

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.

Civil Action No.  
1:18-cv-12018

**DECLARATION OF RACHEL J. SPEHLER IN SUPPORT OF THE MOTION TO  
DISMISS OF 40/86 ADVISORS, INC.**

Rachel J. Spehler, declares as follows in accordance with 28 U.S.C. § 1746:

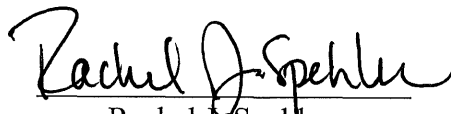
1. I am the Vice President and Secretary of Defendant 40|86 Advisors, Inc. (“40|86 Advisors”). I submit this declaration in support of 40|86 Advisors’ motion to dismiss the First Amended Complaint for lack of personal jurisdiction. I base the facts set forth below on my own personal knowledge and my review of the books and records of 40|86 Advisors extending back to 2003.

2. 40|86 Advisors became a wholly-owned subsidiary of CNO Financial Group, Inc. (“CNO”) upon CNO’s formation in 2003. 40|86 Advisors was incorporated in 1981 under the name “Bankers Investment Adviser Inc.” and later changed its name to “Conseco Capital Management Inc.” before the change to its current name in 2003. Regardless of the name changes, 40|86 Advisors is, and always has been, a corporation incorporated and existing under the laws of Delaware.

3. Based on personal knowledge and my review of 40|86 Advisors’ books and records from 2003 to the present, 40|86 Advisors (a) has had its principal place of business in Carmel, Indiana, (b) has not had offices in the State of New York, and (c) has not been registered as a foreign corporation under New York law, during that period.

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

Executed on May 14, 2019, in Carmel, Indiana.

  
Rachel J. Spehler