Case 2:10-cv-09198-JVS -RNB Document 95 Filed 08/24/11 Page 1 of 4 Page ID #:3031 KASOWITZ, BENSON, TORRES & FRIEDMAN LLP 1 CHARLES N. FREIBERG (SBN 70890) BRIAN P. BROSNAHAN (SBN 112894) JACOB N. FOSTER (SBN 250785) 2 101 California Street, Suite 2300 3 San Francisco, California 94111 Telephone: (415) 421-6140 4 Facsimile: (415) 398-5030 5 LEVINE & MILLER HARVEY R. LEVINE (SBN 61879) 6 CRAIG A. MILLER (SBN 116030) LEVINE & MILLER 550 West C Street, Suite 1810 7 San Diego, CA 92101-8596 8 Telephone: (619) 231-9449 Facsimile: (619) 231-8638 9 Attorneys for Plaintiffs 10 JOYCE WALKER, KIM BRUCE HOWLETT, and MURIEL SPOONER, on behalf of themselves 11 and all others similarly situated 12 **UNITED STATES DISTRICT COURT** 13 NORTHERN DISTRICT OF CALIFORNIA 14 15 **CLASS ACTION** JOYCE WALKER, KIM BRUCE 16 HOWLETT, and MURIEL CASE NO.: CV 10-9198 JVS (RNBx) SPOONER, on behalf of themselves 17 and all others similarly situated, Formerly Case No.: 3:10-cv -04852 18 JSW from Northern District of CA Plaintiffs, 19 JOINT STIPULATION TO **CONTINUE HEARING ON** v. 20 **DEFENDANT LIFE INSURANCE COMPANY OF THE** LIFE INSURANCE COMPANY OF 21 SOUTHWEST'S MOTION FOR THE SOUTHWEST, a Texas JUDGMENT ON THE PLEADINGS 22 corporation. 23 Defendant. 24 25 26 27 28 JOINT STIPULATION TO CONTINUE HEARING ON DEFENDANT LIFE INSURANCE COMPANY OF THE SOUTHWEST'S MOTION FOR JUDGMENT ON THE PLEADINGS

Case No. CV 10-04852 JSW

Pursuant to Local Rules 7-11 and 40-1, this Stipulation is made by and
 between plaintiffs Joyce Walker, Kim Bruce Howlett, and Muriel Spooner
 ("Plaintiffs"), and Defendant Life Insurance Company of the Southwest ("LSW" or
 "Defendant").

RECITALS

6 WHEREAS, on July 25, 2011, LSW filed a Motion for Judgment on the
7 Pleadings pursuant to Federal Rule of Civil Procedure 12(c) (the "Motion");

WHEREAS, LSW noticed the Motion for hearing on September 12, 2011;

9 WHEREAS, counsel for Plaintiffs advised LSW before it filed the Motion
10 that, based on their current schedules, Plaintiffs' lead counsel's commitments in
11 other cases may prevent them from appearing on September 12, 2011;

WHEREAS, it is now clear that neither Mr. Brosnahan nor Mr. Freiberg canappear on September 12;

WHEREAS, the parties have agreed to October 17, 2011 as an acceptabledate that will work for all counsel;

WHEREAS, the parties have not previously requested a continuance of thehearing date on the Motion;

18 WHEREAS, good cause exists to continue the hearing because Plaintiffs'19 lead counsel are unable to appear on September 12;

IT IS HEREBY STIPULATED AND AGREED, by and between the
undersigned counsel for the parties:

22 1. The date for the Motion is continued for five weeks until October 17,
23 2011;

24 2. Pursuant to Local Rule 7-11, the time for filing and serving LSW's
25 reply papers is extended to fourteen (14) days preceding the new hearing date.
26 LSW's reply papers will be due October 3, 2011.

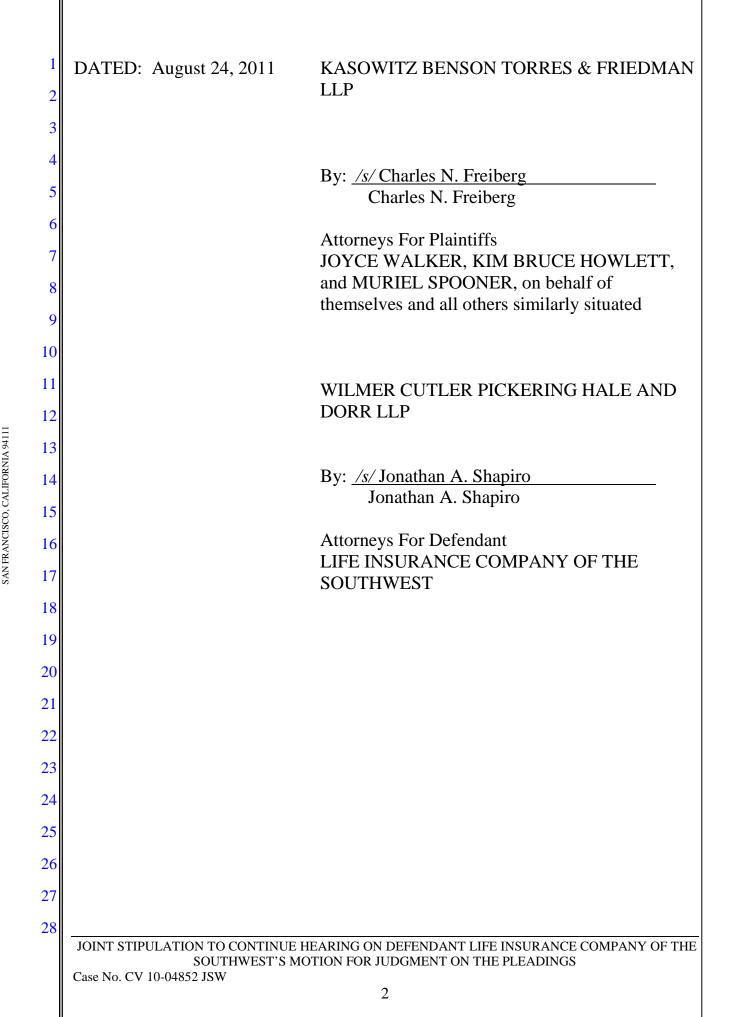
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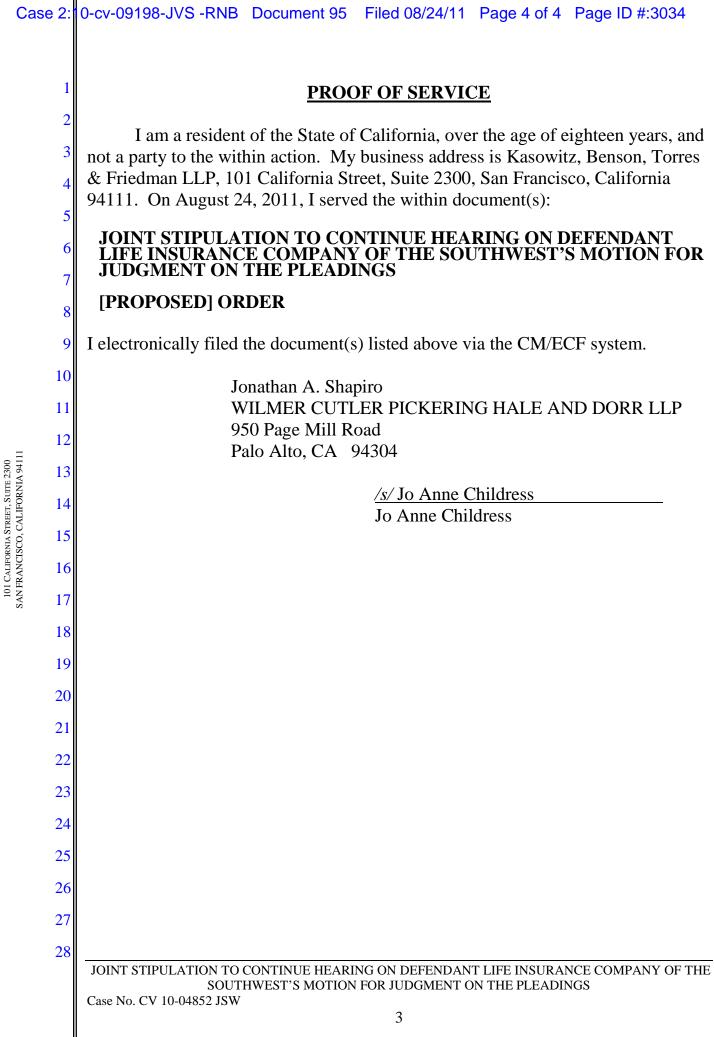
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JOINT STIPULATION TO CONTINUE HEARING ON DEFENDANT LIFE INSURANCE COMPANY OF THE SOUTHWEST'S MOTION FOR JUDGMENT ON THE PLEADINGS Case No. CV 10-04852 JSW

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KASOWITZ, BENSON, TORRES & FRIEDMAN LLP