

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

JAN 15 2013

M. ~~Fred~~ *Fred*

JAN 15 2013

1 ROBERT J. SUNDERLAND, SBN 189214  
2 CHERYL D. DAVIDSON, SBN 149938  
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4 11770 BERNARDO PLAZA COURT, SUITE 250  
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8 Attorneys for Defendants, PEGGY SHAMBAUGH, an individual; BENNION & DEVILLE  
9 FINE HOMES, INC., doing business as WINDERMERE REAL ESTATE COACHELLA  
10 VALLEY, a corporation; WINDERMERE REAL ESTATE SERVICES COMPANY; and  
11 JOSEPH R. DEVILLE (erroneously sued as Bob Deville)

12 **SUPERIOR COURT OF CALIFORNIA**  
13 **COUNTY OF RIVERSIDE**

14 TWENTY-NINE PALMS BAND OF  
15 MISSION INDIANS OF CALIFORNIA;  
16 TWENTY-NINE PALMS ENTERPRISES  
17 CORPORATION; and ECHO TRAIL  
18 HOLDINGS, LLC, a limited liability  
19 company,

20 Plaintiffs,

21 vs.

22 DAVID ALAN HESLOP, an individual;  
23 DIVERSIFICATION RESOURCES, LLC, a  
24 limited liability company; NATIONAL  
25 DEMOGRAPHICS, INC., a corporation;  
26 PEGGY SHAMBAUGH, an individual;  
27 BENNION & DEVILLE FINE HOMES,  
28 INC., doing business as WINDERMERE  
REAL ESTATE COACHELLA VALLEY, a  
corporation, and DOES 1 through 100,  
inclusive

Defendants.

AND RELATED ACTIONS.

CASE NO.: RIC 10006101  
(Consolidated with Case No. RIC 10019843)

NOTICE OF RULING AND ENTRY OF  
ORDER

DATE: January 14, 2013

TIME: 9:00 a.m.

JUDGE: Hon. John Vineyard

DEPT.: 07

Complaint Filed: 10/07/09

Trial Date: Not Yet Assigned

**IN TAX**

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that the Motion for Good Faith Determination filed by  
3 Moving Parties PEGGY SHAMBAUGH, BENNION & DEVILLE FINE HOMES, INC. dba  
4 WINDERMERE REAL ESTATE COACHELLA VALLEY, WINDERMERE REAL ESTATE  
5 SERVICES COMPANY and JOSEPH R. DEVILLE ("SETTLING PARTIES") came on for  
6 hearing on January 14, 2013, at 9:00 a.m., in Department 07 of the above-reference court,  
7 located at 4050 Main Street, Riverside, California. Cheryl D. Davidson, Esq. appeared for  
8 SETTLING PARTIES. Gordon Bosserman, Esq. (appearing telephonically) and Scott Spolin,  
9 Esq. appeared for plaintiffs. Connie Anderson, Esq. appeared telephonically for David Alan  
10 Heslop and Diversification Resources.

11 The Court, after considering the moving papers and the lack of opposition thereto, found  
12 that the proposed settlement was within the ball park of SETTLING PARTIES' proportionate  
13 share of liability and was reasonable and equitable pursuant to the terms of *Tech-Bilt, Inc. vs.*  
14 *Woodward-Clyde and Associates (1989) 38 Cal.3d. 488.* The court found no evidence of  
15 collusion or conduct aimed to injure the interests of the non-settling parties. The Court granted  
16 the Motion for Good Faith Settlement and ordered that any and all future complaints or cross-  
17 complaints against SETTLING PARTIES and co-obligors for apportionment, contribution and/or  
18 equitable indemnity or partial or comparative indemnity, within the meaning of California Code  
19 of Civil Procedure Section 877.6(a)(2) are forever barred.

20 A copy of the Order signed by the judge is attached to this Notice of Ruling and Entry of  
21 Order as Exhibit "A".

22 DATED: January 14, 2013

SUNDERLAND | McCUTCHAN, LLP

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By: 

Robert J. Sunderland

Cheryl D. Davidson

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Attorneys for Defendants, PEGGY SHAMBAUGH,  
BENNION & DEVILLE FINE HOMES, INC., dba  
27 WINDERMERE REAL ESTATE COACHELLA  
28 VALLEY, WINDERMERE REAL ESTATE  
SERVICES COMPANY and JOSEPH R.  
DEVILLE

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# **EXHIBIT A**

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**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

JAN 14 2013

M.E. Perez

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE**

TWENTY-NINE PALMS BAND OF MISSION INDIANS OF CALIFORNIA; TWENTY-NINE PALMS ENTERPRISES CORPORATION; and ECHO TRAIL HOLDINGS, LLC, a limited liability company,

Plaintiffs,

vs.

DAVID ALAN HESLOP, an individual; DIVERSIFICATION RESOURCES, LLC, a limited liability company; NATIONAL DEMOGRAPHICS, INC., a corporation; PEGGY SHAMBAUGH, an individual; BENNION & DEVILLE FINE HOMES, INC., doing business as WINDERMERE REAL ESTATE COACHELLA VALLEY, a corporation, and DOES 1 through 100, inclusive

Defendants.

AND RELATED ACTIONS.

CASE NO.: RIC 10006101  
(Consolidated with Case No. RIC 10019843)

~~PROPOSED~~ ORDER GRANTING MOTION FOR DETERMINATION OF GOOD FAITH SETTLEMENT BETWEEN PLAINTIFFS AND DEFENDANTS PEGGY SHAMBAUGH, BENNION & DEVILLE FINE HOMES, INC. dba WINDERMERE REAL ESTATE COACHELLA VALLEY; WINDERMERE REAL ESTATE SERVICES COMPANY and JOSEPH R. DEVILLE

DATE: January 14, 2013

TIME: 9:00 a.m.

JUDGE: Hon. John Vineyard

DEPT.: 07

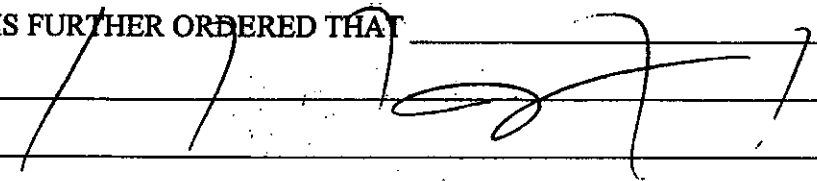
Complaint Filed: 10/07/09

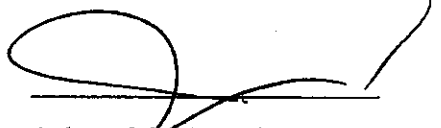
Trial Date: Not Yet Assigned

1 The Motion for Determination of Good Faith Settlement between Plaintiffs TWENTY-  
2 NINE PALMS BAND OF MISSION INDIANS OF CALIFORNIA, TWNETY-NINE PALMS  
3 ENTERPRISES CORPORATION and ECHO TRAIL HOLDINGS, LLC and Defendants  
4 PEGGY SHAMBAUGH, BENNION & DEVILLE FINE HOMES, INC. dba WINDERMERE  
5 REAL ESTATE COACHELLA VALLEY, WINDERMERE REAL ESTATE SERVICES  
6 COMPANY and JOSEPH R. DEVILLE ("SETTLING PARTIES") came on for hearing on  
7 January 14, 2013, in Dept. 07 of the above-referenced Court. Cheryl D. Davidson, Esq. of  
8 Sunderland McCutchan appeared on behalf of moving parties. <sup>Scott Spolin</sup> Gordon Bosserman, Esq. of  
9 Spolin, Cohen, Mainzer & Bosserman, <sup>and Gordon Bosserman (telephonically)</sup> appeared telephonically on behalf of Plaintiffs. There  
10 ~~CONNIE ANDERSON ATTEMPTED FOR DMD ALAN HESLOP AND DIVERSIFICATION RESOURCES.~~  
were no other appearances.

11 After considering the moving papers and lack of opposition thereto, and the arguments of  
12 counsel, the court finds that the proposed settlement is within the ball park of SETTLING  
13 PARTIES' proportionate share of liability and is reasonable and equitable pursuant to terms of  
14 *Tech-Bilt, Inc. vs. Woodward-Clyde and Associates (1989) 38 Cal.3d 488*. The court finds no  
15 evidence of collusion or conduct aimed to injure the interests of the non-settling parties.

16 IT IS HEREBY ORDERED THAT the Motion for Determination of Good Faith  
17 Settlement is granted and that any and all future complaints or cross complaints against  
18 SETTLING PARTIES and co-obligors for apportionment, contribution and/or equitable  
19 indemnity or partial or comparative indemnity, within the meaning of California Code of Civil  
20 Procedure §877.6(a)(2), are forever barred.

21 IT IS FURTHER ORDERED THAT  
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24 IT IS SO ORDERED.  
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26 DATED: 1/14, 2013   
27 Judge of the Superior Court  
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