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11 and MURIEL SPOONER, on behalf of themselves
and all others similarly situated

12
13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**

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

18 Plaintiffs,

19 v.

20 LIFE INSURANCE COMPANY OF
THE SOUTHWEST, a Texas
21 corporation,

22 Defendant.

CLASS ACTION

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

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

**DECLARATION OF JEANETTE
T. BARZELAY IN OPPOSITION
TO LSW'S MOTION TO STRIKE**

Magistrate Judge Robert N. Block

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

Discovery Cutoff: November 5, 2012
Pretrial Conference: January 14, 2013
Trial Date: January 24, 2013

KASOWITZ, BENSON, TORRES & FRIEDMAN LLP
101 CALIFORNIA STREET, SUITE 2300
SAN FRANCISCO, CALIFORNIA 94111

1 1. I am an attorney authorized to practice in the courts of California and
2 in the United States District Court for the Central District of California. I am an
3 associate of Kasowitz, Benson, Torres & Friedman, LLP, counsel for Plaintiffs in
4 these proceedings. I have personal knowledge of the facts stated herein and if
5 required could and would testify under oath thereto.

6 2. Attached hereto as Exhibit A is a true and correct copy of Judge
7 Selna's procedures and standing orders.

8 3. Attached hereto as Exhibit B are true and correct copies of excerpts
9 from and an errata sheet to the deposition transcript of Donna Morgan, submitted
10 to Plaintiffs by Defendant Life Insurance Company of the Southwest ("LSW").

11 4. Attached hereto as Exhibit C is a true and correct copy of an annual
12 statement, dated September 26, 2008, showing the amount of charges Mr. Howlett
13 paid in the first year of his policy. The charges displayed on Howlett Exhibit 11
14 (submitted as Exhibit D to the Declaration of Timothy Perla in support of LSW's
15 Motion to Strike) in the first policy year (\$1,776) are roughly 14 times lower than
16 the charges applied to Mr. Howlett's policy during his first year owning the policy
17 (\$25,204). *See* Exhibit C attached hereto. The handwritten numbers on Exhibit 12
18 (submitted as Exhibit E to the Perla Declaration) reflect the fee amounts applied to
19 Mr. Howlett's policy during the first policy year. *See* Exhibit C attached hereto.

20 5. Attached hereto as Exhibit D is a true and correct copy of Plaintiffs'
21 Responses to LSW's Third Set of Interrogatories, dated June 14, 2012.

22
23 DATED: July 30, 2012

KASOWITZ BENSON TORRES & FRIEDMAN
LLP

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26 By: /s/ Jeanette T. Barzelay
27 Jeanette T. Barzelay
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