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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

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

1 The Court hereby approves and enters the following Modified Third  
2 Amended Pretrial Scheduling Order jointly filed by Plaintiffs Joyce Walker,  
3 Muriel Lynn Spooner, and Kim Bruce Howlett (“Plaintiffs”) and Defendant Life  
4 Insurance Company of the Southwest’s (“LSW”) in accordance with the terms of  
5 the interim Third Amended Pretrial Scheduling Order (Dkt. 337), in which the  
6 Court ordered that the parties, within seven days of the Court’s ruling on Plaintiffs’  
7 motion for class certification, submit a proposed order specifying dates that  
8 comport with the schedule set forth therein. The Court ORDERS that:

9 1. All of the dates in the Second Amended Pretrial Scheduling Order  
10 shall be modified as set forth below. This amended schedule generally preserves  
11 the time periods between the scheduling events as set forth in the Second Amended  
12 Pretrial Scheduling Order, but extends the scheduled date by the number of days  
13 that elapsed from the September 18, 2012 hearing until the date the Court ruled on  
14 Plaintiffs’ motion for class certification, plus 21 days. The Court entered its order  
15 on Plaintiffs’ motion for class certification on November 13, 2012, 56 days after  
16 the September 18, 2012 hearing. Accordingly, except where otherwise indicated,  
17 the scheduling events below have been extended by 77 days from the dates  
18 previously set forth in the Second Amended Pretrial Scheduling Order. The  
19 scheduling of the trial date below is provisional only, and may need to be reset  
20 depending on the Court’s calendar.

21 2. The deadline for written discovery shall be modified to 21 days after  
22 the Court rules on Plaintiffs’ motion for class certification, or November 13, 2012.  
23 Accordingly, all interrogatories, requests for documents, and requests for  
24 admission, previously required to be served no later than September 21, 2012, shall  
25 be served no later than December 4, 2012.

26 3. The trial date, previously set for January 24, 2013, shall be extended  
27 by 77 days to April 11, 2013. The pretrial conference, previously set for January  
28 14, 2013, will take place on April 1, 2013, 10 days before the amended trial date,

1 in accordance with the Second Amended Pretrial Scheduling Order.

2 4. The deadline for non-expert fact discovery, previously to remain open  
3 until November 5, 2012, shall be extended by 77 days to January 21, 2013.

4 Pursuant to the Trial Order, all depositions, previously to commence no later than  
5 October 29, 2012, shall commence no later than 5 working days before the close of  
6 non-expert fact discovery, on January 14, 2013.

7 5. Expert discovery, previously to remain open until December 20, 2012,  
8 will remain open until March 7, 2013, five weeks before the amended trial date. In  
9 accordance with the Second Amended Pretrial Scheduling Order, the parties shall  
10 submit their expert disclosures no later than January 10, 2013 (eight weeks (56  
11 days) prior to the amended close of expert discovery), any rebuttal expert  
12 disclosures no later than January 31, 2013 (five weeks (35 days) prior to the  
13 amended close of expert discovery), and any reply expert disclosures no later than  
14 February 21, 2013 (two weeks (14 days) prior to the amended close of expert  
15 discovery). All expert depositions shall commence no later than March 7, 2013,  
16 the date for the amended close of expert discovery.

17 6. The last date for hearing motions will be February 21, 2013, seven  
18 weeks (49 days) before the trial date. The Court orders that all motions, previously  
19 to be served and filed no later than November 2, 2012, shall be served and filed no  
20 later than January 24, 2013, four weeks (28 days) before the last date for hearing  
21 motions. The parties will meet and confer to agree on briefing schedules and will  
22 submit them to the Court for 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 March 4, 2013, four weeks (28 days)  
26 prior to the 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 March 21, 2013, 11 days before the amended pretrial  
2 conference date.

3 9. Pursuant to and in compliance with Local Rule 16, all Memoranda of  
4 Contentions of Fact and Law, Exhibit Lists, and Witness Lists, previously to be  
5 submitted no later than December 21, 2012, shall be submitted no later than March  
6 11, 2013, three weeks (21 days) prior to the amended pretrial conference date.

7 10. The parties will participate in a non-judicial dispute resolution  
8 proceeding, Settlement Procedure Number 3 under Local Rule 16-15.4. The last  
9 date for completion of this Settlement Procedure shall be no later than January 21,  
10 2013, the amended close of non-expert fact discovery.

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

13  
14 IT IS SO ORDERED.

15  
16 Dated: \_\_\_\_\_, 2012

17 \_\_\_\_\_  
18 Honorable James V. Selna  
19 United States District Judge  
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