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NOTE: CHANGES MADE BY THE COURT

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11
12 UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 JOHN GARAMENDI, Insurance
Commissioner of the State of California
15 and as Conservator, Liquidator and
Rehabilitator of Executive Life Insurance
16 Company,

17 Plaintiff,

18 v.

19 ALTUS FINANCE S.A., et al.,

20 Defendants.
21
22

Case No. CV-99-02829 RGK (CWx)

[PROPOSED] JUDGMENT

Trial Date: October 17, 2012
Time: 9:00 a.m.
Place: Courtroom 850
Judge: The Hon. R. Gary Klausner

1 1. It is ORDERED and ADJUDGED that judgment is entered for the
2 Plaintiff, California Insurance Commissioner, as Conservator, Liquidator, and
3 Rehabilitator of the Estate of Executive Life Insurance Company, and against
4 defendant Artemis S.A., in the amount of \$189,806,288, plus prejudgment interest in
5 the amount of \$51,285,732, for a total judgment of \$241,092,020.

6 ~~2. It is further ORDERED and ADJUDGED that the Plaintiff, California~~
7 ~~Insurance Commissioner, as Conservator, Liquidator, and Rehabilitator of the Estate of~~
8 ~~Executive Life Insurance Company, take nothing on his claims for Intentional~~
9 ~~Misrepresentation, Concealment, and Conspiracy against defendant Artemis S.A., and~~
10 ~~that these claims be dismissed against defendant Artemis S.A. on the merits.~~

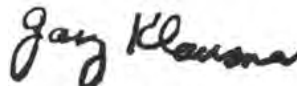
11 3. It is further ORDERED and ADJUDGED that given the unusual history
12 of this case, especially the verdicts returned by the jury, neither Artemis S.A. nor the
13 California Insurance Commissioner, as Conservator, Liquidator, and Rehabilitator of
14 the Estate of Executive Life Insurance Company, shall be deemed the “prevailing
15 party” as to the claims between them.

16 4. It is further ORDERED and ADJUDGED that, as of the date of this
17 Judgment, Artemis S.A. is responsible to the California Insurance Commissioner, as
18 Conservator, Liquidator, and Rehabilitator of the Estate of Executive Life Insurance
19 Company (the sole “Net Artemis Judgment Obligation Party”) for the amount of
20 \$131,092,020 (the “Net Artemis Judgment Obligation”), which is equal to the
21 Judgment of \$241,092,020 entered above less a credit of \$110,000,000 reflecting the
22 payment to the Commissioner made pursuant to the Court’s “Amended Order
23 Approving Payment Instructions for Transfer to the California Insurance
24 Commissioner, in his Capacity as Conservator, Rehabilitator, and Liquidator of
25 Executive Life Insurance Company of California Contributed by Defendant Artemis
26 S.A. Pursuant to Its Final Settlement Agreement with the United States,” dated May 5,
27 2004. ~~At such time as this Judgment becomes final and not subject to further appeal,~~
28 ~~any portion of this Judgment that remains unsatisfied may be satisfied, to the extent~~

~~1 necessary or possible, with the funds then in the USAO/Artemis Settlement Account,
2 in accordance with the terms of the Final Settlement Agreement Between the United
3 States Attorney's Office and Artemis S.A., Francois Pinault, Patricia Barbizet, Marie-
4 Christine de Percin, and Emmanuel Cueff, dated December 15, 2003 (the
5 "USAO/Artemis Settlement Agreement"). Nothing in this Judgment shall be deemed
6 to modify or abrogate any of the terms of the USAO/Artemis Settlement Agreement.~~

7 5.—— It is further ORDERED and ADJUDGED that in light of the
8 \$595,250,000 paid by the Settling Defendants, the Net Artemis Judgment Obligation
9 of \$131,092,020 is hereby reduced to \$0. Accordingly, the Commissioner shall take
10 nothing further on his claims against Artemis S.A.

11
12 Dated: April 02, 2013

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14 

15 _____
16 The Honorable R. Gary Klausner
17 United States District Judge

18 Respectfully Submitted By:
19 GIBSON, DUNN & CRUTCHER LLP

20
21 By: /s/ Robert L. Weigel
22 Robert L. Weigel

23 Attorneys for Defendant ARTEMIS S.A.

24
25 Dated: March 12, 2013

From: cacd_ecfmail@cacd.uscourts.gov
To: ecfnf@cacd.uscourts.gov
Subject: Activity in Case 2:99-cv-02829-RGK-CW John Garamendi, et al v. Altus Finance S A, et al Judgment
Date: Wednesday, April 03, 2013 4:21:16 PM

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UNITED STATES DISTRICT COURT for the CENTRAL DISTRICT OF CALIFORNIA

Notice of Electronic Filing

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Case Name: John Garamendi, et al v. Altus Finance S A, et al

Case Number: [2:99-cv-02829-RGK-CW](#)

Filer:

WARNING: CASE CLOSED on 02/26/2013

Document Number: [4343](#)

Docket Text:

JUDGMENT by Judge R. Gary Klausner: Judgment is entered for the Plaintiff, California Insurance Commissioner, as Conservator, Liquidator, and Rehabilitator of the Estate of Executive Life Insurance Company, and against defendant Artemis S.A., in the amount of \$189,806,288, plus prejudgment interest in the amount of \$51,285,732, for a total judgment of \$241,092,020. Given the unusual history of this case, especially the verdicts returned by the jury, neither Artemis S.A. nor the California Insurance Commissioner, as Conservator, Liquidator, and Rehabilitator of the Estate of Executive Life Insurance Company, shall be deemed the "prevailing party" as to the claims between them. as of the date of this Judgment, Artemis S.A. is responsible to the California Insurance Commissioner, as Conservator, Liquidator, and Rehabilitator of the Estate of Executive Life Insurance Company (the sole "Net Artemis Judgment Obligation Party") for the amount of \$131,092,020 (the "Net Artemis Judgment Obligation"), which is equal to the Judgment of \$241,092,020 entered above less a credit of \$110,000,000 reflecting the payment to the Commissioner made pursuant to the Court's "Amended Order Approving Payment Instructions for Transfer to the California Insurance Commissioner, in his Capacity as Conservator, Rehabilitator, and Liquidator of Executive Life Insurance Company of California Contributed by Defendant Artemis S.A. Pursuant to Its Final Settlement Agreement with the United States," dated May 5,2004. (ir)

2:99-cv-02829-RGK-CW Notice has been electronically mailed to: