

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
SECOND JUDICIAL DISTRICT COURT

SHAWN V. MILLS, for himself  
and all others similarly situated,

Plaintiffs,

vs.

ZURICH LIFE INSURANCE  
COMPANY OF AMERICA,

Defendant.

ENDORSED  
FILED IN MY OFFICE THIS

NOV 21 2006

*Quanita M. Lujan*  
CLERK DISTRICT COURT

KELLY SANCHEZ

No. CV 2003-01471

**ORDER THAT EFFECTIVE DATE OF THE SETTLEMENT  
HAS OCCURRED AND APPROVING THE  
DISTRIBUTION OF SETTLEMENT FUNDS TO  
CLASS MEMBERS**

THIS MATTER comes before the Court on Plaintiff's Expedited Motion to Determine Effective Date and for Entry of Distribution Order (herein "Plaintiff's Motion"), the Defendant having consented to the relief sought by that Motion and the Court being otherwise sufficiently advised in the premises,

**THE COURT FINDS:**

1. On September 19, 2006, this Court entered its Final Order, Judgment of Dismissal with Prejudice and Release ("the Final Order") approving the Settlement Agreement dated April 13, 2006 ("the Settlement Agreement").
2. No Notice of Appeal was filed with respect to the Final Order within thirty (30) days after its entry as required under Rule 12-201(A)(2) NMRA. Nor has any such Notice of Appeal been filed herein as of the date of this Order.

3. As of the date of this Order, no Motion to Extend the time for filing a Notice of Appeal has been filed herein pursuant to Rule 12-201(E)(2) NMRA and the time for filing such a Motion expired November 20, 2006. Nor, as of the date of this Order, has any Motion to Reconsider or Motion for Relief under Rule 1-60(B) NMRA been filed herein.

4. The Final Order is now "Final" as that term is defined under Section 1.16 of the Settlement Agreement.

5. The "Effective Date" of the Settlement, as that term is defined under Section 1.17 of the Settlement Agreement, has occurred.

6. The Settlement Class Members are entitled to receive the cash payments required by the Settlement Agreement in the approximate aggregate amount of \$5,365,000.00 (the "Total Distribution") as calculated and set forth in Class Counsel's letter of November 6, 2006 to Zurich Life's Counsel and Rust Consulting, Inc., the Court approved Settlement Administrator, a copy of said letter being attached as Exhibit 2 to Plaintiff's Motion.

7. Class Counsel's calculation of the Total Distribution, as set forth in Exhibit 2 to Plaintiff's Motion, includes a projection of interest on the Qualified Settlement Fund for the period November 1 through December 14, 2006. Class Counsel has advised the Court that it should receive the November, 2006 statement on the Qualified Settlement Fund on December 5, 2006, before the settlement checks are printed and mailed to the Settlement Class Members on December 15, 2006. That statement will show the actual interest earned for November, such that Class Counsel should be allowed to adjust the Total Distribution to reflect actual, rather than projected, interest for the 30 days of November.

WHEREFORE, IT IS ORDERED, that the Settlement Administrator is authorized to disburse and distribute the approximate total sum of \$5,365,000.00 (subject to adjustments for actual interest for the month of November, 2006) to the individual Settlement Class Members in individual amounts as calculated pursuant to the terms of the Settlement Agreement.

LINDA M. VANZI

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LINDA M. VANZI  
District Court Judge

SUBMITTED BY:

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