

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GWEN B. DALUGE, MURRAY YOUNG and
HELENE K. BIRNBAUM, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

CONTINENTAL CASUALTY COMPANY,

Defendant.

JUDGMENT IN A CIVIL CASE

Case No. 15-cv-297-wmc

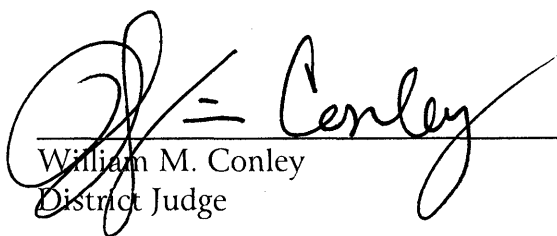
This action came for consideration before the court with District Judge William M. Conley presiding. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that judgment is entered as follows:

- 1) For settlement purposes only, the following classes are certified, finding each meets the requirements of Rule 23:
 - a. Class 1 includes all current and former Continental Casualty Company (“CNA”) policyholders:
 1. who made claims under a Policy for the Long Term Care Facility Benefit for a facility in one of the 11 Class States on or after the start of the Period of Payment;
 2. who were medically eligible for benefits;
 3. but were not afforded coverage for the costs and expenses relating to their stays;
 4. on grounds that included that the facility or facilities did not provide the requisite 24-hour-a-day nursing services by or under the supervision of a registered nurse, licensed practical nurse, or licensed vocational nurse; and
 5. who suffered ascertainable damages as a result of being denied coverage.
 - b. Class 2 includes all CNA policyholders with in-force policies as of July 1, 2017.

- 2) Pursuant to Fed. R. Civ. P. 23(e), the settlement is approved.
- 3) For purposes of effectuating the Settlement Agreement, Sean K. Collins, the Law Offices of Sean K. Collins, Lionel Z. Clancy and Ex Kano S. Sams II, Glancy Prongay & Murray, Jeffrey S. Goldenberg, Goldenberg Schneider LPA, and Janet E. Pecquet, Burke & Pecquet LLC, are approved as Class Counsel. Plaintiffs Gwen B. Daluge, Murray Young and Helene K. Birnbaum are also approved as Class Representatives.
- 4) Class Counsel is awarded attorney's fees in the amount of \$1,300,00.00 and costs in the amount of \$38, 323.28, both to be paid out of the \$4.85 million payment cap.
- 5) Named plaintiffs Gwen B. Daluge, Murray Young and Helene K. Birnbaum are each awarded an incentive award of \$17,500, also to be paid out of the payment cap.
- 6) The parties are directed to commence claim processing and distribution of the settlement payments and prospective settlement relief consistent with the settlement plan.
- 7) The claims of named plaintiffs and class members against defendants are dismissed with prejudice and without further costs.

Approved as to form this 29th day of October, 2018.



William M. Conley
District Judge



Peter Oppeneer
Clerk of Court

10/29/18
Date