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

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

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

18 Plaintiffs,

19 v.

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

22 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 CLASS  
CERTIFICATION OF NEW AND  
REMAINING CLAIMS RELATING TO  
CURRENT BASIS POLICY VALUES**

Date: February 4, 2013

Time: 1:30 p.m

Courtroom: 10C.

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

1                   **PLAINTIFFS’ NOTICE OF MOTION AND MOTION FOR CLASS**  
2                   **CERTIFICATION**

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

4                   PLEASE TAKE NOTICE that at 1:30 p.m., on February 4, 2013, or on such  
5 other date as the matter may be heard, in Courtroom 10C, located at 411 West  
6 Fourth Street, Santa Ana, California, 92701, Plaintiffs Joyce Walker, Muriel Lynn  
7 Spooner, and Kim Bruce Howlett (collectively, “Plaintiffs”) will, and hereby do,  
8 move the Court for an Order granting Plaintiffs’ Motion for Class Certification of  
9 New and Remaining Current Basis Claims.

10                   Specifically, pursuant to Federal Rules of Civil Procedure 23(a) and 23(b)(3),  
11 Plaintiffs move this Court for certification of the new and remaining current basis  
12 claims on behalf of the “Sales Illustration Subclass,” all members of which assert  
13 claims under the common law of fraudulent concealment and the fraudulent,  
14 unfair, and unlawful prongs of the Unfair Competition Law (Cal. Bus. & Prof.  
15 Code § 17200, *et seq.*). This Court previously defined this Subclass as:

16                   All Provider and Paragon policyholders in the state of California who  
17 purchased their policies on or after September 24, 2006, and who were  
18 provided a policy illustration at or before policy application. This class  
19 may assert claims pursuant to all three prongs of the UCL. The  
20 members who purchased on or after September 24, 2007 may also  
21 assert a claim for common-law fraudulent concealment under  
22 California law.

23                   This motion is based on (1) Plaintiffs’ Memorandum in Support of Motion  
24 for Class Certification of New and Remaining Current Basis Claims; (2) the  
25 Declaration of Brian P. Brosnahan in Support of Plaintiffs’ Motion for Class  
26 Certification of New and Remaining Current Basis Claims; (3) the declarations  
27 submitted in support of Plaintiffs’ Motion for Class Certification; (4) all other  
28 pleadings and papers of record on file in this action; and (5) such other evidence or  
arguments as may be presented at or before the hearing. Also enclosed herewith  
for the Court’s consideration is a proposed form of Order.

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Plaintiffs respectfully request that this motion be heard on oral argument. This motion is made following the conference of counsel pursuant to L.R. 7-3 which took place between December 12 and 28, 2012, and in which LSW declined to stipulate to the requested relief.

DATED: Jan. 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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