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**FILED**  
LOS ANGELES SUPERIOR COURT

JAN 28 2009

JOHN A. CLARKE, CLERK  
*[Signature]*  
BY AMBER LA FLEUR-CLAYTON, DEPUTY

SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

JOHN S. LAVIOLETTE, a resident and  
citizen of California,

Plaintiff,

vs.

RELIASTAR LIFE INSURANCE  
COMPANY and DOES 1-50,

Defendants.

Case No. BC 394945

The Honorable Luis A. Lavin

DECLARATION OF WILLIAM M.  
SHERNOFF IN SUPPORT OF MOTION  
TO FILE RECORDS UNDER SEAL

Hearing Date: February 23, 2009  
Time: 8:30 a.m.  
Dept: 13

Complaint Filed: July 23, 2008  
Trial Date: August 4, 2009

SHERNOFF BIDART  
DARRAS ECHEVERRIA  
LAWYERS FOR INSURANCE POLICYHOLDERS



**SHERNOFF BIDART  
DARRAS ECHEVERRIA**  
LAWYERS FOR INSURANCE POLICYHOLDERS

1 I, WILLIAM M. SHERNOFF, declare:

2 1. I am an attorney duly licensed to practice in all courts within the State of  
3 California. I am the founding partner of Shernoff Bidart Darras Echevarria, LLP, attorneys of  
4 record for plaintiff in this action. I have personal knowledge of the facts set forth below and, if  
5 called upon, could and would testify competently thereto.

6  
7 2. Plaintiff John LaViolette was named the custodian of a \$10,000,000.00 life  
8 insurance policy issued by defendant ReliaStar Life Insurance Company ("ReliaStar") to Heath  
9 Ledger in June 2007. Mr. Ledger's three-year old daughter, Matilda, is the beneficiary.  
10 Concurrently with the filing of this Motion, plaintiff will petition the Court to be appointed  
11 guardian ad litem for Matilda.

12  
13 3. The New York Medical Examiner determined that Mr. Ledger, a twenty-eight  
14 year old well known actor, died of an accidental drug overdose in January 2008. After receiving  
15 notice of Mr. Ledger's death, ReliaStar requested a signed authorization in order to investigate  
16 the claim pursuant to the Policy's incontestability provision to determine if the representations in  
17 Mr. Ledger's application for insurance were true and correct. ReliaStar also asserted that it had  
18 the right to investigate the claim pursuant to the Policy's suicide provision to determine if Mr.  
19 Ledger's death was a suicide.

20  
21 4. Plaintiff filed this action on behalf of Matilda alleging that ReliaStar's  
22 interpretation of the contestability provision is erroneous and that its attempt to deny the claim  
23 through postclaims underwriting violates California law and public policy and constitutes bad  
24 faith conduct. The Complaint alleges claims for declaratory relief and bad faith.  
25

26 5. The parties have reached a confidential settlement of the matter. As a condition  
27 of the settlement, plaintiff is required to file under seal the Petition to Approve Minor's  
28

1 Compromise and to request that the Court hear the motion in chambers or take it under  
2 submission.

3 6. Pursuant to California Rule of Court 2.551 (d), the Petition to Approve Minor's  
4 Compromise has been lodged with the Court "conditionally under seal."  
5

6 I declare under penalty of perjury that the foregoing is true and correct, and that this  
7 declaration was executed on January 27, 2009 at Claremont, California.

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9  
10 WILLIAM M. SHERNOFF

11 SHERNOFF BIDART  
12 DARRAS ECHEVERRIA  
13 LAWYERS FOR INSURANCE POLICYHOLDERS



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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 600 South Indian Hill Boulevard, Claremont, California 91711.

On January 28, 2009, I served the foregoing document described as: **DECLARATION OF WILLIAM M. SHERNOFF IN SUPPORT OF MOTION TO FILE RECORDS UNDER SEAL** on all interested parties in this action by placing  the original  a true copy thereof enclosed in sealed envelopes addressed as follows:

Margaret Levy, Esq.  
MANATT, PHELPS & PHILLIPS  
11355 W. Olympic Boulevard  
Los Angeles, California 90064-1614  
310-312-4368 – Fax – 310-312-4224  
[mlevy@manatt.com](mailto:mlevy@manatt.com)

BY MAIL I caused such envelope to be deposited in the mail at Claremont, California. The envelope was mailed with postage thereon fully prepaid. I am "readily familiar" with this firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date deposit for mailing in affidavit.

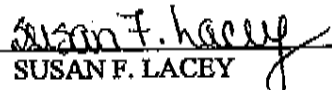
BY PERSONAL SERVICE I caused to be delivered by hand to the above-listed addressees or to the addressees on the list attached hereto. A proof of service executed by the delivery person will be mailed under separate cover.

BY OVERNIGHT MAIL/COURIER To expedite the delivery of the above-named document, said document was sent via overnight courier for next day delivery to the above-listed party.

BY FACSIMILE ("FAX") In addition to the manner of proof of service indicated above, a copy was sent by FAX to the above-listed party.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury under the laws of California that the above is true and correct.

Executed on January 28, 2009, at Claremont, California.

  
SUSAN F. LACEY