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**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] FOURTH AMENDED
PRETRIAL SCHEDULING ORDER**

1 Having reviewed the parties' Joint Stipulation Regarding Fourth Amended
2 Pretrial Scheduling Order, and good cause appearing therefore, the Court issues the
3 following Order:

4 1. All of the dates in the Modified Third Amended Pretrial Scheduling
5 Order shall be modified as set forth below. This amended schedule generally
6 preserves the time periods between the scheduling events as set forth in the
7 Modified Third Amended Pretrial Scheduling Order, but extends the scheduled
8 dates in order to accommodate the time period for providing notice to the class
9 after the Ninth Circuit rules on LSW's pending Rule 23(f) petition. The
10 scheduling of the trial date below is provisional only, and may need to be reset
11 depending on the Court's calendar.

12 2. The parties shall meet and confer regarding the content of the class
13 notice while LSW's Rule 23(f) petition is pending before the Ninth Circuit. In the
14 event that the Ninth Circuit denies LSW's Rule 23(f) petition, the parties shall file,
15 within 10 days after the Ninth Circuit denies LSW's Rule 23(f) petition, any
16 motions concerning the class notice and any disputes among the parties concerning
17 the content of such notice. Alternatively, if the parties have reached agreement on
18 the content of the class notice, the parties shall file, within 10 days after the Ninth
19 Circuit denies LSW's Rule 23(f) petition, a joint stipulation seeking the Court's
20 approval of the proposed class notice. In the event that the Ninth Circuit grants
21 LSW's Rule 23(f) petition, all deadlines in this Order shall be vacated, and the
22 parties shall meet and confer regarding a further amended scheduling order to
23 accommodate the appeal to the Ninth Circuit.

24 3. Except as described below, all discovery, including depositions and
25 written discovery not previously propounded, will be deferred until the Ninth
26 Circuit rules on LSW's Rule 23(f) petition. Notwithstanding this temporary stay of
27 discovery, while LSW's Rule 23(f) petition is pending, either party may bring a
28 joint stipulation before the Magistrate Judge to resolve any discovery dispute that

1 is currently outstanding or that may arise while LSW's Rule 23(f) petition is
2 pending.

3 4. The last date for hearing motions will be extended to 7 days after the
4 close of the opt-out period as provided in the class notice approved by the Court.
5 Pursuant to the Modified Third Amended Pretrial Scheduling Order, the last date
6 for hearing motions will be seven weeks (49 days) before the trial date. All
7 motions shall be served and filed no later than four weeks (28 days) before the last
8 date for hearing motions.

9 5. With respect to any motion for summary judgment that may be filed,
10 the parties will meet and confer on a briefing schedule, but the time between the
11 filing of any summary judgment motion and the hearing date shall be no less than
12 60 days.

13 6. The trial date shall be extended to seven weeks (49 days) after the last
14 date for hearing motions, as set forth in Paragraph 3 above. The pretrial
15 conference will take place 10 days before the amended trial date, in accordance
16 with the Modified Third Amended Pretrial Scheduling Order.

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

20 8. Pursuant to and in compliance with Local Rule 16, the parties' Pretrial
21 Conference Order shall be lodged no later than 11 days before the amended pretrial
22 conference date.

23 9. Pursuant to and in compliance with Local Rule 16, all Memoranda of
24 Contentions of Fact and Law, Exhibit Lists, and Witness Lists shall be submitted
25 no later than three weeks (21 days) prior to the amended pretrial conference date.

26 10. In accordance with the time periods between scheduling events as set
27 forth in the Modified Third Amended Pretrial Scheduling Order, non-expert fact
28 discovery shall remain open until eleven weeks (77 days) before the amended trial

1 date. Pursuant to the Trial Order, all depositions shall commence no later than 5
2 working days before the close of non-expert fact discovery.

3 11. Pursuant to the Modified Third Amended Pretrial Scheduling Order
4 (Dkt. 355), entered by the Court on November 29, 2012, the deadline for written
5 discovery shall be December 4, 2012. Notwithstanding this deadline, either party
6 may propound additional written discovery pursuant to any Order by the Court
7 permitting such additional written discovery upon good cause shown. Nothing in
8 this Order shall be interpreted as a waiver of a propounding party's right to seek
9 supplementation of the responding party's responses to any previously propounded
10 written discovery requests as required by the Federal Rules, by Court Order, or by
11 any other applicable rule.

12 12. Expert discovery will remain open until five weeks before the
13 amended trial date. In accordance with the Modified Third Amended Pretrial
14 Scheduling Order, the parties shall submit their expert disclosures no later than
15 eight weeks (56 days) prior to the amended close of expert discovery, any rebuttal
16 expert disclosures no later than five weeks (35 days) prior to the amended close of
17 expert discovery, and any reply expert disclosures no later than two weeks (14
18 days) prior to the amended close of expert discovery. All expert depositions shall
19 commence no later than the date for the amended close of expert discovery.

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

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

26 15. The parties may seek modification of this Order at any time and for
27 good cause shown.

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1 IT IS SO ORDERED.

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3 Dated: _____

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Honorable James V. Selna
United States District Judge

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