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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

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

Plaintiffs,

vs. No. CV-10-9198-JVS (RNBx)

LIFE INSURANCE COMPANY OF THE
SOUTHWEST, a Texas corporation,
and Does 1-50, insurance

Defendants.

VIDEOTAPED DEPOSITION OF KIM BRUCE HOWLETT
San Francisco, California
Thursday, April 26, 2012
Volume 1

REPORTED BY:
LYNNE LEDANOIS
CSR No. 6811
Job No. 140503

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and Does 1-50, insurance

Defendants.

Videotaped deposition of KIM BRUCE HOWLETT, taken
on behalf of Defendant, at 101 California Street, Suite
2300, San Francisco, California, beginning at 10:50
a.m., and ending at 6:34 p.m. on Thursday, April 26,
2012, before LYNNE LEDANOIS, CSR 6811.

1 APPEARANCES :

2

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1 APPEARANCES (Continued):

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3 ALSO PRESENT: ROBERT S. BURKE

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5 VIDEOGRAPHER:

6 GEORGE FOX

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1 MR. FREIBERG: Let me finish. Let me talk to 06:12:48
2 the witness and see if he can continue for some --

3 MR. SHAPIRO: That's fine.

4 MR. FREIBERG: -- period of time this evening,
5 but I will tell you that if we continue for any further 06:12:53
6 period, that this will be the end of it.

7 MR. SHAPIRO: That's fine.

8 MR. FREIBERG: Let me talk to the witness --

9 MR. SHAPIRO: Thank you for dictating that.

10 MR. FREIBERG: Let me talk to him. 06:13:06

11 MR. SHAPIRO: Great. Thanks, both you
12 gentlemen.

13 VIDEOGRAPHER: We're off the record at
14 6:13 p.m.

15 (Recess taken.) 06:13:11

16 VIDEOGRAPHER: We are back on the record at
17 6:29 p.m.

18 MR. FREIBERG: So, Counsel, it's 6:30. As I've
19 informed you, the witness is extremely tired and feels
20 definitely too tired to go on. The deposition, as I 06:30:12
21 already mentioned, started at 10:50 instead of 9:00
22 a.m., through no fault of our own. So there was clearly
23 time provided today for you to take this deposition for
24 seven hours. But, again, through no fault of our own,
25 the deposition started at 10:50. 06:30:33

1 It's our view that there is no requirement that 06:30:36
2 this witness either stay here this evening and continue
3 to provide additional testimony or appear again. I
4 understand that you have a different view, which is that
5 the witness needs to appear again for further testimony. 06:30:49
6 And we will meet and confer with you on that issue.

7 MR. SHAPIRO: Okay. So a few points.

8 Point number one, we didn't hear anything about
9 a hard stop until about an hour and ten minutes ago.

10 Point number two, we're entitled, under the 06:31:18
11 federal rules, presumptively, to seven hours. We have
12 like an hour and 40 minutes left on that clock. And
13 we've offered to wrap it up in under 45 minutes. I've
14 told you precisely the questions we're going to ask and
15 the documents that we're going to use. 06:31:35

16 Point number three, we absolutely started late
17 today, but that was certainly no fault of our own
18 either. If everything has to be about fault, maybe
19 there was no fault. We were here in your lobby at 8:40.
20 There was a screw-up with the court reporting service, 06:31:50
21 and I actually assume that maybe there is no fault there
22 either. But, regardless, we're still entitled to the
23 time we're entitled to under the rule, and there was no
24 suggestion whatsoever until well past 5:00 o'clock that
25 the witness was just going to up and leave. 06:32:04

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