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and MURIEL SPOONER, on behalf of themselves
11 and all others similarly situated

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

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

19 Plaintiffs,

20 v.

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

23 Defendant.

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 FOR LEAVE TO FILE
THIRD AMENDED COMPLAINT**

District Judge James V. Selna

Date: February 4, 2013
Time: 1:30 p.m.
Courtroom: 10C

KASOWITZ, BENSON, TORRES & FRIEDMAN LLP
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NOTICE OF MOTION AND MOTION

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

PLEASE TAKE NOTICE that on February 4, 2013, or as soon thereafter as the matter may be heard in the courtroom of the Honorable James V. Selna, Plaintiffs Joyce Walker, Kim Bruce Howlett, and Muriel Spooner (“Plaintiffs”), by and through their counsel of record, will and hereby do move this Court for leave to file a Third Amended Complaint in this action pursuant to Federal Rules of Civil Procedure 15(a)(2) and 16(b)(4).

This motion is based on this notice, the attached memorandum of points and authorities, the proposed order, the declaration of Brian P. Brosnahan, the pleadings, records and files in this case, and such other matters as may be considered by the Court. This motion is made following the conference of counsel pursuant to L.R. 7-3 which took place between December 12 and December 28, 2012. Defendant Life Insurance Company of the Southwest indicated on December 28, 2012 that it would not stipulate to the filing of Plaintiffs’ proposed Third Amended Complaint and would oppose this motion.

DATED: January 7, 2013

KASOWITZ BENSON TORRES & FRIEDMAN
LLP

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

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

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