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12 JOYCE WALKER, KIM BRUCE HOWLETT,
13 and MURIEL SPOONER, on behalf of themselves
14 and all others similarly situated

14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**

17 JOYCE WALKER, KIM BRUCE
18 HOWLETT, and MURIEL
19 SPOONER, on behalf of themselves
20 and all others similarly situated,

20 Plaintiffs,

21 v.

22 LIFE INSURANCE COMPANY OF
23 THE SOUTHWEST, a Texas
24 corporation,

25 Defendant.

CLASS ACTION

CASE NO.: CV 10-9198 JVS (RNBx)

Formerly Case No.: 3:10-cv -04852
JSW from Northern District of CA

**PLAINTIFFS' NOTICE OF
MOTION AND MOTION TO
MODIFY THE PRETRIAL
SCHEDULING ORDER**

Before: Judge James V. Selna

Date: November 14, 2011

Time: 1:30 p.m.

Courtroom: 10C

1 **NOTICE OF MOTION AND MOTION FOR MODIFICATION OF THE**
2 **PRETRIAL SCHEDULING ORDER**

3 TO THE COURT, DEFENDANT, AND ALL COUNSEL OF RECORD:

4 PLEASE TAKE NOTICE that on November 14, 2011, at 1:30 p.m., or as
5 soon thereafter as the matter may be heard, in Courtroom 10C, located at 411 West
6 Fourth Street, Santa Ana, California, 92701, Plaintiffs Joyce Walker, Muriel Lynn
7 Spooner, and Kim Bruce Howlett (collectively, "Plaintiffs") will, and hereby do,
8 move the Court for an order modifying the dates set forth in the Pretrial Scheduling
9 Order.

10 Specifically, Plaintiffs respectfully request that the Court enter an order
11 modifying the Pretrial Scheduling Order by extending each of the dates set forth
12 therein by a period of four months. This motion is made on the grounds that there
13 is good cause for modifying and extending the schedule in this case because,
14 despite Plaintiffs' diligence in seeking discovery and preparing for class
15 certification, the current schedule does not provide Plaintiffs with sufficient time to
16 prepare their class certification motion in light of the pace of document production
17 by Defendant Life Insurance Company of the Southwest ("Defendant" or "LSW")
18 and the current production schedule.

19 This Motion is made following several conferences between counsel
20 pursuant to Local Rule 7-3, which took place by an exchange of emails between
21 September 29, 2011 and October 6, 2011.

22 This Motion is based upon this Notice of Motion, the Memorandum of Points
23 and Authorities, the Declaration of Jacob N. Foster and supporting Exhibits, the

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1 Proposed Amended Pretrial Scheduling Order, and on such other evidence or
2 argument as may be presented at or before the hearing.
3

4 DATED: October 17, 2011 KASOWITZ BENSON TORRES & FRIEDMAN
5 LLP

6
7 By: /s/ Charles N. Freiberg
8 Charles N. Freiberg
9

10 Attorneys For Plaintiffs
11 JOYCE WALKER, KIM BRUCE HOWLETT,
12 and MURIEL SPOONER, on behalf of
13 themselves and all others similarly situated
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