

# EXHIBIT 1C

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

JOHN W. GRIFFITHS, on behalf )  
of himself and all others similarly )  
situated, )

Plaintiff, )  
v. )

Civil Action No. 15-cv-13022-NMG

AVIVA LONDON ASSIGNMENT )  
CORPORATION, AVIVA LIFE INSURANCE )  
COMPANY, AVIVA INTERNATIONAL )  
INSURANCE LTD, f/k/a CGU )  
INTERNATIONAL INSURANCE, plc, )  
ATHENE HOLDING, LTD, )  
ATHENE LONDON ASSIGNMENT )  
CORPORATION and )  
ATHENE ANNUITY AND LIFE COMPANY, )

JURY TRIAL DEMANDED

Defendants. )  
\_\_\_\_\_)

**PLAINTIFF’S MOTION FOR LEAVE TO FILE A SECOND  
AMENDED COMPLAINT**

Plaintiff hereby moves this Court, pursuant to Fed. R. Civ. P. 15, for leave to amend the Complaint in this case in order to add claims against the Defendants under Mass. Gen. Laws c. 93A, the unfair and deceptive businesses practices statute, where Plaintiff acquired information during discovery which suggests that Defendants did not merely breach their agreement with the Plaintiff and the proposed class, but rather that Defendants intentionally and knowingly breached the Plaintiff’s rights, by either or both misrepresenting the guarantee at issue in this case and/or knowingly violated their contractual obligation for the purpose of securing unwarranted benefits, thus displaying a level of rascality giving rise to claims against the Defendants under the

Massachusetts Unfair and Deceptive Trade Practices Act, M.G.L. c. 93A. The proposed amendment seeks to add no additional parties and will not require the taking of any additional discovery.

This Court should freely give leave to amend the complaint when justice so requires. *See* Fed. R. Civ. P. 15(a)(2); *Foman v. Davis*, 371 U.S. 178, 182, 9 L. Ed. 2d 222, 83 S.Ct. 227 (1962). Plaintiff relies upon the reasons set forth in the memorandum of law filed herewith. Plaintiff has attached a Proposed Second Amended Complaint as **Exhibit A** to the Declaration of Jerome M. Marcus, Esq. filed herewith.

**WHEREFORE**, for the above reasons, Plaintiff John W. Griffiths respectfully requests that this Court GRANT the within motion and permit Plaintiff leave to file the Proposed Second Amended Complaint (attached as **Exhibit A** to the Declaration of Jerome M. Marcus, Esq.) which includes a c. 93A claim against all Defendants.

Dated: September 1, 2017

The Plaintiff  
John W. Griffiths  
By His Attorneys,

/s/ Jerome M. Marcus  
Jerome M. Marcus, Esquire, *pro hac vice*  
Jonathan Auerbach, *pro hac vice*  
MARCUS & AUERBACH LLC  
1121 N. Bethlehem Pike, Suite 60-242  
Spring House, PA 19477  
Telephone: (215) 884-2250  
Facsimile: (888) 875-0469  
jmarcus@marcusauerbach.com  
auerbach@marcusauerbach.com

/s/ Paul J. Klehm

Paul J. Klehm (BBO #561605)  
KRASNOO, KLEHM & FALKNER LLP  
28 Andover Street, Suite 240  
Andover, MA 01810  
Telephone: (978) 475-9955  
Facsimile: (978) 474-9005  
pklehm@kkf-attorneys.com

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1(a)(2)**

I hereby certify that on August 24, 2017, at 3 pm Eastern Daylight Savings Time, I spoke by telephone with Daniel Craig, Esquire, counsel for the Athene Defendants, and Catherine R. Jones, counsel for AII, in a good faith effort to resolve the issues presented here. We were not able to resolve the issues.

/s/Jerome M. Marcus, Esq.

Jerome M. Marcus

**CERTIFICATE OF SERVICE**

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants via first class mail, postage prepaid, on September 1, 2017.

/s/Jerome M. Marcus, Esq.

Jerome M. Marcus