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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.
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27 AND RELATED COUNTERCLAIMS
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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 PORTIONS
OF PLAINTIFFS AND COUNTER-
DEFENDANTS' REBUTTAL
REPORT**

[Motion *In Limine* No. 2 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 portions of Plaintiffs and Counter-Defendants’ Rebuttal Report. This motion is
9 made on the grounds that several of the opinions in Plaintiffs’ “rebuttal” report are
10 beyond the scope of the opinions offered by WSC’s expert, were disclosed after the
11 deadline to identify initial expert opinions, and should therefore excluded. This
12 motion is also made on the grounds that some of the opinions in Plaintiffs’ rebuttal
13 report relate to claims the Court dismissed pursuant to WSC’s Motion for Partial
14 Summary Judgment (Document No. 66), and are therefore irrelevant.

15 This motion is based on this notice, the memorandum of points and
16 authorities and the declaration of Christopher W. Rowlett filed concurrently
17 herewith, the matters of which this Court may be requested to take judicial notice,
18 and upon such other matters, whether written or oral, as may be presented to the
19 Court at or prior to the hearing on this motion.

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

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