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19 **UNITED STATES DISTRICT COURT**  
20 **CENTRAL DISTRICT OF CALIFORNIA**  
21 **SOUTHERN DIVISION**

22 JOYCE WALKER, KIM BRUCE  
23 HOWLETT, and MURIEL SPOONER  
24 on behalf of themselves and all others  
25 similarly situated,

26 Plaintiffs,

27 vs.

28 LIFE INSURANCE COMPANY OF  
THE SOUTHWEST, a Texas  
corporation, and DOES 1-50,

Defendant.

Case No.: 10-09198 JVS(RNBx)

**NOTICE OF MOTION AND MOTION  
TO STRIKE ERRATA SHEETS,  
DEPOSITION EXHIBIT, AND  
DEPOSITION TESTIMONY**

Magistrate Judge Robert N. Block

Date: August 21, 2012  
Time: 9:30 a.m  
Courtroom: 6D

Discovery Cut-off Date: Nov. 5, 2012  
Pretrial Conference Date: Jan. 14, 2013  
Trial Date: Jan. 24, 2013

1                   **NOTICE OF MOTION AND MOTION TO STRIKE ERRATA SHEETS,**  
2                   **DEPOSITION EXHIBIT, AND DEPOSITION TESTIMONY**

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

4                   PLEASE TAKE NOTICE that on August 21, 2012, or as soon thereafter as the  
5 matter may be heard, in Courtroom 6D, located at 411 West Fourth Street, Santa Ana,  
6 California, 92701, Defendant Life Insurance Company of the Southwest (“LSW”) will,  
7 and hereby does, move the Court for an order striking (1) Numbers 30 and 31 of the  
8 Errata Sheet Corrections to the Deposition of Kim Bruce Howlett; (2) Exhibit 12 to the  
9 Deposition of Kim Bruce Howlett; (3) page 259, line 8 through page 263, line 6 of the  
10 Deposition of Kim Bruce Howlett; and (4) page 263, line 9 through page 263, line 22 of  
11 the Deposition of Kim Bruce Howlett.  
12  
13  
14

15                   Under Federal Rule of Civil Procedure Rule 12(f), LSW moves to strike Numbers  
16 30 and 31 of the Errata Sheet Corrections to the Deposition of Kim Bruce Howlett on  
17 the ground that those corrections change the substance of Mr. Howlett’s response;  
18 Exhibit 12 to the Deposition of Kim Bruce Howlett on the ground that the altered  
19 exhibit was not produced in advance of the deposition; page 259, line 8 through page  
20 263, line 6 of the Deposition of Kim Bruce Howlett on the ground that it constitutes  
21 examination and testimony on the altered exhibit that was not produced in advance of  
22 the deposition; and page 263, line 9 through page 263, line 22 of the Deposition of Kim  
23 Bruce Howlett on the ground that it constitutes examination and testimony on the altered  
24 exhibit that was not produced in advance of the deposition.  
25  
26  
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28

1 This Motion is made following several discussions between counsel pursuant to  
2 Local Rule 7-3 and 37-1.

3  
4 This Motion is supported by the accompanying Joint Stipulation of Points and  
5 Authorities, a Proposed Order, the Declaration of Timothy Perla and supporting  
6 exhibits, and such other evidence or argument as may be presented at or before the  
7 hearing.  
8

9 Respectfully submitted,

10  
11 WILMER CUTLER PICKERING HALE AND  
12 DORR LLP

13 By: /s/ Jonathan A. Shapiro

14 Jonathan A. Shapiro (257199)

15 Andrea J. Robinson (*pro hac vice*)

16 Timothy J. Perla (*pro hac vice*)

17 Attorneys for Defendant Life Insurance Company  
18 of the Southwest

**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 July 31, 2011 I served the within document(s):

**NOTICE OF MOTION AND MOTION TO STRIKE ERRATA SHEETS, DEPOSITION EXHIBIT, AND DEPOSITION TESTIMONY**

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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/s/ Jonathan A. Shapiro  
Jonathan A. Shapiro