

A COURT AUTHORIZED
THIS LEGAL NOTICE

**If you own or
owned a universal
life insurance
policy issued by
Aetna (now Voya)
that was subject to
a COI rate increase
announced in 2016,
your rights may be
affected by a class
action settlement**

**Voya (f/k/a Aetna) COI Life Insurance Settlement
Administrator**

c/o JND Legal Administration
P.O. Box 91208
Seattle, WA 98111



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A proposed settlement has been reached in a class action lawsuit called *Hanks v. Voya Retirement Insurance and Annuity Co.*, Case No. 16-cv-6399 (S.D.N.Y.) (the “Settlement”). This notice provides a summary of your rights and options. More details are available at www.VoyaCOILitigation.com.

What is this about? The class action lawsuit alleges that Defendant Voya Retirement Insurance and Annuity Company (“Voya”), formerly Aetna Life Insurance and Annuity Company (“Aetna”), breached its contracts with certain policy owners. In May 2016, policyholders were issued letters announcing that their insurance policies would be subject to cost of insurance (“COI”) rate increases, and Plaintiff asserts those COI rate increases violated the terms of the policyholders’ contracts, and that Plaintiff and members of the Class have been damaged, as a result. Voya denies Plaintiff’s claims and asserts multiple defenses, including that Voya’s challenged actions are lawful, justified, and have not harmed Plaintiff or caused any damages.

Who is affected? The Class consists of “All owners of universal life (including variable universal life) insurance policies issued by Aetna Life Insurance and Annuity Company, now known as Voya, that were subject to the cost of insurance increase announced in 2016.” Excluded from the Class are Defendant Voya and its reinsurer and administrative agent, The Lincoln Life & Annuity Company of New York (“Lincoln”), their officers and directors, members of their immediate families, and the heirs, successors or assigns of any of the foregoing; Class Counsel and their employees; the Court, the Court’s staff, and their immediate families. Also excluded from the Class are policies that timely and validly opted out of the Class by July 29, 2019.

What does the Settlement provide? The Settlement provides for cash payments that will be distributed on a *pro rata* basis to Settlement Class members for their share of the total damages from a cash fund of up to \$92.5 million (the “Settlement Fund”) that will also be used to pay all administrative fees; any incentive award to the Class Representative (not to exceed \$25,000); any attorneys’ fees awarded by the Court (not to exceed \$30,525,000, which is 33% of the gross Settlement Fund) and reimbursement for expenses incurred. In addition, for five years after approval of the Settlement, Voya and Lincoln agree that COI rates on the Class Policies will not be increased above the current rate schedules implemented on June 1, 2016, unless Voya is ordered to do so by a state regulatory body or unless the adjustments comply with the terms of the policy. Voya and Lincoln also agree that it will not take certain legal action

or assert certain legal defenses challenging death claims for any Settlement Class member as outlined in the Settlement Agreement available at www.VoyaCOILitigation.com.

What are my options? You can do nothing, exclude yourself, or object to the Settlement.

Do nothing. You will be part of the Settlement Class and receive a payment in the mail if you are entitled to one. You will give up your right to sue or continue to sue Voya and Lincoln for the claims in this case.

Exclude yourself. You will not receive a payment. You will keep your right to sue Voya and Lincoln at your own expense and with your own attorney about the legal claims in this case. Your exclusion request must include the case name (*Hanks v. Voya Retirement Insurance and Annuity Co.*), a statement saying that you want to be excluded from the Settlement Class, your full name, address, telephone number, email address (if any), the policy number(s) to be excluded, and your signature. If you own multiple policies that would be included in the Settlement Class, you may request to exclude some policies from the Settlement Class while participating in the Settlement Class with respect to other policies.

Object. If you do not exclude yourself from the Settlement Class, you may object or tell the Court what you don't like about the Settlement.

Exclusion requests and objections must be sent to Voya (f/k/a Aetna) COI Life Insurance Class Action Settlement, c/o JND Legal Administration, P.O. Box 91208, Seattle, WA 98111, **postmarked by April 19, 2022**. For more details about your rights and options and how to exclude yourself or object, go to www.VoyaCOILitigation.com.

What happens next? The Court will hold a Fairness Hearing on June 29, 2022 at 2:00 p.m. at the Daniel Patrick Moynihan U.S. Courthouse, 500 Pearl St., New York, NY 10007, Courtroom 11D to consider whether to approve the Settlement, Class Counsel's attorneys' fees and expenses, and the Class Representative incentive award. The Court has appointed Susman Godfrey L.L.P. as Class Counsel. You or your attorney may ask to speak at the hearing at your own expense, but you don't have to.

How do I get more information? For more information and to view the full notice, go to www.VoyaCOILitigation.com, or contact the Settlement Administrator by writing Voya (f/k/a Aetna) COI Life Insurance Class Action Settlement, c/o JND Legal Administration, P.O. Box 91208, Seattle, WA 98111, or calling 1-833-759-2984. **Please do not contact the Court.**

Carefully separate this Address Change Form at the perforation

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Address Change Form

To make sure your information remains up-to-date in our records, please confirm your address by filling in the above information and depositing this postcard in the U.S. Mail.



JND Legal Administration
Attn: Voya (f/k/a Aetna) COI Life Insurance Settlement
P.O. Box 91208
Seattle, WA 98111