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

16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**

18 JOYCE WALKER, KIM BRUCE
19 HOWLETT, and MURIEL
20 SPOONER, on behalf of
21 themselves and all others similarly
22 situated,

23 Plaintiffs,

24 v.

25 LIFE INSURANCE COMPANY
26 OF THE SOUTHWEST, a Texas
27 corporation,

28 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 APPROVAL OF
CLASS NOTICE**

District Judge James V. Selna

Date: April 8, 2013
Time: 1:30 p.m.
Courtroom: 10C

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NOTICE OF MOTION AND MOTION

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

PLEASE TAKE NOTICE that on April 8, 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 approval of Plaintiffs’ proposed class notice, attached as Exhibit A to the Declaration of Charles N. Freiberg and attached to the Proposed Order submitted concurrently herewith. Plaintiffs also move this Court for an order directing LSW to instruct its agents and employees not to discuss the class notice, this lawsuit, or any issues directly related thereto with class members throughout the remainder of this lawsuit, unless otherwise ordered by the Court.

This motion is based on this notice, the attached memorandum of points and authorities, the proposed order, the declaration of Charles N. Freiberg, the pleadings, records and files in this case, and such other matters as may be considered by the Court. This motion is made following meet and confer efforts of counsel pursuant to the Court’s Fourth Amended Pretrial Scheduling Order (and in accordance with Local Rule 7-3) which took place between December 5, 2012 and March 11, 2013. Defendant Life Insurance Company of the Southwest indicated on March 3, 2013 and subsequently on March 11, 2013 that it would not stipulate to Plaintiffs’ proposed class notice and would oppose Plaintiffs’ motion seeking approval of that notice.

DATED: March 11, 2013

KASOWITZ BENSON TORRES & FRIEDMAN
LLP

By: /s/ Charles N. Freiberg
Charles N. Freiberg