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Windermere Real Estate Services Company

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13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 BENNION & DEVILLE FINE
HOMES, INC., a California
16 corporation, BENNION & DEVILLE
FINE HOMES SOCAL, INC., a
17 California corporation, WINDERMERE
SERVICES SOUTHERN
18 CALIFORNIA, INC., a California
corporation,

19 Plaintiffs,

20 v.

21 WINDERMERE REAL ESTATE
22 SERVICES COMPANY, a Washington
corporation; and DOES 1-10

23 Defendant.
24

25
26 **AND RELATED COUNTERCLAIMS**
27
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Case No. 5:15-CV-01921 R (KKx)

Hon. Manuel L. Real

**DEFENDANT AND
COUNTERCLAIMANT'S NOTICE
OF MOTION AND MOTION *IN
LIMINE* TO EXCLUDE GARY
KRUGER FROM TESTIFYING AT
TRIAL**

Date: August 7, 2017

Time: 10:00 a.m.

Courtroom: 880

Complaint Filed: September 17, 2015

1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on August 7, 2017, at 10:00 a.m., or as soon
3 thereafter as the matter may be heard before the Honorable Manuel L. Real of
4 United States District Court, Central District of California located at Roybal Federal
5 Building and U.S. Courthouse, 255 East Temple Street, Los Angeles, CA 90012,
6 Courtroom 880, 8th Floor, Defendant and Counterclaimant Windermere Real Estate
7 Services Company (“WSC”) will move the Court for an *in limine* order excluding
8 Gary Kruger from testifying at trial in this matter. This motion is made on the
9 grounds that Plaintiffs and Counter-Defendants failed to disclose Kruger pursuant to
10 Federal Rules of Civil Procedure rule 26 and the scheduling orders of the Court, and
11 his testimony would be irrelevant and unfairly prejudicial.

12 This motion is based on this notice, the memorandum of points and
13 authorities filed concurrently herewith, the matters of which this Court may be
14 requested to take judicial notice, and upon such other matters, whether written or
15 oral, as may be presented to the Court at or prior to the hearing on this motion.

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17 DATED: July 10, 2017 PEREZ VAUGHN & FEASBY INC.

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19 By: /s/ Jeffrey A. Feasby
20 John D. Vaughn
21 Jeffrey A. Feasby
22 Attorneys for
23 Windermere Real Estate Services Company
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