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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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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
OF THE SOUTHWEST, a Texas
21 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

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION OF NEW AND
REMAINING CURRENT BASIS
CLAIMS**

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 This matter having come before this Court upon motion by plaintiffs in the
2 above captioned case, and after having considered the papers submitted and
3 arguments made by counsel, IT IS HEREBY ORDERED:

4 Plaintiffs' Motion for Class Certification of New and Remaining Current
5 Basis Claims is GRANTED. The current basis claims may be brought under
6 Federal Rule of Civil Procedure 23(b)(3) by the Sales Illustration Subclass, which
7 shall be defined as follows:

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

14 Certification of the current basis claims brought by the Sales Illustration
15 Subclass is appropriate because:

- 16 A. The subclass is so numerous that joinder of all members is
17 impracticable, satisfying the requirement of Rule 23(a)(1);
- 18 B. There are questions of law or fact common to the subclass,
19 satisfying the requirements of Rule 23(a)(2);
- 20 C. The claims of the representative parties are typical of the claims
21 of the subclass, satisfying the requirements of Rule 23(a)(3);
- 22 D. The plaintiffs will fairly and adequately protect the interests of
23 the subclass, satisfying the requirements of Rule 23(a)(4);
- 24 E. Questions of law or fact common to the members of the
25 subclass predominate over questions affecting only individual
26 members;
- 27 F. A class action is superior to other methods available for the fair
28 and efficient adjudication of the controversy, satisfying the

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requirements of Rule 23 (b)(3);

G. The law firms of Kasowitz, Benson, Torres & Friedman LLP and Levine Miller LLP will fairly and adequately represent the interests of the subclass as Class Counsel;

IT IS FURTHER ORDERED THAT plaintiffs Joyce Walker, Kim Bruce Howlett, and Muriel Spooner shall serve as class representatives for the Sales Illustration Subclass in regards to the current basis claims.

IT IS FURTHER ORDERED THAT the law firms of Kasowitz, Benson, Torres & Friedman LLP and Levine Miller LLP are appointed as Co-Class Counsel for the Sales Illustration Subclass in regards to the current basis claims.

IT IS SO ORDERED.

DATED: _____

Hon. James V. Selna, U.S.D.J.

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