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18 Company of the Southwest

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**
13 **SOUTHERN DIVISION**

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

18 Plaintiffs,

19 vs.

20 LIFE INSURANCE COMPANY OF
21 THE SOUTHWEST, a Texas
22 corporation, and DOES 1-50,

22 Defendant.

Case No.: 10-09198 JVS(RNBx)

DECLARATION OF JONATHAN
SHAPIRO IN SUPPORT OF EX PARTE
APPLICATION TO RESCHEDULE
HEARING ON PLAINTIFFS' MOTION
FOR APPROVAL OF CLASS NOTICE

Judge James Selna
Courtroom: 10C

DECLARATION OF JONATHAN A. SHAPIRO

I, Jonathan A. Shapiro, declare as follows:

1. I am an attorney duly licensed to practice law in the State of California and before this Court. I am a Partner at the law firm of Wilmer Cutler Pickering Hale and Dorr LLP, counsel for Defendant in the above-entitled action. I respectfully submit this Declaration in support of Defendant Life Insurance Company of the Southwest’s Ex Parte Application to Reschedule Hearing on Plaintiffs’ Motion for Approval of Class Notice. I have personal knowledge of the facts stated herein and, if called as a witness, I could and would testify competently thereto.

2. On March 13, 2013, I sent an email to counsel for Plaintiffs requesting to reschedule the hearing on Plaintiffs’ Motion for Approval of Class Notice, currently scheduled for April 8, 2013, to either April 22, 2013 or April 15, 2013 because I had family/child care conflicts on April 8. Attached hereto as Exhibit A is a true and correct copy of that email and subsequent emails discussing the request.

3. On March 15, 2013, I attempted to contact Jeanette Barzelay, counsel for Plaintiffs, by telephone. She was unavailable so I left her a voicemail orally advising her that LSW would be filing an ex parte application to reschedule the hearing on March 15, 2013. Ms. Barzelay responded by email later that day indicating that Plaintiffs would oppose the ex parte application.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed this 15th day of March, 2013, at Palo Alto, California

By: /s/ Jonathan A. Shapiro
Jonathan A. Shapiro

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Wilmer Cutler Pickering Hale and Dorr LLP, 60 State Street, Boston, MA 02109. On March 15, 2013 I served the within document(s):

DECLARATION OF JONATHAN SHAPIRO IN SUPPORT OF LSW'S EX PARTE APPLICATION TO RESCHEDULE HEARING

I placed the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Palo Alto, CA addressed as set forth below.

I personally caused to be emailed the document(s) listed above to the person(s) at the address(es) set forth below.

I electronically filed the document(s) listed above via the CM/ECF system.

I personally caused to be delivered by Facsimile the document(s) listed above to the person(s) at the facsimile number(s) set forth below.

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/s/ Joel Fleming
Joel Fleming