

1 KASOWITZ, BENSON, TORRES & FRIEDMAN LLP
CHARLES N. FREIBERG (SBN 70890)
2 BRIAN P. BROSNAHAN (SBN 112894)
3 JACOB N. FOSTER (SBN 250785)
101 California Street, Suite 2300
4 San Francisco, California 94111
Telephone: (415) 421-6140
5 Facsimile: (415) 398-5030

6 LEVINE & MILLER
HARVEY R. LEVINE (SBN 61879)
7 CRAIG A. MILLER (SBN 116030)
LEVINE & MILLER
8 550 West C Street, Suite 1810
9 San Diego, CA 92101-8596
Telephone: (619) 231-9449
10 Facsimile: (619) 231-8638

11 Attorneys for Plaintiffs
12 JOYCE WALKER, KIM BRUCE HOWLETT,
and MURIEL SPOONER, on behalf of themselves
13 and all others similarly situated

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

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

20 Plaintiffs,

21 v.

22 LIFE INSURANCE COMPANY OF
23 THE SOUTHWEST, a Texas
corporation,

24 Defendant.
25

CLASS ACTION

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

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

**MODIFIED THIRD AMENDED
PRETRIAL SCHEDULING ORDER**

NOTE DATE CHANGES

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 May 14,
27 2013. The pretrial conference, previously set for January 14, 2013, will take place
28 on April 29, 2013.

1 4. The deadline for non-expert fact discovery, previously to remain open
2 until November 5, 2012, shall be extended by 77 days to January 21, 2013.
3 Pursuant to the Trial Order, all depositions, previously to commence no later than
4 October 29, 2012, shall commence no later than 5 working days before the close of
5 non-expert fact discovery, on January 14, 2013.

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

16 6. The last date for hearing motions will be February 25, 2013. The
17 Court orders that all motions, previously to be served and filed no later than
18 November 2, 2012, shall be served and filed no later than January 28, 2013, four
19 weeks (28 days) before the last date for hearing motions. The parties will meet and
20 confer to agree on briefing schedules and will submit them to the Court for
21 approval.

22 7. Pursuant to the Trial Order and in compliance with Local Rule 6, all
23 motions *in limine*, previously to be filed and served no later than December 17,
24 2012, shall be filed and served no later than April 1, 2013, four weeks (28 days)
25 prior to the amended pretrial conference date.

26 8. Pursuant to and in compliance with Local Rule 16, the parties' Pretrial
27 Conference Order, previously to be lodged no later than January 4, 2013, shall be
28 lodged no later than April 22, 2013. Pursuant to and in compliance with Local

KASOWITZ, BENSON, TORRES & FRIEDMAN LLP
101 CALIFORNIA STREET, SUITE 2300
SAN FRANCISCO, CALIFORNIA 94111

1 Rule 16, all Memoranda of Contentions of Fact and Law, Exhibit Lists, and
2 Witness Lists, previously to be submitted no later than December 21, 2012, shall
3 be submitted no later than April 8, 2013, three weeks (21 days) prior to the
4 amended pretrial conference date.


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

9 10. The timing and procedures for proposed jury instructions, special
10 verdicts and voir dire questions are set forth at Docket No. 61, pp. 5-6.

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: November 29, 2012

17 
18 _____
19 Honorable James V. Selna
20 United States District Judge
21
22
23
24
25
26
27
28