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21 *Attorneys for Defendant and Counterclaimant*

22 *Windermere Real Estate Services Company*

23 **UNITED STATES DISTRICT COURT**
24 **CENTRAL DISTRICT OF CALIFORNIA**
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1 BENNION & DEVILLE FINE
2 HOMES, INC., a California
3 corporation, BENNION & DEVILLE
4 FINE HOMES SOCAL, INC., a
5 California corporation,
6 WINDERMERE SERVICES
7 SOUTHERN CALIFORNIA, INC., a
8 California corporation,

9 Plaintiffs,

10 v.

11 WINDERMERE REAL ESTATE
12 SERVICES COMPANY, a
13 Washington corporation; and DOES
14 1-10.

15 Defendants.

16 AND RELATED COUNTERCLAIMS

) Case No. 5:15-cv-01921-R-KK
) *Hon. Manual L. Real*

) **JOINT REQUEST AND
STIPULATION OF THE PARTIES
TO ENTER A PROTECTIVE ORDER**

) Complaint filed: September 17, 2015

) First Amended Counterclaim filed:
) October 14, 2015

17 The parties jointly request, and IT IS HEREBY STIPULATED, subject to approval
18 of the Court, that the proposed stipulated protective order attached hereto be entered in
19 this action pursuant to Fed. R. Civ. P. 16(c)(2)(F) & 26(c).

20 This is a contract action between two competitive real estate businesses. To
21 effectively prepare this case for trial, dispositive motion practice, and/or settlement the
22 parties will need to obtain discovery of, and exchange, proprietary and confidential
23 commercial information, such as trade secrets within the meaning of the California
24 Uniform Trade Secrets Act, or proprietary information which concerns or relates to (i)
25 sales, marketing, customer identity, customer requirements, agent identity, agent
26 performance, client development strategies or tactics; (ii) financial performance; (iii)
27 costs of doing business; or (iv) other confidential business information. Such information
28 is maintained confidentially by each of the parties, and the parties believe that its

1 disclosure beyond the limits set forth in the attached protective order would substantially
2 injure the disclosing party and provide a significant competitive advantage for
3 competitors of the parties, if such competitors had access to the confidential information
4 identified above.

5
6 Respectfully submitted,

7 Dated: February 16, 2016

MULCAHY LLP

8 By: /s/ Kevin A. Adams

9 James M. Mulcahy

10 Kevin A. Adams

11 Attorneys for Plaintiffs/Counter-Defendants

12 Bennion & Deville Fine Homes, Inc.,

13 Bennion & Deville Fine Homes SoCal, Inc.,

14 Windermere Services Southern California, Inc.,

and Counter-Defendants Robert L. Bennion and

Joseph R. Deville

15
16 Dated: February 16, 2016

PEREZ WILSON VAUGHN & FEASBY

17 By: /s/ Jeffrey A. Feasby

18 John D. Vaughn

19 Jeffrey A. Feasby

20 Attorneys for Defendant/Counterclaimant

21 Windermere Real Estate Services Company

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF ORANGE

3 I am employed in the County of Orange, State of California. I am over the age of 18 and not
4 a party to the within action; my business address 4 Park Plaza, Suite 1230, Irvine, CA 92614.

5 On February 16, 2016, I served document(s) described as **JOINT REQUEST AND**
6 **STIPULATION OF THE PARTIES TO ENTER A PROTECTIVE ORDER** on the following
7 person at the addresses and/or facsimile number below:

8 Pérez Wilson Vaughn & Feasby
9 John Vaughn
10 750 B. Street, 33rd Floor
11 San Diego, CA 92101
12 vaughn@perezwilson.com

13 VIA FACSIMILE – Based on an agreement by the parties to accept service by fax
14 transmission, I faxed the documents from a fax machine in Irvine, California, with the
15 number 949-252-0090, to the parties and/or attorney for the parties at the facsimile
16 transmission number(s) shown herein. The facsimile transmission was reported as complete
17 without error by a transmission report, issued by the facsimile transmission upon which the
18 transmission was made, a copy of which is attached hereto.

19 BY ELECTRONIC SERVICE – Based on a court order or agreement of the parties to accept
20 service by electronic transmission, I caused the documents to be sent to the persons at the
21 electronic notification addresses listed herein on the above referenced date. I did not receive,
22 within a reasonable time after the transmission, any electronic message or other indication
23 that the transmission was unsuccessful.

24 BY MAIL - I am "readily familiar" with the firm's practice of collection and processing
25 correspondence for mailing. Under that practice it would be deposited with the U.S. postal
26 service on that same day, with postage thereon fully prepaid, at Irvine, California in the
27 ordinary course of business. I am aware that on motion of the party served, service is
28 presumed invalid if postal cancellation date or postage meter date is more than one day after
date of deposit for mailing in affidavit.

BY CERTIFIED MAIL - I am "readily familiar" with the firm's practice of collection and
processing correspondence for mailing. Under that practice it would be deposited with the
U.S. postal service on that same day, with postage thereon fully prepaid, at Irvine, California
in the ordinary course of business. I am aware that on motion of the party served, service is
presumed invalid if postal cancellation date or postage meter date is more than one day after
date of deposit for mailing in affidavit.

BY FEDERAL EXPRESS – I am readily familiar with the firm's practice of collection and
processing correspondence for Federal Express. Under that practice it would be deposited

1 with Federal Express on that same day in the ordinary course of business for overnight
2 delivery with delivery costs thereon fully prepaid by sender, at Irvine, California.

3 [] BY MESSENGER SERVICE – I served the documents by placing them in an envelope or
4 package addressed to the persons at the addresses listed herein and providing them to a
5 professional messenger service for service. A declaration by the messenger service will be
6 filed separately.

7 I declare under penalty of perjury under the laws of the State of California and the United
8 States of America that the above is true and correct.

9 Executed on **February 16, 2016** at Irvine, California.

10 By: /s/ Barbara Calvert
11 Barbara Calvert
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