

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Stephen Giercyk, Ajay Das and James and
Emma Imes on behalf of themselves and all
other similarly situated,

Plaintiffs,

v.

National Union fire Insurance Company of
Pittsburgh, PA, d/b/a National Union Fire
Insurance Company, a division of American
International Group, Inc. (AIG), Healthextras,
Inc., Healthextras Benefits Administrators, Inc.,
Catamaran Health Solutions, LLC f/k/a Catalyst
Health Solutions, Inc., Healthextras Insurance
Agency, Inc., American International Group,
Inc., d/b/a Group Insurance Trust, for the
account of Healthextras, Alliant Insurance
Services, Inc., f/k/a Driver Alliant Insurance
Services, Inc., Alliant Services Houston, Inc.,
f/k/a JLT Services Corporation, and Alliant
Insurance, Services Houston, LLC, f/k/a Capital
Risk, LLC and f/k/a Jardine Lloyd Thompson,
LLC, and Virginia Surety Company, Inc.

Defendants.

Civil Action No: 2:13-cv-6272-MCA-MAH

CLASS ACTION

SETTLEMENT BAR ORDER

The Parties having entered into a Settlement Agreement and General Release, dated September 8, 2016¹ with respect to the Actions providing, *inter alia*, that in connection with Plaintiffs’ motion for preliminary and final approval of the Settlement, the Parties shall contemporaneously move the Court for entry of a settlement bar order; and

¹ Capitalized terms used herein are intended to have the same meanings assigned to them in the Settlement Agreement. For ease of reference, certain of these meanings are restated herein.

This matter having come before the Court on the Parties' joint request for entry of a settlement bar order; and

The Court having considered the submissions in support of the motion and the arguments of counsel; and

For good cause shown,

IT IS HEREBY ORDERED THAT the motion is granted: Any Non-Settling Party,² including but not limited to Federal Insurance Company, J.C. Penny Life Insurance Company, J.C. Penny Direct Marketing Services, Inc., and Stonebridge Life Insurance Company, is hereby permanently barred, enjoined and restrained from commencing, prosecuting, or asserting any Contribution Claim³ against the Defendant Released Parties,⁴ or any of them. In addition, any

² "Non-Settling Party" shall mean any person or entity not included in the "Defendant Released Parties."

³ "Contribution Claim" shall mean and include any claim for subrogation, contribution or indemnification (whether equitable, contractual or otherwise) arising out of or relating to the Benefits Programs (including, but not limited to (i) the marketing, pricing, termination, administration, regulation, approval, or licensing of the Benefits Programs and/or the payment or nonpayment of any claims submitted thereunder; (ii) the insurance provided in connection with the Benefits Programs, including but not limited to its regulatory compliance, enforceability, administration, scope of coverage, premiums, or loss ratios; (iii) any other obligations owed to any Class Member as a direct or indirect result of the Class Member's enrollment in the Benefits Programs and/or any benefit provided to any Class Member as a result of their enrollment in the Benefits Programs); or (iv) the Actions or the claims asserted therein, as well as any claim, however denominated and regardless of the allegations, facts, law, theories, or principles on which it is based, in connection with which the injury the Non-Settling Party alleges having suffered includes the Non-Settling's actual or threatened liability to the Class Members, or any of them, or any amounts paid as judgment or in settlement of such actual or threatened liability, or any other costs or expenses (including necessary attorneys' fees) incurred in connection with claims threatened or asserted by Class Members.

⁴ "Defendant Released Parties" shall mean each of (i) National Union Fire Insurance Company of Pittsburgh, Pa., American International Group, Inc., AIG Group Insurance Trust, and/or AIG Group Insurance Trust, For the Account of HealthExtras and their respective present, former, and future direct and indirect affiliates, agents, divisions, predecessors, parent companies, subsidiaries, members, and successors; (ii) Catamaran Health Solutions, LLC, HealthExtras, Inc., Catalyst Health Solutions, Inc., HealthExtras Benefit Administrators, Inc. and/or HealthExtras Insurance

such Contribution Claim that now exists or has accrued or in the future may exist or accrue is extinguished, discharged, satisfied, and/or otherwise unenforceable.

Nothing herein is intended to modify or restrict in any way the Judgment Reduction provisions contained in the Settlement Agreement.

IT IS SO ORDERED this ____ day of _____, 2017.

BY THE COURT:

**UNITED STATES DISTRICT COURT JUDGE
MADELINE COX ARLEO**

Agency, Inc. and their respective present, former, and future direct and indirect affiliates, agents, divisions, predecessors, parent companies, subsidiaries, members, and successors; (iii) Virginia Surety Company, Inc. and its present, former, and future direct and indirect affiliates, agents, divisions, predecessors, parent companies, subsidiaries, members, and successors; (iv) Alliant Insurance Services, Inc., Alliant Services Houston, Inc., and/or Alliant Insurance Services Houston, LLC and their respective present, former, and future direct and indirect affiliates, agents, divisions, predecessors, parent companies, subsidiaries, members, and successors, as well as JLT Insurance Services Corporation, JLT Services Corporation, Jardine Lloyd Thompson, LLC, Driver Alliant Insurance Services, Inc. and Capital Risk, LLC; (v) HealthExtras, LLC and its present, former, and future direct and indirect affiliates, agents, divisions, predecessors, parent companies, subsidiaries, members, and successors; (vi) any financial institution through which the Benefits Programs were marketed together with their present, former, and future direct and indirect affiliates, agents, divisions, predecessors, parent companies, subsidiaries, members, and successors; and (vii) all of the aforementioned's respective present, former, and future agents, assigns, attorneys, directors, employees, officers, members and shareholders.