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

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

18 Plaintiffs,

19 vs.

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

22 Defendant.

Case No.: 10-09198 JVS(RNBx)

NOTICE OF SUPPLEMENTAL
AUTHORITY IN SUPPORT OF LSW'S
OPPOSITION TO PLAINTIFF'S
MOTION FOR CLASS
CERTIFICATION

Judge: James Selna
Date: September 10, 2012
Time: 1:30 PM
Courtroom: 10C

1
2 **NOTICE OF SUPPLEMENTAL AUTHORITY**

3 Defendant Life Insurance Company of the Southwest (“LSW”) respectfully
4 submits and brings to the attention of the Court and counsel supplemental authority that
5 was issued after LSW’s Opposition to Plaintiffs’ Motion for Class Certification was
6 filed.

7 *Tucker v. Pacific Bell Mobile Services*, 145 Cal.Rptr.3d 340 (Cal. App. 2012) was
8 decided on August 7, 2012, approximately three weeks after LSW’s Opposition was
9 filed. It is attached hereto as Exhibit A. This decision provides additional support for (1)
10 LSW’s contention that Plaintiffs’ fraud and UCL claims are not suitable for class
11 certification where there are individualized questions as to whether putative class
12 members were exposed to the alleged omissions in the first instance; (*id.* at 357-62) and
13 (2) LSW’s contention that the measure of damages used by Plaintiffs’ expert is not
14 appropriate under the UCL (*id.* at 363).

15 DATED: September 6, 2012

16 Respectfully submitted,
17 WILMER CUTLER PICKERING HALE AND
18 DORR LLP

19 By: /s/ Jonathan A. Shapiro
20 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
24 the Southwest

PROOF OF SERVICE

I am a resident of the Commonwealth of Massachusetts, 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, 60 State Street, Boston, MA 02109. On September 6, 2012 I served the within document(s):

NOTICE OF SUPPLEMENTAL AUTHORITY

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.

I personally caused to be delivered by Facsimile the document(s) listed above to the person(s) at the facsimile number(s) set forth below.

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