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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

LIFE INSURANCE COMPANY OF  
THE SOUTHWEST, a Texas  
corporation,

Defendant.

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

**[PROPOSED] ORDER GRANTING  
JOINT STIPULATION AND  
VACATING HEARING ON  
PLAINTIFFS' MOTION TO  
COMPEL**

**[PROPOSED] ORDER GRANTING JOINT STIPULATION AND  
VACATING HEARING ON PLAINTIFFS' MOTION TO COMPEL**

Having considered the parties' Joint Stipulation to Vacate the Hearing on Plaintiffs' Motion to Compel, set for Tuesday, January 15, 2013 at 9:30 a.m., and good cause appearing, the Court hereby ORDERS that the January 15, 2013 hearing on Plaintiffs' Motion to Compel is vacated in light of the parties' resolution of the remaining issues identified in this Court's December 14, 2012 Minute Order (Dkt. 365).

With respect to the remaining discovery issues identified in the Minute Order, and in accordance with the parties' Joint Stipulation, the Court ORDERS the following:

(1) LSW's response to Document Request No. 125: LSW will elect, by the close of business on January 15, 2013, one of the following document search efforts. LSW will either:

(a) conduct an electronic search of data collected from its custodians for

1 documents containing either (i) the phrase “lapse check,” or (ii) the phrases  
2 “‘regression’ and ‘lapse’” within a single document. LSW would then produce all  
3 non-privileged documents identified by (i.e., that are “hits” in) such a search; or,

4 (b) ask its custodians whether they either (i) have in their possession,  
5 custody, or control, or (ii) have previously seen documents discussing analyses of  
6 Paragon or Provider illustrations with respect to lapse, including but not limited to  
7 documents that substantively discuss “lapse checks” or regression analysis in  
8 regards to lapse (as discussed in LSW-E00067995). LSW’s custodians will be  
9 provided with a copy of LSW-E00067995 for purposes of clarity. If any of LSW’s  
10 custodians have such documents in their possession, custody, or control, LSW will  
11 produce non-privileged documents to Plaintiffs. If LSW’s custodians have  
12 previously seen such documents, but no longer have them in their possession,  
13 custody, or control, LSW’s custodians will be asked to identify the person[s] from  
14 whom they would request such documents if they needed the documents for a  
15 business purpose. Any persons identified not already on the custodian list will  
16 then be sent the same inquiry discussed above. LSW will produce responsive non-  
17 privileged documents identified by these inquiries.

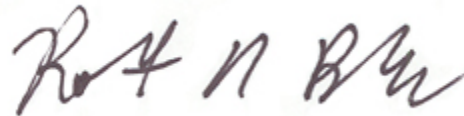
18 (2) LSW’s production of a Rule 30(b)(6) witness to testify on Deposition  
19 Topic Nos. 1-5: LSW has agreed to designate Elizabeth MacGowan as a Rule  
20 30(b)(6) witness to testify on Deposition Topic Nos. 1-5. LSW will make Ms.  
21 MacGowan available for up to 1.5 hours of testimony as a Rule 30(b)(6) witness.  
22 If LSW tenders Ms. MacGowan as a percipient witness on the same day as her  
23 testimony on Deposition Topic Nos. 1-5, then she will not be deposed for more  
24 than 8 hours total on that date as a percipient witness and Rule 30(b)(6) witness for  
25 Deposition Topic Nos. 1-5. LSW may also elect to have Ms. McGowan finish this  
26 combined total of 8 hours of testimony on a second consecutive day, as opposed to  
27 8 hours on one single day. Ms. MacGowan’s testimony as a Rule 30(b)(6) witness  
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1 on Deposition Topic Nos. 1-5 will not count against the 3 days of Rule 30(b)(6)  
2 depositions provided for pursuant to the Amended Pretrial Scheduling Order (Dkt.  
3 117).

4 (3) LSW's production of a Rule 30(b)(6) witness to testify on Deposition  
5 Topic Nos. 33: LSW will answer the interrogatory concerning cost of insurance  
6 charges that was proposed by Plaintiffs. See Joint Stipulation (Dkt. 359) at 36-37  
7 ("Please describe the setting of your cost of insurance charges for PROVIDER and  
8 PARAGON. Your answer will be considered complete if it describes who was  
9 involved in the setting of your cost of insurance charges for PROVIDER and  
10 PARAGON, what factors and what data were considered, why you chose the cost  
11 of insurance charges that you chose, what analysis you did of your expected  
12 mortality experience for each such product, and the amount(s) by which such  
13 charges exceed your expected mortality experience.").

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15 IT IS SO ORDERED.

16 Dated: January 14, 2013

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20 Honorable Robert N. Block  
21 United States Magistrate Judge  
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