

IN THE UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF MISSOURI
 CENTRAL DIVISION

MICHAEL G. VOGT, Individually and)
 On Behalf Of All Others Similarly)
 Situated,)
)
 Plaintiffs,)
) Case No.
 VS.) 16-04170-CV-C-NKL
)
 STATE FARM LIFE INSURANCE COMPANY,)
)
 Defendant.)

VIDEO DEPOSITION OF JEFF HOLZBAUER
 December 1, 2017
 9:00 AM CST
 201 Broadway
 Bloomington, IL 61701

Reported by:
 Deann K. Parkinson
 Job No: 52838

1 Q. What are the guaranteed mortality
2 charges?

3 A. That's the guaranteed cost of insurance
4 charge that's referenced in the contract.

5 Q. And that was, the guaranteed cost of
6 insurance charge was determined using the 1980 CSO
7 ultimate table, is that correct?

8 A. Correct.

9 Q. Is the 1980 CSO ultimate table in the
10 attained age basis?

11 MR. ROOT: Object to foundation. Answer
12 if you know.

13 A. We use the ultimate rate from it.

14 Q. And is the ultimate rate on an attained
15 age basis?

16 A. Yes.

17 Q. Would you agree that since the table is
18 on an attained age basis, it does not consider
19 policy year?

20 A. You're referencing the 80 CSO table?

21 Q. Correct.

22 A. Yes.

23 Q. If you go to the next section,
24 non-guaranteed intermediate values. Do you see
25 that?

1 Q. It says, quote, "margins and COIs among
2 different premium classes are equitably assessed."
3 Did I read that correctly?

4 A. Yes.

5 Q. What's the margin in COI?

6 A. The margin would be the difference
7 between the mortality component and the rest of
8 the cost of insurance.

9 Q. And would the rest of the cost of
10 insurance be assessed for expenses and profit?

11 A. Correct.

12 (Whereupon, Deposition Exhibit 68
13 was marked for identification.)

14 Q. You've been handed what's been marked as
15 Exhibit No. 68. Did you review this in your
16 preparation to give testimony today?

17 A. No.

18 Q. On the first page does that appear to
19 you to be a copy of a folder cover form 94030-25?

20 A. Yes.

21 Q. With a date of 1-94, being January,
22 1994?

23 A. Correct.

24 Q. And that would indicate to you a
25 reference to the Missouri Form 9430?

1 FURTHER EXAMINATION

2 BY MR. FEIERABEND:

3 Q. Two follow ups. If you go to Exhibit
4 No. 53. At the top there it says forms, and then
5 it has 94030-30 listed among the form numbers, is
6 that correct?

7 A. Yes.

8 Q. Do you know what the 30 is in reference
9 to?

10 A. My guess would be that that is the State
11 of New Jersey, the state code.

12 Q. Okay. And then on page three of that
13 document is where there's reference to a mortality
14 assumption as a percentage of the 93-97 table, is
15 that right?

16 A. Yes.

17 Q. And then again on the previous page is a
18 mortality assumption that's listed as X percentage
19 of the 88-91 SFL, is that right?

20 A. Correct.

21 Q. Does State Farm ever disclose its
22 mortality assumption to policy holders for Form
23 9430?

24 A. I can't think of any scenario where they
25 would see the mortality assumption.

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STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

I, DEANN K. PARKINSON, a Notary Public in and for the County of Champaign State of Illinois, do hereby certify that JEFF HOLZBAUER, the deponent herein, was by me first duly sworn to tell the truth, the whole truth and nothing but the truth in the aforementioned cause of action.

That the foregoing deposition was taken on behalf of the Plaintiff on December 1, 2017.

That said deposition was taken down in stenographic notes and afterwards reduced to typewriting under my instruction and said transcription is a true record of the testimony given; and that it was agreed by and between the witness and attorneys that said signature on said deposition would be not waived.

I do hereby certify that I am a disinterested person in this cause of action; that I am not a relative of any party or any attorney of record in this cause, or an attorney for any party herein, or otherwise interested in the event of this action, and am not in the employ of the attorneys for either party.

In witness whereof, I have hereunto set my hand and affixed my notarial seal December 9th, 2017.



DEANN K. PARKINSON, CSR
NOTARY PUBLIC