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

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

Plaintiffs,

v.

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

Defendant.

Case No. 5:15-CV-01921-JCG

Hon. Jay C. Gandhi

**[PROPOSED] ORDER GRANTING  
WINDERMERE REAL ESTATE  
SERVICES COMPANY'S MOTION  
FOR PARTIAL SUMMARY  
JUDGMENT**

Date: March 1, 2018

Time: 10:00 a.m.

Courtroom: 6A

AND RELATED COUNTERCLAIMS

1 **[PROPOSED] ORDER**

2 Defendant and Counterclaimant Windermere Real Estate Services Company’s  
3 (“WSC”) Motion for Partial Summary Judgment as to the interpretation of the Area  
4 Representation Agreement came on for hearing before this Court on March 1, 2018.  
5 All parties were represented by counsel as noted on the record.

6 After full consideration of the papers submitted by the parties, the arguments  
7 of counsel, the evidence presented, and all judicially noticeable materials, IT IS  
8 HEREBY ORDERED THAT

9 WSC’s Motion for Partial Summary Judgment is **GRANTED** and WSC is  
10 entitled to judgment as a matter of law that:

- 11 1. The Area Representation Agreement specifically identifies the  
12 methodology for calculating the amount to which a party is entitled in the  
13 event the Agreement is terminated without cause (the “Termination  
14 Obligation”);
- 15 2. Future revenues cannot be considered when determining the Termination  
16 Obligation; and
- 17 3. Only revenue actually received by Windermere Services Southern  
18 California Inc. from licenses other than Bennion & Deville Fine Homes  
19 Inc. and Bennion & Deville Fine Homes SoCal Inc. in the 12 months  
20 preceding termination of the ARA can be considered in determining the  
21 Termination Obligation.

22 **IT IS SO ORDERED.**

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24  
25 DATED: \_\_\_\_\_

\_\_\_\_\_  
26 Hon. Jay C. Gandhi  
27 United States Magistrate Judge  
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