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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.

CLASS ACTION

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

Formerly Case No.: 3:10-cv -04852
JSW from Northern District of CA

**[PROPOSED] FIFTH AMENDED
PRETRIAL SCHEDULING ORDER**

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1 Having reviewed the parties' Proposed Fifth Amended Pretrial Scheduling
2 Order, and good cause appearing therefore, the Court issues the following Order:

3 1. All of the dates in the Fourth Amended Pretrial Scheduling Order
4 shall be modified as set forth below.

5 2. The trial date will be June 30, 2014. The pretrial conference will take
6 place two weeks before the amended trial date, on June 16, 2014, in accordance
7 with the Court's presumptive pretrial schedule.

8 3. The parties will participate in a non-judicial dispute resolution
9 proceeding, Settlement Procedure Number 3 under Local Rule 16-15.4, which shall
10 commence by no later than October 1, 2013.

11 4. The production end date (as referenced in Magistrate Judge Block's
12 December 14, 2012 Minute Order, Docket No. 365) will be August 15, 2013.¹ The
13 parties shall begin making any supplemental productions by no later than October
14 1, 2013 and shall complete making any supplemental productions by no later than
15 November 1, 2013.

16 5. Non-expert fact discovery shall remain open until December 6, 2013.
17 Pursuant to the Trial Order, all depositions shall commence no later than 5 working
18 days before the close of non-expert fact discovery, by November 29, 2013, and
19 shall be completed by no later than December 6, 2013.

20 6. The deadline for written discovery passed on December 4, 2012, and
21 is not extended or re-opened by this stipulation. Notwithstanding this deadline,
22 either party may propound additional written discovery pursuant to any Order by
23 the Court permitting such additional written discovery upon good cause shown.
24 Nothing in this Order shall be interpreted as a waiver of a propounding party's

25 _____
26 ¹ If the Court extends the date set for the close of fact discovery for any reason,
27 then, absent contrary order or agreement of the parties, the production end date
28 shall revert to 60 days prior to the operative close of fact discovery, without
prejudice to LSW's right to seek modification of that order for good cause shown.

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1 right to seek supplementation of the responding party's responses to any previously
2 propounded written discovery requests as required by the Federal Rules, by Court
3 Order, by any other applicable rule, or pursuant to any agreement between the
4 parties.

5 7. Notice pursuant to Rule 23(c)(2)(B) shall be sent to members of the
6 class by no later than November 1, 2013. The opt-out period shall close 90 days
7 after class notice is sent, and by no later than January 30, 2014.

8 8. Expert discovery will remain open until March 10, 2014. The parties
9 shall submit their expert disclosures (for other than rebuttal experts) by no later
10 than eight weeks (56 days) prior to the amended close of expert discovery (January
11 13, 2014), any rebuttal expert disclosures no later than four weeks (28 days) prior
12 to the amended close of expert discovery (February 10, 2014), and any reply expert
13 disclosures no later than two weeks (14 days) prior to the amended close of expert
14 discovery (February 24, 2014). All expert depositions shall be completed no later
15 than the date for the amended close of expert discovery.

16 9. The last date for hearing motions (other than motions *in limine*,
17 including motions challenging trial experts) will be seven weeks (49 days) before
18 the trial date, on May 12, 2014. Except as otherwise set forth below, all motions
19 shall be served and filed no later than four weeks (28 days) before the last date for
20 hearing motions, by April 14, 2014.

21 10. With respect to any motion for summary judgment that may be filed,
22 the time between the filing of any summary judgment motion and the hearing date
23 shall be no less than 53 days. The last date for filing any motion for summary
24 judgment that may be filed shall be March 20, 2014, 53 days before the last date
25 for hearing motions. Absent contrary order or agreement by the parties, any
26 opposition to a motion for summary judgment shall be filed no more than 25 days
27 after the date the motion is made (and by no later than April 14, 2014), and any
28 reply shall be filed no more than 14 days after the opposition is filed (and by no

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1 later than April 28, 2014).

2 11. Pursuant to the Trial Order and in compliance with Local Rule 6, all
3 motions *in limine* (including motions challenging trial experts) shall be filed and
4 served no later than four weeks (28 days) prior to the amended pretrial conference
5 date, on May 19, 2014.

6 12. Pursuant to and in compliance with Local Rule 16, all Memoranda of
7 Contentions of Fact and Law, Exhibit Lists, and Witness Lists shall be submitted
8 no later than three weeks (21 days) prior to the amended pretrial conference date,
9 on May 26, 2014.

10 13. Pursuant to and in compliance with Local Rule 16, the parties' Pretrial
11 Conference Order shall be lodged no later than 11 days before the amended pretrial
12 conference date, on June 5, 2014.

13 14. The timing and procedures for proposed jury instructions, special
14 verdicts and voir dire questions are set forth at Docket No. 61, pp. 5-6.

15 15. The parties may seek modification of this Order at any time and for
16 good cause shown.

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18 IT IS SO ORDERED.

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20 Dated: _____

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23 Honorable James V. Selna
24 United States District Judge
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