

1 John D. Vaughn, State Bar No. 171801
Jeffrey A. Feasby, State Bar No. 208759
2 Christopher W. Rowlett, State Bar No. 257357
PEREZ VAUGHN & FEASBY Inc.
3 600 B Street, Suite 2100
San Diego, California 92101
4 Telephone: 619-702-8044
Facsimile: 619-460-0437
5 E-Mail: vaughn@pvflaw.com

6 Jeffrey L. Fillerup, State Bar No. 120543
Rincon Law LLP
7 90 New Montgomery St
Suite 1400
8 San Francisco, California 94105
Telephone: (415) 996-8199
9 Facsimile: (415) 996-8280
E-Mail: jfillerup@rinconlawllp.com

10
11 Attorneys for Defendant and Counterclaimant
Windermere Real Estate Services Company
12

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
28

Case No. 5:15-CV-01921 R (KKx)

Hon. Manuel L. Real

**DEFENDANT AND
COUNTERCLAIMANT'S NOTICE
OF MOTION AND *DAUBERT*
MOTION *IN LIMINE* TO
EXCLUDE PLAINTIFFS' EXPERT
PETER WROBEL**

[Motion *In Limine* No. 1 of 4]

Date: May 15, 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 May 15, 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 any evidence or testimony from, or relating to, Plaintiffs’ expert Peter Wrobel. This
9 motion is made pursuant to Rules 104, 402, 403, 702, and 703 of the Federal Rules
10 of Evidence and the standards set forth by the Supreme Court in *Daubert v. Merrill*
11 *Dow Pharm., Inc.* Wrobel’s analysis is contrary to the express terms of the parties’
12 agreement, is based on inherently unreliable data, includes damages that are not
13 compensable under any claims asserted in Plaintiffs’ First Amended Complaint, and
14 includes opinions for which no expert testimony is required that will not assist the
15 jury and should be excluded.

16 This motion is based on this notice, the memorandum of points and
17 authorities and declarations of Jeffrey A. Feasby and Paul S. Drayna filed
18 concurrently herewith, the matters of which this Court may be requested to take
19 judicial notice, and upon such other matters, whether written or oral, as may be
20 presented to the Court at or prior to the hearing on this motion.

21
22 DATED: April 17, 2017 PEREZ VAUGHN & FEASBY INC.

23
24 By: /s/ Jeffrey A. Feasby
25 John D. Vaughn
26 Jeffrey A. Feasby
27 Attorneys for
28 Windermere Real Estate Services Company