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DENIED

BY ORDER OF THE COURT

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

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

Plaintiffs,

v.

LIFE INSURANCE COMPANY OF
THE SOUTHWEST, a Texas
corporation,

Defendant.

CLASS ACTION

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

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

**[PROPOSED] ORDER 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 Having reviewed the parties' Joint Stipulation to Continue the Deadline for
2 Written Discovery, and to Abate the Dates Set Forth in the Second Amended
3 Pretrial Scheduling Order if a Rule 23(f) Petition is Filed, and good cause
4 appearing therefore, the Court issues the following Order:

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

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

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

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

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

1 orders with the Court.

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

7
8 IT IS SO ORDERED.

9
10 Dated: September 19, 2012

DENIED
BY ORDER OF THE COURT

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Honorable James V. Selna
United States District Judge