledge as follows:

1. I am over the age of 18 and competent to testify to the matters contained herein.
2. At all times relevant hereto, I was, and currently am, a Long Term Disability (“LTD”) Claims Senior Consultant in the LTD Appeals Unit for Sun Life Assurance Company of Canada (“Sun Life”). My duties include handling the appeals made by claimants from the initial claim decision on claims for benefits under group long term disability insurance policies issued by Sun Life.
3. I am one of the custodians of claim files and policy documents applicable to long term disability claim appeals, including the claim file and policy materials related to a claim by Ted Baxter. These documents are kept in the ordinary course of Sun Life’s business.
4. Attached hereto as Exhibit “1” is a true, correct, and complete copy of Sun Life’s claim file and the policy applicable to Mr. Baxter’s claim for long term disability benefits. The file materials have been Bates numbered pages 1-1501. Portions of page 27 have been redacted

on the basis of attorney client privilege. Pages 437, 455, and 584 were removed because they are documents related to someone other than Mr. Baxter and were mistakenly provided to Sun Life by one of Mr. Baxter's doctors.

5. Attached hereto as Exhibit "2" is a true, correct, and complete copy of an excerpt from Sun Life's Business Process and Procedures Reference Guide as it existed at the time of Mr. Baxter's claim, including the time of the determination to apply an offset related to certain settlement proceeds recovered by Mr. Baxter in a state malpractice lawsuit.

FURTHER DECLARANT SAYETH NAUGHT.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on this 30th day of September, 2010 in Franklin, New Hampshire.



Steven J. Leask