

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MELANIE L. CYGANOWSKI, AS EQUITY RECEIVER
FOR PLATINUM PARTNERS CREDIT OPPORTUNITIES
MASTER FUND LP, PLATINUM PARTNERS CREDIT
OPPORTUNITIES FUND (TE) LLC, PLATINUM
PARTNERS CREDIT OPPORTUNITIES FUND LLC,
PLATINUM PARTNERS CREDIT OPPORTUNITIES
FUND INTERNATIONAL LTD., PLATINUM PARTNERS
CREDIT OPPORTUNITIES FUND INTERNATIONAL (A)
LTD., and PLATINUM PARTNERS CREDIT
OPPORTUNITIES FUND (BL) LLC,

Plaintiff,

v.

BEECHWOOD RE LTD., BEECHWOOD RE
INVESTMENTS, LLC, B ASSET MANAGER LP, B
ASSET MANAGER II LP, BEECHWOOD RE HOLDINGS,
INC., BEECHWOOD BERMUDA INTERNATIONAL,
LTD., BEECHWOOD BERMUDA LTD., BAM
ADMINISTRATIVE SERVICES LLC, BRE BCLIC 2013
LTC PRIMARY, BRE BCLIC 2013 LTC SUB, BRE WNIC
2013 LTC PRIMARY, BRE WNIC 2013 LTC SUB, MOSHE
M. FEUER a/k/a MARK FEUER, FEUER FAMILY TRUST,
TAYLOR-LAU FAMILY TRUST, SCOTT A. TAYLOR,
SENIOR HEALTH INSURANCE COMPANY OF
PENNSYLVANIA, FUZION ANALYTICS, INC.,
BANKERS CONSECO LIFE INSURANCE COMPANY,
WASHINGTON NATIONAL INSURANCE COMPANY,
CNO FINANCIAL GROUP, INC., 40/86 ADVISORS, INC.,
and JOHN DOES 1-100,

Defendants.

X

Civil Action No.
1:18-cv-12018

X

**DECLARATION OF KARL W. KINDIG IN SUPPORT OF CNO FINANCIAL GROUP,
INC.'S RULE 12(B)(2) MOTION TO DISMISS**

Karl W. Kindig, declares as follows in accordance with 28 U.S.C. § 1746:

1. I am the Senior Vice President and Secretary of Defendant CNO Financial Group, Inc. (“CNO Financial”). I submit this declaration, of my own personal knowledge and review of the books and records of CNO Financial, in support of CNO Financial’s motion to dismiss the Complaint for lack of personal jurisdiction.

2. CNO Financial is, and always has been, a corporation incorporated and existing under the laws of Delaware, with its principal place of business located in Carmel, Indiana. CNO Financial was incorporated in 2003 under the name of “Conseco, Inc.” and then changed its name to “CNO Financial Group, Inc.” in 2010.

3. CNO Financial is a holding company that, by virtue of stock ownership, directly or indirectly owns several subsidiaries, including Defendant 40/86 Advisors, Inc. and several insurance companies operating throughout the United States, two of which are Defendants Bankers Conseco Life Insurance Company (BCLIC) and Washington National Insurance Company (WNIC). CNO Financial does not produce, sell or advertise any products or services, including insurance or investment products or services.

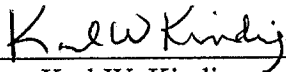
4. CNO Financial has never been an insurance company, has never sold or transacted insurance business and has never been licensed to sell or transact insurance in any state, including New York. CNO Financial has never issued or sold long term care insurance policies, the products that I understand BCLIC and WNIC reinsured with Beechwood Re Ltd, which I understand to be at issue in this lawsuit. Nor has CNO Financial transacted business as an investment manager or advisor or been licensed as an investment manager or advisor.

5. CNO Financial has never been registered as a foreign corporation under New York law. CNO Financial has no agent for the service of process in New York. CNO Financial

does not own any property in New York. It has no officers, directors or employees residing in New York. It maintains no office or books and records in New York. CNO Financial maintains no post office box, telephone listing or mailing address in New York. CNO Financial does not do business in New York.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 12, 2019, in Carmel, Indiana.


Karl W. Kindig