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

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**
14

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

18 Plaintiffs,

19 v.

20 LIFE INSURANCE COMPANY
21 OF THE SOUTHWEST, a Texas
corporation,

22 Defendant.
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CLASS ACTION

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

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

**PLAINTIFFS' NOTICE OF MOTION
AND MOTION TO COMPEL AND
FOR AN ORDER REGARDING
DEPOSITIONS**

Magistrate Judge Robert N. Block

Date: January 2, 2013

Time: 9:30 a.m.

Courtroom: 6D

Discovery Cutoff: January 21, 2013

Pretrial Conference: April 29, 2013

Trial Date: May 14, 2013

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1 **PLAINTIFFS’ NOTICE OF MOTION AND MOTION TO COMPEL**

2 **TO THE COURT, DEFENDANT, AND ALL COUNSEL OF RECORD:**

3 PLEASE TAKE NOTICE that on January 2, 2013, or on such other date as
4 the matter may be heard, in Courtroom 6D, located at 411 West Fourth Street,
5 Santa Ana, California, 92701, Plaintiffs Joyce Walker, Muriel Lynn Spooner, and
6 Kim Bruce Howlett (collectively, “Plaintiffs”) will, and hereby do, move the Court
7 for an order compelling the further production of documents and deposition
8 testimony by defendant Life Insurance Company of the Southwest (“Defendant” or
9 “LSW”), and for an order regarding depositions.

10 Specifically, Plaintiffs respectfully request that the Court enter an order
11 (1) compelling LSW to produce documents responsive to Document Request No.
12 125; (2) compelling LSW to produce documents created after May 5, 2012 and
13 ordering that LSW has violated the Court’s prior order setting the “end date” for
14 production of documents as 60 days prior to the close of non-expert fact discovery
15 (*see* Dkt. 99); (3) compelling LSW to provide deposition testimony responsive to
16 Deposition Topic Nos. 5 and 33; and (4) entering Plaintiffs’ proposed order
17 concerning deposition conduct. This motion is made on the grounds that (1) the
18 above-described documents and deposition topics are relevant to Plaintiffs’ claims
19 and/or LSW’s defenses, and LSW has failed to demonstrate that production of
20 these documents or deposition testimony would be unduly burdensome; (2) the
21 Court previously ruled that the “end date” for production would be 60 days prior to
22 the discovery cutoff date; and (3) the conduct by LSW’s counsel during
23 depositions in this matter warrants additional guidance from the Court concerning
24 appropriate deposition conduct.

25 This Motion is made following several conferences between counsel pursuant
26 to Local Rules 7-3 and 37-1. This Motion is based upon this Notice of Motion, the
27 accompanying Joint Stipulation of Points and Authorities, the Declaration of
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1 Jeanette T. Barzelay and supporting Exhibits, and on such other evidence or
2 argument as may be presented at or before the hearing.
3

4 DATED: December 12, 2012 KASOWITZ BENSON TORRES & FRIEDMAN
5 LLP

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8 By: /s/ Brian P. Brosnahan
9 Brian P. Brosnahan

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