

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

RODERICK W. RUSSELL, on Behalf of)	
Himself and a Class of Persons Similarly)	No. 1:02-CV-1639 LJM
Situated, and on Behalf of the ConsecoSave)	
Plan,)	
)	
Plaintiff,)	
)	
v.)	
)	
CONSECO SERVICES, L.L.C., ROLLIN M.)	
DICK, GARY C. WENDT, STEPHEN C.)	
HILBERT, WILLIAM J. SHEA, CHARLES B.)	
CHOKEL, JOHN J. SABL, THOMAS J.)	
KILIAN, RICHARD H. KREMER, EDWARD)	
M. BERUBE, ELIZABETH C.)	
GEORGAKOPOULOS, DAVID K. HERZOG)	
and JOHN DOES 1-30,)	
)	
Defendants.)	
)	

FILED
 U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF INDIANA
 INDIANAPOLIS
 05 OCT 14 PM 2:22
 CLERK

ORDER APPROVING PLAN OF ALLOCATION

The Court having giving final approval to the proposed class action settlement in this case on the terms set forth in the Stipulation and Agreement of Settlement dated as of June 15, 2005 (“Stipulation”), and the parties having submitted a proposed Plan of Allocation, in the form annexed hereto as Exhibit A, for the Court’s approval pursuant to Section IV.D.2 of the Stipulation, and the Court having considered the proposed Plan of Allocation.

IT IS HEREBY ORDERED that the Plan of Allocation, in the form annexed hereto as Exhibit A, is approved.

SO ORDERED this 14 day of October, 2005.

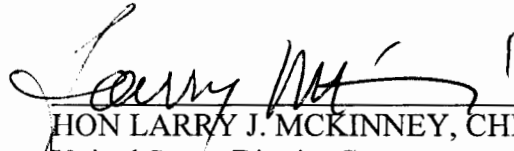

HON LARRY J. MCKINNEY, CHIEF JUDGE
United States District Court
Southern District of Indiana

EXHIBIT A



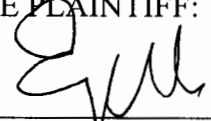
3. Net Proceeds (as defined in the Stipulation), less Plan expenses reasonably and necessarily incurred in implementing this Plan of Allocation, shall be allocated among members of the Settlement Class in two “pools.” “Pool A” shall consist of eighty percent (80%) of the Net Proceeds (less Plan expenses reasonably and necessarily incurred in implementing this Plan of Allocation), and shall be allocated among members of the Settlement Class in proportion to their net losses in connection with their Plan investment in the Conseco Stock Fund occurring during the Post Securities Settlement Period (from April 15, 2000 through and including September 9, 2003, as defined in the Stipulation). “Pool B” shall consist of 20 percent (20%) of the Net Proceeds (less Plan expenses reasonably and necessarily incurred in implementing this Plan of Allocation), and shall be allocated among members of the Settlement Class in proportion to their net losses in connection with their Plan investment in the Conseco Stock Fund occurring during the Securities Settlement Period (from April 28, 1999 through and including April 14, 2000, as defined in the Stipulation).

4. Because the Net Proceeds are less than the total losses alleged by all members of the Settlement Class, the proportionate recovery of each member of the Settlement Class under this Plan of Allocation will be less than his or her alleged loss.

5. It is ORDERED, that upon entry of a Final Order (as defined in the Stipulation) approving the class action settlement of this case, Plaintiff’s Counsel shall allocate the Net Proceeds, less Plan expenses reasonably and necessarily incurred in implementing this Plan of Allocation, among the members of the Settlement Class in accordance with the terms of this Plan of Allocation, and Plaintiff’s Counsel or its agent shall distribute such proceeds to the members of the Settlement Class pursuant to such allocation, as soon as practicable..

Dated: 10/14/05

FOR THE PLAINTIFF:

By: 

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FOR ALL DEFENDANTS EXCEPT
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DICK:

Dated: _____

By: _____

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Dated: _____

By: _____

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