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13 and MURIEL SPOONER, on behalf of themselves
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

**[PROPOSED] THIRD AMENDED
PRETRIAL SCHEDULING ORDER**

1 The Court, having reviewed Plaintiffs Joyce Walker's, Muriel Lynn
2 Spooner's, and Kim Bruce Howlett's ("Plaintiffs") and Defendant Life Insurance
3 Company of the Southwest's ("LSW's") Joint Stipulation to Modify the Second
4 Amended Pretrial Scheduling Order (the "Joint Stipulation"), hereby approves the
5 Joint Stipulation and enters the following Third Amended Pretrial Scheduling
6 Order, which ORDERS that:

7 1. All of the dates in the Second Amended Pretrial Scheduling Order
8 shall be modified as set forth below. This amended schedule generally preserves
9 the time periods between the scheduling events as set forth in the Second Amended
10 Pretrial Scheduling Order, but extends the scheduled date by the number of days
11 that elapses from the September 18, 2012 hearing until the date the Court rules on
12 Plaintiffs' motion for class certification, plus 21 days. The scheduling of the trial
13 date below is provisional only, and may need to be reset depending on the Court's
14 calendar. However, the scheduled dates described below are reset in order to
15 provide clarity to the parties regarding their pretrial obligations. Within seven days
16 after the Court rules on Plaintiffs' motion for class certification, the parties shall
17 submit a proposed order specifying dates that comport with the schedule described
18 below.

19 2. The deadline for written discovery shall be modified to 21 days after
20 the Court rules on Plaintiffs' motion for class certification. Accordingly, all
21 interrogatories, requests for documents, and requests for admission, previously
22 required to be served no later than September 21, 2012, shall be served no later
23 than 21 days after the Court rules on Plaintiffs' motion for class certification.

24 3. The trial date, previously set for January 24, 2013, shall be extended
25 by the number of days that elapses from the September 18, 2012 hearing until the
26 date the Court rules on Plaintiffs' motion for class certification, plus 21 days. The
27 pretrial conference, previously set for January 14, 2013, will take place 10 days
28 before the amended trial date, in accordance with the Second Amended Pretrial

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1 Scheduling Order.

2 4. The deadline for non-expert fact discovery, previously to remain open
3 until November 5, 2012, shall be extended by the number of days that elapses from
4 the September 18, 2012 hearing until the date the Court rules on Plaintiffs' motion
5 for class certification, plus 21 days. Pursuant to the Trial Order, all depositions,
6 previously to commence no later than October 29, 2012, shall commence no later
7 than 5 working days before the close of non-expert fact discovery.

8 5. Expert discovery, previously to remain open until December 20, 2012,
9 will remain open until five weeks before the amended trial date. In accordance
10 with the Second Amended Pretrial Scheduling Order, the parties shall submit their
11 expert disclosures no later than eight weeks (56 days) prior to the amended close of
12 expert discovery, any rebuttal expert disclosures no later than five weeks (35 days)
13 prior to the amended close of expert discovery, and any reply expert disclosures no
14 later than two weeks (14 days) prior to the amended close of expert discovery. All
15 expert depositions shall commence no later than the date for the amended close of
16 expert discovery.

17 6. The last date for hearing motions will be seven weeks (49 days)
18 before the trial date. The Court orders that all motions, previously to be served and
19 filed no later than November 2, 2012, shall be served and filed no later than four
20 weeks (28 days) before the last date for hearing motions. The parties will meet and
21 confer to agree on briefing schedules and will submit them to the Court for
22 approval.

23 7. Pursuant to the Trial Order and in compliance with Local Rule 6, all
24 motions *in limine*, previously to be filed and served no later than December 17,
25 2012, shall be filed and served no later than four weeks (28 days) prior to the
26 amended pretrial conference date.

27 8. Pursuant to and in compliance with Local Rule 16, the parties' Pretrial
28 Conference Order, previously to be lodged no later than January 4, 2013, shall be

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1 lodged no later than 11 days before the amended pretrial conference date.

2 9. Pursuant to and in compliance with Local Rule 16, all Memoranda of
3 Contentions of Fact and Law, Exhibit Lists, and Witness Lists, previously to be
4 submitted no later than December 21, 2012, shall be submitted no later than three
5 weeks (21 days) prior to the amended pretrial conference date.

6 10. The parties will participate in a non-judicial dispute resolution
7 proceeding, Settlement Procedure Number 3 under Local Rule 16-15.4. The last
8 date for completion of this Settlement Procedure shall be no later than the amended
9 close of non-expert fact discovery.

10 11. The parties may seek modification of this Order at any time and for
11 good cause shown.

12
13 IT IS SO ORDERED.

14
15 Dated: _____, 2012

16 _____
17 Honorable James V. Selna
18 United States District Judge
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