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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

**JOINT STIPULATION TO
CONTINUE THE DEADLINE FOR
WRITTEN DISCOVERY, AND TO
ABATE THE DATES SET FORTH
IN THE SECOND AMENDED
PRETRIAL SCHEDULING ORDER
IF A RULE 23(F) PETITION IS
FILED**

1 Pursuant to Local Rule 7-1, Plaintiffs Joyce Walker, Kim Bruce Howlett,
2 and Muriel Spooner (“Plaintiffs”) and Defendant Life Insurance Company of the
3 Southwest (“LSW”) (collectively, the “parties”), by and between their undersigned
4 counsel, submit the following stipulation:

5 WHEREAS, pursuant to the Second Amended Pretrial Scheduling Order, all
6 written discovery must be served by Friday, September 21, 2012;

7 WHEREAS, the Court may take Plaintiffs’ motion for class certification
8 (and the parties’ papers and arguments related thereto) under submission following
9 the September 18, 2012 hearing, such that the Court may not enter a final ruling on
10 Plaintiffs’ motion for class certification until later in the week of September 18,
11 2012 or thereafter;

12 WHEREAS, the parties expect to propound additional written discovery
13 following the Court’s ruling on Plaintiffs’ motion for class certification, which
14 written discovery may rely on and be influenced by how the Court rules on
15 Plaintiffs’ motion for class certification;

16 WHEREAS, certain additional deadlines set forth in the Second Amended
17 Pretrial Scheduling Order may need to be continued following the Court’s ruling
18 on Plaintiffs’ motion for class certification to provide for sufficient time to prepare
19 a class notice, obtain Court approval thereof, disseminate a class notice, and
20 receive any opt-out requests and responses thereto;

21 WHEREAS, following the Court’s ruling on Plaintiffs’ motion for class
22 certification, a petition with the Ninth Circuit to appeal the Court’s ruling pursuant
23 to Federal Rule of Civil Procedure 23(f) may be filed;

24 WHEREAS, it likely would take several months for the Ninth Circuit to
25 issue a decision granting or denying any such Rule 23(f) petition;

26 WHEREAS, the parties met and conferred regarding the deadlines in the
27 Second Amended Pretrial Scheduling Order, including the impact of any Rule
28 23(f) petition before the Ninth Circuit;

1 WHEREAS, good cause exists to continue the September 21, 2012 deadline
2 for written discovery, and to modify the dates in the Second Amended Pretrial
3 Scheduling Order in order to conserve the resources of the parties and the Court;

4 IT IS HEREBY STIPULATED AND AGREED, by and between the
5 undersigned counsel for the parties:

6 1. The September 21, 2012 deadline for written discovery shall be
7 continued until 21 days after the Court enters an order on Plaintiffs' motion for
8 class certification, unless a Rule 23(f) petition is filed with the Ninth Circuit (in
9 which case the deadline for written discovery shall be abated pending resolution of
10 the petition) (*see infra*, ¶5).

11 2. If no Rule 23(f) petition is filed following the Court's ruling on
12 Plaintiffs' motion for class certification and a class has been certified, the parties
13 will promptly meet and confer regarding the dates in the Second Amended Pretrial
14 Scheduling Order and will file a new proposed scheduling order or orders with the
15 Court that will provide for sufficient time to prepare a class notice, obtain Court
16 approval of a class notice, to disseminate that class notice, and to receive any opt-
17 out requests and responses thereto.

18 3. If, following the Court's ruling on Plaintiffs' motion for class
19 certification, a Rule 23(f) petition is filed with the Ninth Circuit to appeal the
20 Court's ruling, all dates set forth in the Second Amended Pretrial Scheduling Order
21 shall be abated.

22 4. If a Rule 23(f) petition is filed, the parties will proceed with
23 previously propounded written discovery (excluding depositions) and any motions
24 to compel related thereto.

25 5. All other discovery, including depositions and written discovery not
26 previously propounded, will be deferred until the Ninth Circuit rules on any Rule
27 23(f) petition that is filed. All discovery may proceed if and at the time the Ninth
28 Circuit denies any such petition. Within fourteen days of the Ninth Circuit's ruling

1 denying any such petition, the parties will file a new proposed scheduling order or
2 orders with the Court.

3 6. If the Court grants Plaintiffs' motion for class certification (in whole
4 or in part), the parties will meet and confer regarding a mutually acceptable class
5 notice while any Rule 23(f) petition is pending so that the class notice may be
6 submitted, or any disputes related thereto resolved, promptly following the Ninth
7 Circuit's ruling on the Rule 23(f) petition.

8
9 DATED: September 18, 2012 KASOWITZ BENSON TORRES &
10 FRIEDMAN LLP

11
12 By: /s/ Charles N. Freiberg
13 Charles N. Freiberg

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