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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**
13 **SOUTHERN DIVISION**
14

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

19 Plaintiffs,

20 vs.

21 LIFE INSURANCE COMPANY OF
22 THE SOUTHWEST, a Texas
23 corporation, and DOES 1-50,

24 Defendant.

Case No.: 10-09198 JVS(RNBx)

**NOTICE OF MOTION AND MOTION
FOR PROTECTIVE ORDER AND TO
COMPEL RESPONSES TO
DEPOSITION QUESTIONS**

Magistrate Judge Robert N. Block

Date: March 20, 2012

Time: 9:30 a.m.

Courtroom: 6D

Discovery Cut-off Date: Nov. 5, 2012

Pretrial Conference Date: Jan. 14, 2013

Trial Date: Jan. 22, 2013

1 **NOTICE OF MOTION AND MOTION FOR PROTECTIVE ORDER**
2 **AND TO COMPEL RESPONSES TO DEPOSITION QUESTIONS**

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

4 PLEASE TAKE NOTICE that on March 20, 2012, or as soon thereafter as the matter may be
5 heard, in Courtroom 6D, located at 411 West Fourth Street, Santa Ana, California, 92701, Defendant
6 Life Insurance Company of the Southwest (“LSW”) will, and hereby does, move the Court for a
7 protective order regarding certain deposition topics designated by the Plaintiffs under Fed. R. Civ.
8 Proc. 30(b)(6) and for an order compelling responses by Plaintiff Joyce Walker to certain deposition
9 questions as well as reasonable follow-up inquiries.

10 Specifically, and as set forth in greater detail in the accompanying Joint Stipulation:

11 1. LSW respectfully requests that the Court enter a protective order that: (i) LSW need not
12 prepare a corporate designee to testify about Deposition Topics No. 6, 11, 23, 24, 26, 28, 29, 32, 33,
13 35, and 38, except insofar as is necessary to testify about other, properly designated topics; and that the
14 (ii) the scope of Deposition Topics No. 12 and 36 be limited as set forth in the Proposed Order and
15 Joint Stipulation of Points and Authorities attached to this Motion. LSW has agreed to produce
16 witnesses or an agreed-upon stipulation on 26 topics (and on a portion of another three topics). But
17 many others are entirely irrelevant to this case — indeed, Plaintiffs seek a deposition on several topics
18 that this Court has already ruled are not relevant to the claims or defenses of any party in this litigation
19 or reasonably calculated to lead to the discovery of admissible evidence. LSW promptly objected to
20 these topics, but for the most part Plaintiffs have indicated that they are unwilling to substantively limit
21 or compromise any of their proposed topics. Accordingly, LSW now seeks a protective order to
22 prevent such questioning.

23 2. LSW respectfully requests that the Court enter an order requiring that plaintiff Joyce
24 Walker be re-deposed, live and in-person. The subjects of Ms. Walker’s deposition would be the
25

1 following subject areas: (i) Her role as a class representative; (ii) her pre-litigation complaint to the
2 California Department of Insurance; and (iii) her income as an Emotional Freedom Technique (“EFT”)
3 practitioner, including, specifically and without limitation, the reporting or non-reporting of EFT
4 income to tax authorities. In addition, LSW asks that Ms. Walker be ordered to answer certain specific
5 questions (and reasonable follow-up inquiries thereto) that her lawyer instructed her not to answer at
6 her deposition. Finally, LSW asks that Plaintiffs be ordered to pay LSW’s reasonable expenses
7 connected with reconvening the deposition, including attorneys’ fees and travel costs.
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10 This Motion is made following several conferences between counsel pursuant to Local Rule 7-3
11 and 37-1.

12 This Motion is supported by the accompanying Joint Stipulation of Points and Authorities, a
13 Proposed Order, the Declaration of Jonathan Shapiro and supporting Exhibits, and such other evidence
14 or argument as may be presented at or before the hearing.
15

16
17 Respectfully submitted,

18 WILMER CUTLER PICKERING HALE AND DORR LLP
19

20 By: /s/ Jonathan A. Shapiro
Jonathan A. Shapiro (257199)
21 Andrea J. Robinson (*pro hac vice*)
22 Timothy J. Perla (*pro hac vice*)

23 Attorneys for Defendant Life Insurance Company of the
Southwest
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PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Wilmer Cutler Pickering Hale and Dorr LLP, 950 Page Mill Road, Palo Alto, CA 94304. On February 27, 2012 I served the within document(s):

NOTICE OF MOTION AND MOTION FOR PROTECTIVE ORDER AND TO COMPEL PRODUCTION OF DOCUMENTS

I placed the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Palo Alto, CA addressed as set forth below.

I personally caused to be emailed the document(s) listed above to the person(s) at the address(es) set forth below.



I electronically filed the document(s) listed above via the CM/ECF system.

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